

## Planning Board Minutes, 07/25/2017

**Town of Lenox  
Planning Board  
July 25, 2017  
Landuse Meeting Room**

**Members present:** Chair Pam Kueber, (PK); Tom Delasco, (TD); Kate McNulty-Vaughan, (KMV); Deborah Rimmmler, (DR); Kameron Spaulding, (KS)

**Staff present:** Gwen Miller, Land Use Director/Town Planner, (GM); Peggy Ammendola, Land Use Clerk, (PA)

**Also present was:** Selectman Ken Fowler (KF) and Clarence Fanto of the Berkshire Eagle

The meeting was opened at 6:00 PM.

- **Approve Minutes:**

*June 13 2017*-KS made a motion to approve the minutes and TD seconded the motion. The Board voted to approve 4-0-1. KMV abstained as she was not present at that meeting.

*June 27, 2017*-KS made a motion to approve the minutes. TD seconded the motion and the Board voted to approve 5-0.

*July 11, 2017*-TD made a motion to approve the minutes. DR seconded the motion and the Board voted to approve 4-0-1. KMV abstained.

- **Sign Easement Papers**

- Easement Plan Valley Street Bridge-Plan of Land Showing Proposed 2017 Town Layout, Taking and Easement Parcels in the Towns of Lee and Lenox, Berkshire County, Mass Date June 14, 2017 Prepared by Chappell Engineering Associates, LLC

GM asked the Board to vote to endorse this plan. She explained that at this was approved at the Annual Town Meeting in May 2017. The board reviewed the plan for the transfer of the property.

KS made a motion to endorse the Plan of Land Showing Proposed 2017 Town Layout, Taking and Easement Parcels in the Towns of Lee and Lenox, Berkshire County, Mass regarding the Valley Street Bridge project. DR seconded the motion and the Board voted to agree 5-0. GM expects to have the Mylars for both the Towns of Lee and Lenox soon and will advise the Board so that each member can come to sign.

*PK noted that this came in this afternoon, and was added to the agenda at that time.*

- **Update Board term and contact info-** This was updated and PK will provide to the Town Clerk.
- **Recreational marijuana --** GM to update the Board on the legislation passed by the State legislature and next steps for the Board in considering Lenox bylaw updates reflecting new state law that will go into effect in July 2018. BRPC will host a seminar for all towns in Berkshire County in Lenox on August 31, 2017.

GM stated that if a community rejected Question 4 in November 2016, a community can ban the sale of recreational marijuana with a standard ordinance in municipal bylaw through December 31, 2019. If a community approved the ballot question, then the community can pass an ordinance, a bylaw, with local regulations and which has to be reviewed and approved by Town Counsel and has to be voted by the town at a regular or special election via a ballot measure and approved. The marijuana excise has been increased to 10.75% and the local tax is now 3%.

With the 6% sales tax, this brings the tax on marijuana in a community to 20%. The town keeps 3%. The distributors pay tax to the state who will then distribute to the towns who voted for it. This is referred to as impact fees, and it is 3% of the gross sales.

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- **Discussion of Village parking plan improvements --** Continue discussion and review from July 11 and develop list of next-steps recommendations to design firm. Include review of "interior Village path" design from 2008.

KM-V questioned why parking was not being considered in areas other than the master lot idea which is in the area bordered by Housatonic, Church, Franklin and Main. KS noted that the public parking which is behind Berkshire Bank is never full and that it is his belief that if parking is not within the center, the public will not utilize it. He went on to say that the plan is to have a friendly agreement with the property owners to take over the maintenance while the owner retains ownership. The maintenance would include striping of the parking spaces which would maximize capacity.

KM-V asked to reassess where the Board was in terms of putting measures in place as her concern was that the plan BETA has presented is related only to parking. It was explained that the Board agreed to review parking and that BETA was asked to submit preliminary plans that would give the Board something to work with. BETA was asked to look at what would give the most parking places. In time the walking path and parking will be integrated. GM asked that the Board plan a "walk around" to gather ideas and suggestions and provide a list to BETA. At that time the Board can ask BETA to superimpose the walking path and include Bagel and Brew. KS said that at this point there isn't agreement with land owners, and this is essentially the first stage.

GM said that a priority plan has to be finalized for Complete Streets no later than September 1<sup>st</sup>. The walking path is a part of it, as are other items, e.g., better lighting, improvements in the village center, etc., but the parking is not. GM explained that Complete Streets is a funding program provided by Mass DOT. A Complete Street is one that provides safe and accessible options for all travel modes - walking, biking, transit and vehicles – for people of all ages and abilities. Lenox became a Complete Streets community last year and adopted a policy whereby the Town would identify a list of projects and cost estimates. The plan was put together referencing all of the old plans which included but was not limited to, the Master Plan, Village Improvement Plan, Downtown Transportation Management Plan, Routes 7 and 20 Corridor Access Management Plan, Open Space Plan, etc. PK asked GM to provide copies of these plans so that she could put them on the website. PK will advise the Board when this information is online and asked that the members review. The three plans that BETA has submitted will be put online as well.

The Board agreed to do a “walk around” at their next meeting of August 8<sup>th</sup>. KS will flag the walking path so that the Board can have an overall sense of it, but he said that the parking area would be difficult.

- **Equitable Development "Next Steps" draft memo** -- Discuss Next Steps draft memo from EPA following their April technical assistant workshop, in particular on whether and how the recommendations may relate to Planning Board work underway or planned for the future. Separately, each committee member may provide written feedback to GM on the memo.

PK said that this was put on the agenda because there are a lot of recommendations which have to do with Planning Board issues or zoning changes that might be made. GM applied for and has received a grant for technical assistance which is designed to help with assessment and planning. The Board agreed that they should look into the areas that they would like to take on. There are ample land opportunities for the community to grow and develop. Discussion focused on the number of plans that have been created that would feed into a master plan that could be a guide for where Lenox is today and where it where Lenox wants to be in ten years.

There was consensus to begin to work on this next year with applying for grants and asking for an increase in the budget to cover possible expenses for a consultant. PK said that she would put this on the next agenda to discuss how the Board would approach if they decide to move forward on this matter.

- **Short Term Rentals**--Share update on subcommittee work, including reviewing the outreach document if it has been approved at the subcommittee level.

PK said that the subcommittee meets weekly on Monday, but have agreed to take off the month of August and resume September 11, 2017. She produced an outreach document that the committee will use as a basis to discuss with others and assess their points of view and decide if it needs to be tweaked. The Committee is tracking state law on STR. The committee wants to proceed slowly and get input on this issue to find out where Lenox wants to go regarding STR.

An article about Crested Butte, CO, [Did Airbnb Kill the Mountain Town?](#) was briefly discussed.

- **Subcommittee Reports:**
  - Affordable Housing / Housing Production Plan update-Should be ready in the next couple of weeks.
  - BPRC
    - Planning Board Training July 27, 2017
    - BRPC Commission Summer Meeting July 27, 2017
      - Community Preservation Committee-No update
    - Land Management-No update
- **Next meeting: Tuesday, August 8, 2017**-Discuss tentative agenda items

KS made a motion to adjourn. TD seconded the motion and the Board voted to adjourn at 7:45 PM.

Respectfully submitted,  
Peggy Ammendola