

Minutes for Nov. 13, 2018 – Approved
Planning Board, Town of Lenox

Attending from the Planning Board: Pam Kueber (PK), chair; Tom Delasco (TD), vice chair; Kate McNulty-Vaughan (KMV), Deborah Rimmler (DR), Kameron Spaulding (KS)

Documents at this meeting:

- Agenda
- Correspondence (see below)
- KS draft of proposed amendments to short-term rental bylaw (Nov. 5 email)

Minutes:

- Minutes – The Board approved the minutes for Oct. 23, 2018 with an amendment on a motion/vote added by KMV. KMV to get amendment language to Land Use Clerk then minutes can be filed. Motion to approve minutes from KS; seconded by KMV, affirmed 5-0.
- PK asked if a member could volunteer to help ensure meeting minutes are processed efficiently. DR agreed to review the minutes prepared by Land Use Clerk.
- Correspondence received since the last meeting from: Chris Parker Wilkerson, Francine Weinberg, Scott Shortt

Discuss outcomes of and next steps following Special Town Meeting:

- Housing-related bylaws – KMV summarized. All bylaws passed. No questions from the floor.
- Adult-use marijuana – TD, who presented the articles summarized. Defeated by a narrow margin, making it tough to assess where 2/3 of the electorate stands. Board was unclear whether all votes were counted and discussed how, in future meetings, we can be better prepared to ask for a recount or ballot vote, etc., on the spot. It was also noted that some folks likely did not vote, so that could account for the difference. Suggestions discussed for next steps on this bylaw:
 - It was clarified that Mass. General Law allows us to bring the same bylaw proposal forward in fewer than two years with unanimous vote from the Planning Board.
 - Involve Select Board in process to develop plan for May so that their endorsement of the bylaw is also part of the proposal presented. PK to discuss with BOS liaison. Overall discussion on strengthening relationship with BOS so that we can obtain BOS endorsements of bylaw proposals. KS left meeting at this point after expressing concern about the process and need to take a break. DR also expressed concerns. PK to discuss with BOS liaison.

- Strengthen outreach before and during the meeting to educate voters on how Adult Use Marijuana establishments are regulated. KMV: Consider handouts to have available at meeting.
- DR: For May, consider putting Prohibition article up first, then if that does not pass, move to a bylaw outlining zones etc., making it clear that if we do not pass something, all uses will default to underlying zones. PK noted that the Attorney General has been allowing moratoriums to extend to end of 2019.
- Comments from citizens in audience on feedback/next steps re this issue:
 - Tjasa Sprague said that she thought people were confused by the moratorium listed for vote after the main article and thought that it meant a prohibition, which they wanted; Jim Harwood underscored this point; TD confirmed he was precluded from talking about multiple articles at the same time; it was agreed we need to sort this out in terms of how to present when multiple articles/scenarios are involved as they are with Adult Use Marijuana.
 - Mark Manoli said he thought some citizens were voting against the article because it included a SP requirement.
 - Jackie Wong said she thought that voters would say ‘yes’ to retail, but ‘no’ to cultivation, suggested separating the two.
 - Mark Smith: Get a paper ballot – in order to ensure most accurate vote count and also because some people may be refraining from raised-hand voting

Short-Term Rentals:

- PK summarized: General bylaw on inspections and registrations failed; Zoning bylaw was sent back (not officially “tabled”) to the Planning Board.
- Board discussion including next steps:
 - Ask BOS to take over any next steps on General Bylaw covering inspections and registration; state action will be helpful in clarifying landscape
 - Ask BOS to craft a noise ordinance for General Bylaw
 - Comments from citizens in audience on feedback/next steps re this issue:
 - Jim Harwood suggested setting up a meeting or series meetings that would enable different constituencies involved to have a dialog -- “official but informal” roundtable workshops led by a neutral part to identify where there are compromises possible. Suggested bylaw could cover less ground. Supported BOS noise ordinance.
 - Mark Manoli also supported idea of focus groups to revise and test proposals.
 - Christian Deckert commented on the possibility of meeting with inn owners.
 - Jackie Wong brought up building codes issue.

- Tjasa Sprague expressed concern that building codes lead to the destruction of historic elements in buildings.
- Jim Harwood noted that PB has no purview over building codes.
- Sense at this meeting was that Planning Board will review the next steps on a zoning bylaw in January, which also will give everyone time to hear from the state and its next steps on statewide legislation. PK to discuss situation with BOS liaison including whether BOS can be more actively involved in order to help engender their endorsement.

Master Plan:

- Update – Town Planner Gwen Miller continues to work on getting volunteers for the Steering Committee. Jackie Wong volunteered – PK to give her name to Gwen.

Board reports on other committee work:

- KMV to get update on Affordable Housing RFP for next meeting
- TD – CPC process is moving forward, includes applications from Trinity Church (by time of meeting minute approval, rescinded), Pleasant Valley Bird Sanctuary, BNRC Yokun Ridge Trail; Frelinghuysen Morris House & Studio.
- DR – No recent meetings of Land Management
- PK attended ANR & Subdivision training hosted by the Citizen Planner Training Collaborative and BRPC. Presenter was Carolyn Murray of KP Law. A few takeaways:
 - Training was very good, suggested that if and when we are ever presented with a subdivision proposal, we should get same briefing from KP Law ahead of time
 - Similarly: Good training on handling ANRs
 - Training contained some good advice about requiring security bonds in case developers do not timely finish infrastructure elements including roads, drainage, etc.
 - Answering a question that had come up this year: We were the permitting body for the recent OSRD because OSRDs are a subdivision and we are the permitting authority for Subdivisions
- PK to attend 12/13 training, also by CPTC, on Section 3 of the Zoning Act providing certain exemptions for agricultural, educational, childcare and religious uses, as well as state and federal lands and uses, from local zoning regulations. She will check with Gwen on Lenox history on these issues so that we can consider amendments to our bylaws if necessary.

Board will meet again in two weeks, Tuesday, Nov. 27. There is only one meeting in Dec.

Meeting adjourned, TD moved, DR second, 4-0.

Respectfully submitted,

Pam Kueber

Approved by Board Nov. 27, 2018