

Planning Board Minutes, 02/09/2016

Lenox Planning Board

All Boards Meeting

Tuesday, February 9

6:00 PM

Welles Gallery, Lenox Library

In attendance: Kameron Spaulding, Planning Board Chair (KS), Tom Delasco (Planning Board), Kate McNulty-Vaughan (Planning Board), Ken Fowler (BoS, PB Liaison), Channing Gibson, (Board of Selectmen), Ed Lane (Board of Selectmen), Timothy Lee (Superintendent of Schools), Al Harper (Zoning Board of Appeals), Peggy Ammendola (Resident), Vince Ammendola (Cons Comm), Andrew Lane (Land Management), Neal Carpenter (Conservation Commission), Chris Brown (Resident), Bob Brown (Resident), David Naseman (Resident), Patty Spector (Land Management), Bob Vaughan (School Committee), Molly Elliot (School Committee), Dave Carpenter (New Marlborough resident), David Rimmler (Environmental Committee), Charlene Rosen (Aff. Housing Committee), Robert Murray (President, Chamber of Commerce), Bob Romeo (Resident and commercial property owner), Gene Chague (Community Preservation Committee), Jan Chague (Historical Commission), Frank Newton (resident), Paula King (Board of Assessors), Wayne Lemanski (Board of Assessors), Elliott Morss (Finance Committee), Terry and Lois Weaver (residents), John Tansey (Resident, Finance Committee), Kim Graham (Land Management/Lenox Community Center), Scott Barrow (Bishop Estate Association), Jason Berger (HDC), Olga Weiss (Affordable Housing Committee, HC) Clarence Fanto (Berkshire Eagle), Town Manager Christopher Ketchen, Town Planner/Land Use Director Gwen Miller, Building Commissioner Don Fitzgerald

On February 9, the Lenox Planning Board convened an All Boards meeting to discuss an ongoing zoning bylaw modification process. The Board has been working with Judi Barrett of RKG Associates, and she presented a set of observations and recommendations concerning the Lenox Zoning Bylaw.

Ms. Barrett also presented a set of policy issue areas to gauge how members of the community think or feel about certain potential policy changes to the Lenox Zoning Bylaw.

All of the elected and appointed boards and committees in Lenox were invited to the meeting, and the attendance reflected a strong representation of the different boards and committees. Members of the Board of Selectmen, Planning Board, Zoning Board of Appeals, Finance Committee, School Committee, Board of Assessors, Conservation Commission, Land Management Commission, Kennedy Park Committee and were present. Town Manager Christopher Ketchen attended, as did Town Planner/Land Use Director Gwen Miller, AICP. (See Attachment C for sign-in sheet) Judi Barrett provided the following detailed agenda (Attachment A) and presentation (see Attachment B). In addition, maps were provided to demonstrate how some of the policy changes would manifest themselves in relation to the existing zoning districts (Attachment D).

In conducting the presentation, Ms. Barrett highlighted current demographic and economic data in Lenox, and also highlighted some of the existing challenges with the Lenox Zoning Bylaw.

Ms. Barrett also described the ongoing process of modifying the Lenox Zoning Bylaw, which consists of a small working group representing the Planning Board, the Zoning Board of Appeals, the Inspections department, the Town Planner and the Town Manager, and has included open houses to garner public input.

Ms. Barrett recommended two sets of changes to the zoning bylaw: "benign" or structural changes to make the bylaw clearer, easier to read and easier to navigate for all users, and policy changes to create greater flexibility in some uses and districts. A comment made was that the bylaw prohibits many uses and calls for a great deal of discretion in making decisions or in interpreting the bylaw.

Ms. Barrett presented a set of potential policy changes, and opened a discussion to hear from the meeting attendees about the following topics:

- Where? (Where would community members be comfortable with the following uses)
 - Multi-family dwellings
 - Mixed Use
 - ADUs
 - Custom Manufacturing
 - Signs
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- Move from zoning to general bylaws?
 - Institute standards w/ HDC?

- Parking
 - Best practice to remove parking requirements in commercial district
- Other Topics
 - Home occupation: terminology, intent, issues
 - OSRD: overlay district?
 - Industrial district?

As the discussion took place, Town Planner Gwen Miller took notes. Notes from the discussion section are provided below.

MULTI FAMILY HOUSING

Somebody asked for an explanation of mixed-use versus multi-family, development. JB explained that currently the Lenox ZBL uses the term apartments and has limited where these can be developed to two districts. Mixed use, on the other hand, is the provision of living space above commercial or retail uses. Currently, the Lenox ZBL allows this in a limited area as well. KS pointed the audience to two maps which indicate where apartments and mixed use development is now allowed in Lenox.

KMV (Affordable Housing Committee) stated that the housing group tends to think of how they can increase density. She noted in her own neighborhood there had been an accessory dwelling unit (ADU) allowed in a deed, and it was a great benefit to the neighborhood and home owner. She would like to see that model encouraged.

There was a question of the differences between in law dwellings, two-family units, and Accessory Dwelling Units.

CG of the Board of Selectmen stated that the housing stock in Lenox is generally composed of one type of housing supporting one type of household. Where can people move in Lenox if they are in transition, i.e. aging or starting a family?

Another challenge mentioned was the affordability of aging in place—it can be costly to age in place. What are the opportunities for older residents to remain in the community if it is too costly or burdensome to remain in their homes?

KMV stated that in the past, the R20-30-40 districts helped keep affordability in allowing smaller lot sizes, and allowing for greater density. Could addressing density in changing or altering districts reduce costs via smaller lots? Where is there comfort in seeing this kind of change?

Is there support for more diverse housing.

BR described the R-1A dimensional requirements as a “snob move”, and stated that the current uses allowed in the Commercial “C” district have made mixed use more difficult.

ME asked about the status of Sawmill Brook, the property on Route 7 purchased by the Town of Lenox via Community Preservation Act (CPA) funds. GM stated the town is working with the designated developer to identify next steps on the project, with some funding opportunities no longer available as they were when the property was purchased. GM pointed out that while the property was purchased for the intent of community housing, its zoning district makes housing development a special permit process, adding an additional burden to the complex financing necessary to develop the site into housing opportunity.

KMV pointed out it could be very beneficial to reframe the concept of “affordable housing”: what does it look like? Suggested design review for multi-family units to ensure that they fit in with the existing community or neighborhood.

EM suggested that the group could benefit from a frame of reference to review the zoning and to generate recommendations. He stated his frame of reference is wanting to make the commercial area vibrant year round, and to provide jobs and housing opportunity to attract younger residents into the community.

GM pointed out that the existing Master Comprehensive Plan from 1999 states some of the goals and objectives, and in that the town has an existing frame of reference.

RM stated he thinks there is a demand in town for homes or apartments for people making between \$30,000 and \$50,000 a year.

ME expressed support for multi-family housing opportunities within Lenox as they would:

- Promote access to the school, which is an important draw to families and was an important draw to her own family
- Promote vitality within the town

CG reiterated that inclusive housing opportunities would help in maintaining the population while supporting and providing services to all residents.

JB described fiscal zoning.

MIXED USE

JB recommended that the term within the Lenox ZBL be updated. She pointed out that the Commercial “C” district included a section of Lenox Dale, and questioned whether or not Lenox Dale should have its own zoning district for commerce/business.

JT suggested that the group carefully consider the long term impacts of zoning bylaw changes, and questioned whether or not zoning is compatible with the Historic District. GM pointed out that the Historic District is a general bylaw and distinct from zoning—the HD reviews for historic significance and compatibility and has no purview over use or activity, which is the purview of the zoning bylaw. Design review standards were pointed out. GM said those can take a long time to develop and are one way to consider aesthetic or form considerations.

JB stated that it's common for local historic districts to share area with commercial or business districts. She explained that local historic districts don't necessarily mean a property owner can never alter, renovate or even remove a building, but that to do so requires consideration of historic preservation and historic neighborhood or district characteristics.

BR suggested the group think about the successes within Lenox: he pointed out the successful condominium market in town. He stated that 30% of the hospitality units within Berkshire County are in Lenox, and there is a strong second home market. He stated the community now needs additional revenue. He stated the downtown is the big issue—how can the town “sift” out types of businesses. He pointed out the conversion of the Curtis hotel to housing in 1987 was a mistake, since the hotel use would have generated more retail and commercial opportunities.

ME stated she supported more mixed use in town, as it would increase vitality in the community. She pointed out that the golden egg in Lenox is the quality of life for families. She also pointed out that many professional jobs are flexible and can be conducted anywhere, such as jobs in the software field. What kind of incentives can the community offer to encourage those types of professionals to move to and work in Lenox?

Somebody asked if businesses are proven to be more attracted to mixed use. JB pointed out that having living opportunities near commerce or retail helps to bolster foot traffic and market demand.

RM stated it would be good to simplify the business entry into Lenox, and that would be a strong starting point. Somebody asked what the critical mass is to support a vibrant local economy.

JB asked how the group felt about mixed use in the industrial zone.

There was a brief discussion about how this would look in Lenox Dale, where the Industrial District is still relatively active and the C district also has some residential use in it.

KS pointed out where mixed use is currently allowed on the Lenox Zoning Map. Somebody asked JB what best practice is.

She asked if anybody in the meeting would oppose business being established in zones where it is not allowed now or is allowed only by Special Permit (SP). Several people said they would as long as there were standards in place to reduce or mitigate impacts to the neighborhood.

JB returned to the question of whether or not Lenox Dale and the Village Center should be the same Commercial “C” District. She pointed out some of the differences between the two: difference in form, difference in geography, different scale, and different road lay out. BR pointed out that the village center is very “Gilded Age”, though Lenox Dale had some very old homes from the 1700s or 1800s.

JB pointed out that differentiating between the two village centers could result in different scales or types of commercial activity in each one.

JB pointed out that antique stores, art galleries and clothing stores are prohibited everywhere but the C-3A corridor. BR pointed out it was originally designated to benefit the residential units. DF and KMV asked why there had to be any differentiation between the types of retail permitted—what is the difference between general retail and art galleries/ antique/clothing stores?

JB asked how the group felt about furniture stores in town. What about general services? KF asked what kind of furniture stores. OW said there are furniture stores now in the downtown area.

JT asked what other communities are doing that Lenox could look to as an example. .

CUSTOMARY OCCUPATION/HOME OCCUPATION

SB asked about employees in the home, and if that counts as home based occupation. JB noted that the home occupation as defined and regulated in the Lenox ZBL has many restrictions placed on it. RB stated “A lot of new businesses are started in garages”. DF asked what kind of standards would be in place for home based occupation.

CUSTOM MANUFACTURING

JB asked the group how they felt about custom manufacturing, describing it as custom, smaller scale production of goods such as cabinetry, pottery...RM stated he felt those were very compatible with tourism and that those types of businesses tend to draw a younger demographic. KF asked if a micro-brewery would count as custom manufacturing. JB stated it would depend on the scale and definitions, and what type of standards the town implemented to reduce or mitigate impacts such as noise.

The meeting adjourned at 8:36 PM.