

Town of Lenox
Planning Board
Lenox Town Hall
June 11, 2019

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

Absent without Notification: Kameron Spaulding (KS)

About 30 citizens were present, along with Emily Thurlow of the Berkshire Record and Clarence Fanto, Berkshire Eagle.

Documents used at meeting:

- June 11 agenda

The Planning Board and Berkshire Eagle recorded the meeting.

PK opened the meeting at 6:10pm. The meeting was recorded by the Planning Board.

1. Dialog with stakeholders on Short-Term Rentals (75 minutes)

- Board stated that they want to hear from the stakeholders during this session on STRs.
- Stakeholder Comments: **Beth Tracy Gamble** present during meeting because she is vehemently against investment property. **Mary Jo Piretti** feels the PB has obligation to protect town meaning keeping residential zone a residential zone and not allowing commercial operations within residential zones. **Susan Foulds** present because concern with investment properties for whole house short term rentals. Concerned about entire homes within residential neighborhoods turning into STRs which may remove inventory for other home-owners. **David Fisher** is interested in the balance of single family homes in residential neighborhoods and the historic uses of them balanced against the tradition in town of summer rentals because of a shortage of accommodations in Lenox over time with the introduction of STR through online means and how that changes the historic relationship and what to do about it. **Steve Seltzer** (SS) loses sleep with concern about the Town. Is present because he is worried the town will lose the character of the downtown area. He worries if Lenox will be able to maintain its leadership within the County as being a unique and special destination area. **Tom Johnson** (Birchwood Inn) agrees with Steve Seltzer. Hopes to see the town committees and BOS come together and bring something to the townspeople that those committees and BOS believe is the right thing to bring to the town. Educate people before they get to the Town Meeting. **Debbie Lancaster** wants to see Lenox thrive but wants to be able to pay her bills and keep her employees and it is hard to compete with AirBnB during the off season. Wants commercial businesses to be protected. **Drew Davis** believes that in the summer time there is room for everyone but in winter not as many guests. The inns need to have a presence instead of competing with those people renting out their houses. **Christian Deckert** is present to bring ideas to the table to help talk through STRs. **Jeff Lynch** represents a number of innkeepers as well as is a property owner with two homes within Lenox. **Lauryl Franzoni** is present to have the conversations about how Lenox can keep

thriving. Interested in seeing the town grow and see the town find a middle ground on STRs.

- **Planning Board comments:** **JH** is a stakeholder as well as a member of the PB. He wants to see how best to harness the positive aspects of STRs in the context of all the things stated about Lenox while minimizing the negative aspects. He believes STR could allow someone with marginal income to keep their house or a first time homeowner can help keep their house. He sees the potential for abuse and we don't want "bad" neighbors. **TD** believes no one wants to see STRs becoming investment properties. Tom believes there needs to be regulation so there is no abuse. **KMV** agrees with Tom. **KMV** has researched STRs in different cities and there are cautionary tales and what is the long term responsibility for the PB and find the sweet spot to keep the small town character of Lenox. **PK** would like to work it out with stakeholders one step at a time. **PK** wants to pay particular attention that everyone is contributing and hearing from everyone.
- **KMV** thinks the PB needs to take note and not go to a Town Meeting where it is all over the map. The PB needs outreach to other committees in town so that the PB is prepared and all parties understand what is being presented during Town Meeting.
- **SS** asked those present "What is an investment property"? Stakeholders voiced what investment property means to them. The PB has determined that a definition of Investment Property may be a starting point. Jeffrey Lynch believes a special permit may give more input from neighbors and a special permit standard.
- The PB and stakeholders discussed that if STRs are through a Special Permit that there need to be certain criteria that should be met for that Special Permit.
- Stakeholders/PB comments: Investment Property, Long Term or Short Term (intensity of use), concerns of business viability, neighborhood character common concern, long term interest of the town, affordability in town, tax base for the town and how we use it, maintenance, enforceability, fire/safety.
- Stakeholders believe issues are with the Building Inspection department. And that PB should ask Town Counsel where the fire code and building code comes in with a change of use of a home.
- What can be controlled by zoning: STR of entire dwelling units, number of days or season, limiting number of days may get rid of investment properties because it may not make it viable for someone to buy a home that wants to rent it out long enough to make it worth my while, primary resident/owner, special permits or not, events (weddings), ADUs.
- For follow up:
 - One-page document to discuss policy questions on two previous STR bylaw proposes.
 - Jim to speak with Building Inspector in regards to STR
 - Pam to speak with the ZBA in regards to STRs and the ZBA's thoughts on what the bylaw may include such as special permits.
 - Survey/Questionnaire

2. Approve minutes for May 28, 2019 (10 minutes)

- Minutes were not available for approval.

3. Board business (30 minutes) a. Elect officers b. Update committee assignments c. Time permitting: Board and committee updates

- Board determined not to elect officers until full board is present for meeting.

4. Update on BRPC work on three bylaws (wireless overlay district / agricultural zoning / education & religious zoning (5 minutes)

- Zach Feury from BCRP has made progress on DLTA bylaws: wireless overlay district, agricultural zoning and education and religious zoning

TD asked board if Jim Biancolo and Mark Smith will be back in front of the board to discuss sign bylaws. Pam spoke with Jim and explained the time constraints on the PB given the other issues it is working on. Mark Smith stated that they will keep working on the sign bylaw and when the PB gets some bandwidth they will look at the proposed sign bylaw again.

5. Discuss agenda for next meeting June 25 (10 minutes)

- Board discussed possible agenda items for next meeting
 - What type of questions should be involved in questionnaire – ask those present at next meeting
 - Possible Direct Mailing to drive turnout to PB meetings
 - Next meeting in BOS room if possible.
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Meeting closed @ 8:30pm JH motioned and TD seconded. Passed unanimously 4-0.