

Town of Lenox
Planning Board
Lenox Town Hall
April 9, 2019

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

Absent with notification: Deborah Rimmmler (DR); Kameron Spaulding (KS)

Others present: Clarence Fanto (Berkshire Eagle) and Emily Thurlow (Berkshire Record) and several citizens

List of documents provided for this meeting:

- March 26, 2019 minutes for approval
- Master Plan Land Use section
- Citizens' Petition to Prohibit Recreational Marijuana
- Citizens' Petition for General Bylaw to Regulate Short-Term Rentals
- Citizens' Petition for Zoning Bylaw to Regulate Short-Term Rentals

PK opened the meeting at 6:00pm. The meeting was recorded by the Planning Board and by Mr. Fanto of the Berkshire Eagle and Ms. Thurlow of the Berkshire Record.

1. Approve minutes for March 26, 2019

- KMV moves to approve minutes as amended. TD seconds. Motion passed unanimously (3-0).

KMV suggests leaving any public comment for the meeting until the end of the meeting. PK states that there is no public comment on the agenda and that public comment should be addressed at the public hearing in regards to the citizen petitions on April 23.

2. Discuss content of citizens' zoning petitions on Adult-Use Marijuana Establishments and Short-Term Rentals working toward development of written recommendations to Annual Town Meeting (ATM) as required by state statute. Review any Town Counsel comments to consider and incorporate as part of our recommendations, if available. Discuss timing to complete written recommendations for printing for ATM.

Marijuana Prohibition Bylaw:

- No Town Counsel comments at this time. Hope to have comments from Town Counsel by April 23.
- TD asked if the petition text to be framed into the bylaw verbatim "fits into" the zoning bylaw. The marijuana petition has one paragraph about the zoning bylaw; the rest of the petition is a statement from the petitioner.
- Questions for Town Counsel include:
 - Who writes the motion for the article including the specifics relating to the use-table?
 - Does this bylaw prohibit a transporter of marijuana from a legal establishment from driving through the town?

- Will the prohibition language set forth in this citizen petition bylaw meet the Attorney General's standard?
- The Board is required to make a written recommendation on citizen petition for Town Meeting and will do so after the Public Hearing on April 23rd, although PB is already bringing a bylaw to the Town Meeting.
- PK would like to get technical answers before the April 23 meeting.

STR Bylaw:

- Board discussed technical parts of the citizen petition bylaw submission. Example: the proposal doesn't say it is replacing 8.8.1.
- Questions for town counsel:
 - Where does the motion come from and what does it say for this bylaw submission. Also - no article summary for this bylaw submission.
 - Are the definitions specific to only the zoning bylaw submitted by the citizen petition?
 - Petitioner added table of uses within their petition but no definition of where these go within the current Town Bylaw table of uses. There is a lack of specific references.
 - Is this submitted zoning bylaw a regulation of ownership?
 - Contradiction of short-term rental of ADUs in regards to current Town Bylaws.
 - KMV brought up the point that when these dwelling units in relation to the citizen petition zoning bylaw move from seasonal rentals to another category which may have tax implications and insurance implications: Does this change the status from residential to commercial?
 - How will this bylaw be numbered and where will it go within the current zoning bylaw?
- Questions for petitioners and citizens:
 - Within citizen petition "to ensure renters obey all enacted noise, parking, light and odor bylaws" does not reference exact bylaw. Very general and broad coverage of the specific bylaws and probably aren't enforceable. No mention of parking.
 - PK questions language in section where the petitioners state that this bylaw "does not apply" to Investment Rental Properties. The wording of the bylaw suggests that investment rental properties can rent 365 days a year and hold events as well. PK would like to review this with petitioners at the public hearing.
 - Board would like to go through definitions with petitioners at public hearing.
 - PK said that proposed definition within the citizens' petition for "Dwelling Unit" could be interpreted to enable the construction of mobile homes on buildable lots and the addition of mobile homes as Accessory Dwelling Units as long as they were being used as short-term rentals.
 - Board would like a clearer explanation of Secondary Dwelling Units and Investment Rental Property definitions from petitioners at public hearing.
 - If you purchase a house and do something with it for 30 days in the first year can it be used as a short-term rental from there on out after the first year?

3. Discuss and decide how Public Hearings on Citizen Petitions on April 23 will be handled.

- Steps: open hearing, explain purposes of hearing, citizens that prepare the petition have a period to represent their petition PB to ask questions, and then open to public comment. Public hearing is closed and then PB proceeds to their recommendations.
- Two public hearings in the same night: marijuana prohibition and then short-term rentals.
- PB can include recommendation within the warrant that is handed out prior to the Town Meeting.

4. Review Planning Board's Adult-Use Marijuana bylaw to ensure all final changes are incorporated. Discuss preparation for Town Meeting: who will present and what to hand out.

- Board reviewed one final time for preparation for Town meeting. Made slight grammatical change.
- TD recommends that PK present article at Town Meeting.

5. Review/refine Land Use draft focus areas prepared by Master Plan consultant after our first discussion.

- This agenda item will resume during the May 14th Planning Board meeting as well as the May 28th Planning Board meeting with Zach Feury from Berkshire Regional Planning Commission.

6. Identify member to handle any issues April 10-20, as chair will be out of town.

- KMV and TD will be point persons while PK is out of town.

7. Discuss agendas for meetings through May 14.

- Board discussed agenda items for upcoming meetings. Agendas will be posted before meetings at the Lenox Town Hall as well as on the Lenox Town website.

Meeting closed @ 8:18pm TD made motion and KMV seconded. Passed unanimously 3-0.