

Minutes for Jan. 8, 2019
Planning Board, Town of Lenox

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

Absent with notice: Deborah Rimmmler.

A recording was taken by the Board. Berkshire Eagle reporter Clarence Fanto also recorded the meeting.

Kate McNulty-Vaughan joined the meeting at approximately 6:07, participating via remote participation.

Documents at this meeting:

- Agenda
- Draft meeting minutes for Nov. 27 and Dec. 11, 2018
- Massachusetts' new short-term rental law
- Copy of Adult Use Marijuana bylaw prepared for Nov. 2018 Special Town Meeting
- District Local Technical Assistance grant request submitted to BRPC
- Sign bylaw draft

Minutes:

- Minutes for Nov. 27, 2018 were approved by 2-0 [quorum of the three members who had attended meeting], TD moved, PK seconded. Minutes for Dec. 11 were approved 3-0 [quorum of the four members who had attended], KS moved, TD seconded.
- Next steps: Adult Use Marijuana bylaw: The Board discussed comments from and thoughts following the meeting the day prior with Select Board members Ed Lane and Neil Maxymillian (see those minutes). They discussed some of the pros and cons of various amendments to the bylaw that failed by just five votes, with most discussion focusing on whether to continue to recommend production-related establishments (manufacturer, research facility, cultivator/craft cooperative, testing, transporter) in the Industrial district in Lenox Dale. KMV suggested holding our next regular meeting Jan. 22 in Lenox Dale with a focus on inviting Lenox Dale residents to share their views on zoning for production-related establishments in Lenox Dale. We need to agree on new proposed bylaw at this next meeting, or schedule an additional meeting, in order to meet the timeline to post our Public Hearing on Feb. 26.
- Next steps: Short-Term Rentals bylaw: The Board discussed details within the state law just signed by the governor. Questions/opinions were discussed regarding (1) whether taxation will be automatic if municipalities already have accepted the local option and (2) how do "Bed & Breakfast Homes" fit into the state framework and depending on that answer, how do our Seasonal Rental of Rooms, both current and proposed, fit into that

framework; PK to ask Town Planner Gwen Miller (GM) to request clarification on both issues from Town Counsel and, if taxation issue is as thought, discuss with the Town Manager whether a Town Meeting vote is required. Board further discussed next steps possible on crafting zoning bylaw that would provide clarity on short-term rentals of entire dwelling units. One thought was that “we should not rush forward... let’s fully understand what the state has enacted” – TD. It also was noted it will take time to monitor (1) how the statute is implemented (taxation starts July 1, registration may not be completed until Fall), (2) whether there is a legal appeal to any elements of the state law, and (3) the outcome of the appeal coming before the Lenox ZBA. Taking a different view of possible next steps, there was a suggestion that now that the state law has been passed -- with its frameworks including taxation, “we know what the big pieces are... people want this done – what do we need to do?”-KMOV -- we could potentially continue work on a proposed bylaw in time for May Town Meeting, where we always review revenues and spending. In addition to taking the other concerns into account, there was concern about timing -- that time would be too tight to get key interested parties together by March 10 deadline to get new zoning proposals to Select Board. PK to ask GM whether there is flexibility on this deadline. Board also to use the next two weeks to think further about the issue of how to move forward most effectively given all issues, and will discuss at the next meeting.

- Report from the chair:
 - Master Plan process is under way; steering committee met Jan. 7; next step is to create Core Assessment teams and get them together to outline areas recommended for data collection and most critical policy issues that Master Plan should focus on. PB will be Core Assessment team for Land Use section, discussion to be planned for February ideally at regular meeting.
 - Discussion of whether and how we could get word out about the important updates to our housing dimensional requirements once the AG approves them. PK to pass along to GM suggestion that she be sure to let any developers / real-estate owners with multi-family units who have called her over the past few years know about the changes. We could also send a letter to owners of multi-family units - PK to discuss with GM. Also suggested Affordable Housing Committee take on this outreach.
 - The Board was very happy about the three items submitted for DLTA assistance, agreeing that these areas of our zoning bylaw all need work: The Town of Lenox seeks technical assistance to review and update as applicable to sections of its Zoning Bylaw:
 - Section 10.3, “Wireless Telecommunications Overlay District (WTOD)-- Like many communities in the Berkshire region, Lenox lacks consistent wireless coverage, yet existing zoning heavily limits where new wireless technology in its various forms can be located. The Town seeks assistance in reviewing existing language and updating to reflect new technology and to be compatible with new or pending federal law. The work done in

Lenox toward this goal could be a good example of other communities of its character and size.

- Section 8.6, “Educational and Religious Uses” -- Lenox has special zoning requirements for the typically exempt uses of educational and religious uses. The Planning Board would like to review the existing language and identify necessary changes to be made to ensure the regulations are consistent with federal and state law.
- Section 5.4.1, “Agricultural Use, nonexempt” and Section 5.2, Section D: “Agricultural Uses” -- In 2015, the Town worked with a zoning bylaw consultant who identified a problematic issue with the way agricultural uses are regulated in the Schedule of Uses. The Town would like to review the existing Schedule of Uses and identify necessary changes to be made to ensure the regulations are consistent with federal and state law.
 - PK noted that she will be working on our annual report to the Town and will have a draft for everyone’s review soon.
 - PK noted the recent communication from Town Clerk about elected officials having up-to-date conflict of interest and public meeting training confirmations on file. TD noted that campaign finance reports are required in the years one is elected.
- Committee reports: Affordable housing RFP is out, PK noted that GM said deadline may be extended two weeks due to a request; CPC’s next meeting is Jan. 28.
- Discussion of sign bylaw proposal (received within 48 hours posting deadline, not anticipated): Citizens Jim Biancolo and Mark Smith have undertaken an impressive effort to streamline our sign bylaw with a particular focus on making it easier for users to understand the steps they need to go through in order to erect a sign that meets all zoning and other official approval requirements. Many thanks to Jim and Mark! There also were some changes incorporated, based on previous discussion with the Planning Board. It was agreed that next steps to (1) meet with Jim and Mark to understand the material changes incorporated, (2) then do further work on possible ways to make the overall process easier – “use this excellent work as a platform to make real policy”-KS, and (3) plan to bring this to town meeting in November. This will go on the agenda as soon as time allows.
- Meeting adjourned, KS moved, TD second, 4-0.

Respectfully submitted,

Pam Kueber