

**Town of Lenox
Planning Board
Meeting Minutes
October 31, 2023
Town Hall Land Use Room**

Documents available at meeting: 10-24-23 Motels Hotels Inns, Minutes 10-24-23, ZBL Amendments for ZBA, Form A/ANR Edith Wharton Park

Members present: Tom Delasco- Chair, Kate McNulty-Vaughan, Susan Lyman, Jim Harwood

Members present via Zoom: Pam Kueber

Others: Clarence Fanto (zoom)

Meeting called to order by TD at 6:12pm

Changes to Hotel/Motel/Inn zoning bylaw language to bring to Special Town Meeting and 11/14 Public Hearing

The group discussed the proposed bylaw to fix the ‘loophole’ created by a an overly expansive definition of Motel, hotel, inn that also included terms like guest house and tourist home that has resulted in single apartments, offices and retail spaces being converted into ‘motels’ that in effect operate like full-year short-term rentals with none of the restrictions required short-term rentals.

The group discussed the options for amending the definition; a long, run on sentence for the definition or a short sentence and then a break-out of the general requirements. TD questioned why the board would include/not include certain terms in the definition, and PK answered that deleting the specific terms would make the definition more loop-hole proof. SL questioned how the current bylaw does not prevent the ZBA from granting special permits for Motels, based on its callout of not having more than two parking spaces per unit.

The board discussed the current definition for motel and that it is inclusive of all the other terms (hotel, Inn, tourist home, guest house etc.) and that the proposed definition would include only motel/hotel/inn and exclude the others to close the current loophole. The board discussed the differences between inns and bed & breakfasts; these different lodging types have restrictions on the number of rooms that each has and are the legal residences of the property owner. JH asked what the difference between a hotel and an inn is; there doesn’t seem to be any as defined. The board decided trying to define each term is unnecessary. There was confusion over actual definitions of hotels, motels and inns so JH read aloud definitions from Google to clarify. PK pointed out that these terms (motels/hotels/inns) go back a very long time and that in today’s world can be used interchangeably.

JH suggested that the language in the zoning bylaw should be the same as in the building code; since those are the standards by which the different lodging types are designed, constructed and inspected. TD did not see any issue with mirroring the definition from the building code in the bylaw. However, the Building Code did not contain those definitions.

The board decided the following:

- use one definition for Motel/Hotel/Inn

- strike the other words e.g. guest house, tourist home, etc. to close the loophole
- strike motel units from the Definitions sections
- remove the words “inn” and “lodging” from the current definition and give bed & breakfast its own definition
- under 8.1 General Requirements, add numbers 3, 4, 5 and 6, which further clarify the key characteristics of a motel/hotel/inn to those currently numbered 1 and 2,
- no definition for tourist home, boarding or lodging house
- no reference to short-term rentals, as that has its own section
- drop the word “Inn” off the end of section 8.3.1
- in the Table of Uses number 5, remove “/Inn” from bed and breakfasts

For 8.1, the board decided it needed to include the following criteria:

- Have more than 2 units (minimum of 3)
- For transient guests
- No cooking facility in the room
- Full-time on-site management

Changes to Section 3 and Section 3.3 of the Lenox Zoning Bylaw to bring to Special Town Meeting and 11/14 Public Hearing

There was discussion on the staff-recommended changes to the Zoning Bylaw that would allow the Zoning Board to appoint a Zoning Administrator and also allow the Zoning Board of Appeals to grant Use Variances. Several board members had concerns about opening up the bylaw to Use Variances. The consensus was that the board wanted more information and to meet and discuss these potential changes with the Zoning Board of Appeals and find out more information, and postpone till a subsequent Town Meeting when there was more information including specific standards about how the Zoning Administrator would be used and for what type of applications as well as why Use Variances should be granted with examples of past situations where Use Variances were called for.

Form A/ Approval Not Required – Edith Wharton Park

PK left the meeting as she was participating remotely and could not see the paperwork being shared and discussed.

Motion to approve the Form A made by JH; seconded by TD. All were in favor; the Board endorsed this Form A plan.

Motion made to adjourn immediately after signing the Form A by JH; adjourned at 7:51