

## Planning Board Minutes, 06/28/2016

### Lenox Planning Board June 28, 2016 Minutes

#### Members in Attendance

Pamela Kueber (PK) (arrived 6:40 pm); Kameron Spaulding (KS), *chair*; Kate McNulty-Vaughan (KMV); Tom Delasco (TD)

#### Staff in Attendance

Gwen Miller (GM), Town Planner

KS called the meeting to order at 6:05 pm.

#### Approval of Minutes

May 24, 2016. With one minor amendment, KVM moved approval; KS seconded. The minutes were approved (2-0) with one abstention (TD).

June 14, 2016. Tabled, as there was no quorum of members who had attended that meeting at the time the minutes were presented for approval.

#### Zoning Bylaw Review Discussion

KS reviewed several items on the list of zoning bylaw topics to be address for the fall special town meeting, particularly the items raised at the June 14, 2016, meeting by Phil Heller (PH).

Accessory Dwelling Unit. Currently, ADUs are capped at 800 square feet. KS said PH's issue is that if you have a barn, e.g., you can only convert 800 square feet of it. PH believes this could be rewritten so that more than 800 square feet could be used in existing structures (as opposed to new construction, which would remain capped at 800 square feet).

Residential inclusionary development. KS said PH brought up an inconsistency in the current bylaw language: in one place, the bylaw says a developer needs to have 15 or more units to make it apply; in another place, it says any size development (not just 15+). (Ref: Lenox zoning bylaw 7.8.5.2)

Table of dimension requirements. KS said that PH would like the bylaw to state specifically "exceed 50 feet or four stories" (50 feet would be 4 stories) to reflect a Massachusetts court ruling. If that is done, the footnotes could be eliminated.

Setback for signs in C1A district. KS said that PH noted that once Rte. 7 was widened, all signs became non-conforming. He asked if the PB could address this so that they will not be non-conforming. KS said the PB should look at setbacks in C1A districts. TD added that this could be done by simply reducing the setbacks.

C1A district. KS said that PH noted that the land area that is zoned drops from 1,000 to 300 feet on the east side of Rte. 7/20; he believes it should remain 1,000 feet all the way along (as it is on the west side).

Private landing areas. KS said that PH brought up the issue of Hanlon v. Town of Sheffield regarding a private airstrip. The town lost its case and PH suggested the PB include language in its bylaw to regulate private airstrip issues that might arise in the future.

KMV suggested the PB might also want to address drones. KS said he believes that should be addressed as a town bylaw rather than a zoning bylaw.

In terms of prioritizing the 24 items on the list, KS suggested the first four:

# 1: Table of dimensional requirements

# 2: Two new districts

# 3: Multi-family housing (also sort of addresses affordability) – both rental and ownership.

#4: ADU

Plus all the relatively uncomplicated items (such as definitions) – items 12 and 15-23.

Two additional items were added to the list:

# 25: private landing areas

# 26: great estates.

The PB engaged in some discussion relating to # 13 (site plan review). KS said some members of the ZBA would like site plan review to be a PB function rather than a ZBA function. (Site plan review is done when a special permit is not needed.) KS believes the best way to tackle this in the long run is to streamline the process so that fewer projects need special permits. He suggested the PB get data from the ZBA regarding the smaller projects that many homeowners and business owners come for and that invariably get approved (non-conforming stairways, porches, etc.); perhaps these could be addressed differently (e.g., empowering the building inspector or town planner to approve these things). At the other end of the spectrum – for large projects – it was suggested that a joint meeting (ZBA and PB) be held with an applicant for the first round of review. This would not only allow the ZBA and PB to hear each other's opinions, but would streamline the process for everyone – the boards as well as the applicants.

PK suggested that the PB also review and update the Master Plan.

## **TIF/STA Policy Input to Board of Selectmen**

Discussion included:

The need to clearly state the PB's desire that the policy apply to the type of businesses the town seeks to encourage and not necessarily to those that would locate in Lenox anyway. These businesses should include those who want to locate in preferred development zones and/or rehabilitate a building in disrepair, come with higher-paying salaries, have the potential for expansion, etc.

KS noted that he did a quick analysis/scored two projects that did or could have come to Lenox: the Toole project got a "medium" rating and Berkshire Mountain Distillery (had it located in Lenox) would have gotten a higher score.

KS also said that the BoS wants this to happen, but the PB needs to weigh in with our caveats.

GM will draft a letter to the BoS on the subject and send it around to the PB for review before sending it along to the BoS, along with minutes from the PB meetings at which it was discussed. Key points could include:

- We should not lose sight of the bigger picture – the town's goal in economic development should be diverse development, development in targeted areas, businesses with growth potential, businesses with higher-wage jobs, etc.
- The town should not open its pocketbook for everyone. The town should target the TIF/STA policy toward businesses that meet the above criteria and not every project that comes along. In general, hotels/motels should not be seen as good candidates for tax breaks for several reasons (placement of hotels and motels is market-driven and they would probably locate here anyway, with or without tax breaks; jobs created are mostly lower-wage, etc.).
- The TIF/STA policy should be only one of many approaches the town takes to encourage economic development. Other options also should be considered, such as going back to a single tax rate, targeting underused sites (in Lenox Dale, for example) and putting together an expedited permitting process, etc.

## **Correspondence**

KS noted several pieces of correspondence that have been received:

- Environmental notification – Lenox Landfill Solar Project. 65 Willow Creek Road. 2,340 panels – 748 kw.
- 1 megawatt solar panel on Rte. 41 in Pittsfield was approved. Interprint.
- Allow commercial vehicle on residential property – Churchill St Pittsfield.
- 220 Cloverdale St., Pittsfield. 1.9 megawatt solar panel – hearing has happened. Plus approval letter.
- Frelinghuysen Morris House and Studio – has received National Register of Historic places designation.

## **Adjournment**

KMV moved to adjourn; TD seconded. The meeting was adjourned at 8 pm.

GM mentioned that Deborah Rimpler still wants to join the PB but will not be able to do so until the fall.

KS said the PB members should think about their preferences for committee assignments, to be discussed at the next meeting.

Submitted by  
Alison Sneider

