

Town of Lenox  
Planning Board  
Land Use Meeting Room  
May 22, 2018

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

**Absent with notification:** Deborah Rimmner, (DR)

**Staff present:** Peggy Ammendola, Land Use Clerk, (PA)

**Others present:** There were 5 members of the public present which included Clarence Fanto of the Berkshire Eagle and Joel Williams of the Berkshire Record. Mr. Fanto and Mr. Williams recorded the meeting as did the staff.

**Approve minutes-** May 8, 2018 KMV made a motion to approve the minutes with two amendments. TD seconded the motion and the Board voted to approve by a vote of 4-0.

*Note: It was agreed that on Thursdays, prior to the meetings on Tuesdays, documents needed for that meeting will be finalized and on the website. PA will print up those copies on Thursday afternoon and prepare packets for the members. The packets will be left in the Land Use office for members to pick up and read prior to the meeting.*

**Board Reorganization:**

KMV made a motion that the Chair, Vice Chair and committee assignments remain as is. TD seconded the motion. KMV amended the motion that the slate remain as is with the exception of Land Management. (DR has been serving on that committee, but should have the opportunity to decide at her next meeting if she wants to continue.) TD seconded the motion. The Board voted to agree by a vote of 4-0.

- Chair –PK
- Vice-chair-TD
- Committee Assignments:
  - CPC-TD
  - Affordable Housing KMV
  - Land Management-wait for DR
  - BRPC PK

KS is continuing to serve on the Historic District Commission.

PK asked about the charge of the Land Management Committee and KS summarized its role.

- Conflict of Interest Training- PK has provided the link for the training to the Board members and reminded them that it is required biannually. PK and KS have completed the training, but TD and KMV have not.
- Setting annual goals and running meetings efficiently-PK suggested that this be moved to the next meeting as she feels that the calendar is set for the November Town Meeting. She said that she spoke this morning to Gwen Miller, Land Use Director, about allowing multi-family housing in the “C” District by right with a Site Plan Review which would allow the ZBA to waive the dimensional requirements. KS suggested that the Board have a goals discussion in November. The summer will be “crunch time” preparing zoning bylaws for STR and Recreational Marijuana. PK handed out copies of her document Calendar to November 1, 2018 Special Town Meeting that she said could be reviewed later or next week.

**Recreational Marijuana:**

Review PowerPoint for Community Forum on June 5 at 6 PM in the auditorium. (KMOV asked that this be renamed Adult Use of Marijuana. KS said the state refers to it as Adult Use.)

Gwen Miller and KS worked on the PowerPoint to incorporate proposed changes. KS reviewed page by page and explained in detail. Members discussed and some changes and additions were made.

KS explained the process of taking a proposed bylaw to the Town Meeting. He also explained the process and consequences if the bylaw fails to get the required 2/3 vote.

To publicize the forum, PK did go to a Board of Selectmen's meeting and has plans to go to another BOS meeting and a School Committee meeting.

KS said that those voters who want to ban the Adult Use of Marijuana should have a citizen's petition to do so.

*This item was included on the agenda, but was not discussed:*  
Address possible rezoning regarding medical marijuana.

Timeline to achieve November Town Meeting (See end of this agenda.)

**Update on Master Plan** – Assign a team to set date(s) to (1) review candidates, (2) meet to narrow to interview set, and (3) set next steps in process.

- Issue solicitation: Friday, April 6, 2018
- Deadline for submitting questions: Thursday, April 19, 2018
- Addenda, if necessary: Thursday, April 26, 2018
- Proposals due: Thursday, May 24, 2018
- Interviews: May 2018
- Award contract: May/June 2018
- Project completion: November 2019

PK asked for volunteers who could be on a sub committee to review the proposals and determine finalists. She said that Gwen Miller had told her that the Board should identify another three people from other boards who would take part in the vetting of the applicants. KS offered to work on the proposals and interviews. TD is willing to look over the proposals, but would not be able to participate in the interviews as they would be held during his work day. KMOV said that she would be willing to serve.

**Short-Term Rentals discussion among the Board, discussion topic:** "Neighborhoods and STR Use: Zones" Question: Does the Board want to consider policy ideas yet? If so, KS has a proposal to present.

KMOV questioned if this is a more suitable use for tighter neighborhoods or neighborhoods with more land in terms of impact. She is concerned that the Board doesn't know if STR will be whole houses or just rooms. In the R3A zone, (Residential 3 acres), she noted that many properties are non-conforming, but that if STR were allowed there, there may be some places where people don't care, and some where they do care. Some communities protect neighborhoods that are close to the downtown area as they provide housing opportunities for older people who may not drive.

KS stated that he is fine with STR in any zone as long as the host is onsite. With regard to whole house rentals, he feels they would be best suited for homes that are situated on larger properties and he would be willing to discuss.

PK pointed out that DR had not supported the proposed STR bylaw as she felt that a property owner should be able to host a STR by right if the home was in an R1A (Residential 1 acre) or R3A zone. KS responded that STR is a commercial activity, and that he would only consider this as a by right use if impacts could be mitigated. He said that no motel, hotel, B and B or inn is allowed in any zoning district without a special permit. He added that if a whole house STR is permitted by right, then B and Bs should be permitted by right. PK added that she had had a discussion with Gwen Miller who reminded her that the Planning Board should do as much as it can when it cannot have everything go to the Zoning Board, i.e., permit a use by right with sufficient performance standards.

The Board discussed the recent approval of two Special Permits to open for a total of three unit tourist home/guest house in the downtown Commercial District. Under the existing zoning bylaw this is allowed under Section 5.2.F.9 and Section 8.1. This permit establishes this as a business use and requires the highest safety standards.

In the zoning bylaw, the current motel definition says that STR are not legal in Lenox.

The Board also discussed the concern of losing residential apartment units to STR and how residential dwelling units could be promoted in this district.

PK stated that on June 12<sup>th</sup> the final topics will be “Why “Seasonal Rental of Rooms” Seasonality?” and “The Tourism Economy”. She said that the purpose of these discussions is not to make decisions but to explore the options. KS will present his variation on a STR bylaw. He will send a copy to PA to print for the members’ packets.

On June 26<sup>th</sup> Town Counsel Joel Bard will be in attendance. PK asked the members to think of what questions they would like to ask as it relates to STR.

**Committee updates:**

- Affordable Housing – KMV believes that the RFP is ready to go out for the Saw Mill property. They are asking for ideas, e.g., ownership or rentals. It is open to developers or anyone.
- CPC- TD said that there will be the annual public hearing on June 11<sup>th</sup> where the public will give their ideas on what kinds of projects should be considered for funding. There was discussion on how the Town raises money for Community Preservation and the state’s contribution.
- BRPC-PK said that she is now on the Business Initiative Committee. This committee works on various Town initiatives to help the business environment. She stated that fiber optic broadband is available through Spectrum at competitive rates. This was discussed and it was suggested that since this topic is so complicated, that there be an RFP to secure an expert.
- Land Management-DR was not present to give an update.

TD made a motion to adjourn. KS seconded the motion and the Board voted to adjourn at 8:30 PM.

*The following was placed on the agenda, and some were discussed. PK did provide a handout during the meeting which included this information.*

Discuss agenda items for next meetings:

- June 5 – Recreational Marijuana Community Forum
- June 12
  - Discuss findings from Recreational Marijuana Community Forum – timeline next steps
  - 2018-19 priorities
  - Master Plan update

- STR discussion: “Why “Seasonal Rental of Rooms” Seasonality?”
- June 26
  - Joel Bard here
- July 10 – Regular meeting
  - Finalize STR bylaw
  - Finalize Recreational Marijuana bylaw
- July 24 – Regular meeting
  - Finalize STR bylaw
  - Finalize Recreational Marijuana bylaw
- August 14 – Regular meeting
  - Deadline to finalize STR and Recreational Marijuana bylaws so that ad can be published for Sept. 11 public hearing
- August 23-Deadline to contact newspaper to place ad for Aug. 28<sup>th</sup> placement
- August 27-STR public hearing advertisement runs 14 business days, then 7 days, prior to September 11<sup>th</sup> (timing includes extra day, recognizing Labor Day holiday)
- August 28 – Regular meeting
- August 31-Deadline to contact newspaper to place ad for Sept. 4<sup>th</sup> placement
- September 4-Recreational Marijuana public hearing advertisement runs 14 business days, then 7 days, prior to Sept. 18<sup>th</sup>
- September 11 – Public Hearing on Short Term Rentals continued to this date
- September 18 — Suggested date for Public Hearing on Recreational Marijuana
- September 25 – Regular meeting date – Finalize all warrant articles language to submit to BOS
  - Finalize STR bylaw
  - Finalize Recreational Marijuana bylaw
  - Finalize all warrant articles language to submit to BOS
- September 28 – Warrant article language due to BOS
- October 3 – BOS discuss and review warrant articles
- October 9 – Regular meeting night
  - Review presentation to Town Meeting
- October 17 – BOS vote on warrant articles –ALL LANGUAGE FINAL BY THIS DATE-NO CHANGES to what goes on file in Town Hall
- October 18 – Last day for BOS to post the warrant
- October 23 – Regular meeting night
  - Review presentation to Town Meeting
- November 1 Town Meeting:

Respectfully submitted,  
Peggy Ammendola