

Planning Board Minutes, 04/19/2016

Lenox Planning Board April 19, 2016 Minutes

Members in Attendance

Tom Delasco (TD); Mark Smith (MS); Kameron Spaulding (KS), *Chair*; Kate McNulty Vaughan (KMV)

Ken Fowler (KF), BoS liaison

Staff in Attendance

Chris Ketchen, Town Manager; Gwen Miller (GM), Town Planner

Absent with Notification

John Tansey

Others in Attendance

Jim Biancolo; Clarence Fanto; Phil Heller; Lois Hill; Rob Murray; Mary Jo Piretti; two others

KS called the meeting to order at 6:01 pm.

Public Hearing: Zoning Bylaw Amendments for May 2016 Town Meeting

This meeting was a public hearing on the proposed zoning bylaw amendments for the May 2016 town meeting. KS read the legal notice concerning the public meeting.

GM gave a brief PowerPoint presentation that covered the bylaw review process, a summary of the group's findings, a summary of the proposed amendments, and proposed next steps.

- **Process.** The Planning Board (PB) worked with consultant Judi Barrett of RKG Municipal Services. The project scope was twofold: to review and update the zoning bylaw for consistency and clarity; and to identify needed policy changes. The PB worked with other town departments and committees and held several public meetings (open houses, public hearings, etc.).
- **Findings.** The review process found that the bylaw contained some out-of-date provisions and was difficult to navigate/difficult to interpret in some areas. Changes recommended included creating an index, expanding the definitions section, including cross-references to the Table of Uses, and updating terms, definitions, and rules as needed.
- **Proposed amendments.** These were of two types; editorial/"clean up" changes, such as reordering, deleting redundancies, etc.; and more substantive, policy-oriented changes, many of which will be deferred to fall 2016. GM's presentation highlighted these changes under the general areas of administration and enforcement; amendments, additions, and deletions in the Table of Uses; definitions, and special regulations.
- **Next steps.** These include the regularly scheduled PB meeting on April 26; the annual town meeting on May 5, and the special town meeting in the fall.

The meeting was opened to public comment. Phil Heller raised a number of issues:

- **Site plan approval** (p. 10). Mr. Heller suggested adding the words "public hearing" back into the description of the ZBA process; returning to language in the current bylaw regarding rules and regulations; and returning to language in the current bylaw regarding design standards.
 - KS made a motion that the PB return section 9.5 in current bylaw (section 3.5 in proposed bylaw) and all subsections back to previous/current bylaw language and content and revisit this issue in the fall. KMV seconded the motion and it was approved unanimously.

- **Animal daycare.** He said allowing animal daycare in all zones is very problematic and will decrease property values. He suggested returning to language in the current bylaw or at least the development of additional criteria to control or restrict animal daycare or require a special permit. Mary Jo Piretti also reiterated Mr. Heller's concerns. Jim Biancolo also commented, suggesting the need for a special permit for animal daycare, limits on the number of dogs, and limited to indoor daycare only.
- KS moved that the PB strike the animal daycare line in the Table of Uses and in the definitions, leaving the text for "kennels" intact. The PB will revisit the animal daycare issue in the fall. MS seconded the motion and it was approved unanimously.
- **Rebuilding** (p. 20). Mr. Heller questioned whether the proposed language as written would allow for reconstruction.
 - GM referred to p. 11, noting that reconstruction is allowed following demolition (section 3.3.7 in current bylaw; section 5.3.7 in proposed bylaw).
- **Estate preservation.** Mr. Heller suggested GM or the PB check to be sure the assessors' maps noted in the bylaw are the current maps.
- **Residential inclusionary development** (pp. 77-78). Mr. Heller questioned some definitions and the number of dwelling units allowed.
 - GM suggested this item be left as it is in the current bylaw and table the proposed revised language; to be revisited in the fall. MS made a motion to accept; TD seconded the motion and it was approved unanimously.

Clarence Fanto raised a question about inns in the section on estate preservation areas. GM said there is no change here – just an attempt to simplify the Table of Uses so it is more user-friendly. Mr. Fanto also asked whether the vote at town meeting on May 5th will be an all-or-nothing/up-or-down vote on the proposed amendments. KS responded that the amendments are divided into sections and can be pulled out/held for later.

Jim Biancolo proposed to GM and KS a more detailed Table of Contents. While a streamlined Table of Contents may work better for a print version of the bylaw, it was agreed that more detail would be helpful for online use. KS made a motion to accept a more detailed Table of Contents; TD seconded the motion and it was passed unanimously.

TD commented on an issue raised by Mr. Biancolo in his annotations on the proposed bylaw regarding seasonal rental of rooms. TD made a motion to remove the last two sentences in the definitions section and place them in the regulations language in Sec. 8.8. KMV seconded the motion and it was approved unanimously.

Approval of Minutes

No action.

Committee/BRPC Updates

No action.

Old Business

No action.

Correspondence

No action.

The PB's next meeting will be at 6 p.m. of Tuesday, April 26, 2016, in the Land Use Room.

MS made a motion to adjourn this meeting; TD seconded. Vote to adjourn was unanimous; adjournment at 7:05 pm.

Submitted by Alison Sneider