

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

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

Absent without Notification: Kameron Spaulding (KS)

Documents used at meeting:

- July 9, 2019 agenda
- Form A submitted by Taconic Land Consultants for High Street
- June 25, 2019 Minutes for approval
- Calendar leading up to November 9 Special Town Meeting

PK opened the meeting at 6:00pm. The meeting was recorded by the Planning Board.

1. Review and vote to endorse Approval Not Required for High Street, applicant Richard Piretti. (20 minutes)

- Patrick McColgan representing the applicant, Richard Piretti.
- Repeat of ANR done in 2010 and the original got lost and was not recorded. Therefore Patrick is in front of the Planning Board again for a new signed plan for recording at the Registry of Deeds.
- Patrick discussed that property is located on High Street. Richard Piretti owns entire parcel and wants to split into four lots. The parcel is in R15 and requires 15,000 square feet and the frontage required is 85 feet. Each parcel meets these requirements.
- TD moves to endorse Form A as submitted and PK seconds. All in favor 4-0.

2. Approve minutes for June 25, 2019 (10 minutes)

- Board put hold on approval of minutes. KMV will send amends to Land Use Assistant for approval during next meeting.

3. Board business (20 minutes)

a. Elect officers, update committee assignments, add BRPC alternate

- Board discussed chairmanship. TD moves to keep “the slate the same” for the Planning Board. JH seconds. PK will stay the chair and TD will stay the vice chair. TD and KMV explained the different committee assignments which the PB is involved with. JH delegate to BRPC and PK the alternate to BRPC. PK delegate to Land Management Committee. TD delegate to Community Preservation Committee. KMV delegate to Affordable Housing Committee. All in favor 4-0.

4. Review calendar to November 9 Special Town Meeting (10 minutes)

- Board discussed and agreed to continue to work on STR bylaw for the November 9 Special Town Meeting.
- Board reviewed the calendar and PK let the Board know that warrant articles are due to BOS on September 10, 2019.

- Board determined that September 24, 2019 would be the target dates for Short-Term Rentals and/or any other bylaws that may be ready. This means all bylaw language must be finalized at August 27, 2019 meeting in order to meet Public Hearing posting deadlines.

5. Dialog with stakeholders on Short-Term Rentals (45 minutes)

- JH spoke with BJ Church (Building Commissioner) in regards to STRs current events, enforcement and if she would participate. She said she would participate in the meetings of the planning board. In regards to current events such as the Cliffwood property and another property on Under Mountain Road – both properties were going to pursue 30+ day rentals moving forward. BJ was receiving complaints about strange cars going up the driveways and she was in awkward position because she is not an investigator in regards to comes and goes at the property – could be family or friends. BJ recommended that Lenox focus on the zoning bylaw for STRs and not anything in regards to the building codes and keep it simple so that it is enforceable.
- KMV stated we need to be careful about tipping the use in a residential zone to commercial. “The tail wagging the dog” scenario.
- Beth Gamble stated she spoke to BJ Church that she had received letters about houses and Beth spoke to the ZBA during a meeting as well and the ZBA stated to Beth that “you need to be an abutter” to state a complaint about a STR.
- PK spoke with Robert Fuster of the ZBA regarding how the ZBA would feel about a Special Permit process for STRs and needs to follow up.
- Board has agreed that there needs to be an easy to understand bylaw that is able to be enforced.
- Board discussed how to measure intensity of use and to find a middle ground that is useful to those who have STRs but also keeps the character of the Lenox community.
- PK feels that bylaw from last STM that included a seasonal window generated controversy. Therefore seasonal may not be the way to go with the bylaw.
- Ted Silverman – thought that the PB had come to alignment to year round rentals and that we were past seasonality. Intensity – think about number of rental occasions and not days. Events – thought everyone was on the same page with “no events” at STRs.
- PB discussed “events” at STRs in regards to parties that may happen at STRs eg no weddings, no tents.
- JH suggested speaking with BJ Church to determine what existing ordinances come to bear when home owners are having a lot of people over their house – tents, different licenses.
- David Fisher – Board may want to consider events in regards to occupancy.
- Board has consensus on events but needs a few more details to add to bylaw.
- Board discussed where parking for STRs. Determined that parking with STRS must be in designated parking spaces, or in garages/driveway.
- Board discussed ADUs and how they may be used as STRs and that the homeowner can only rent either the ADU or the primary dwelling, but not both at the same time and that an ADU use could be short-term, long-term or a B&B. If a property has two units on it, those units can’t be rented concurrently.

6. Discuss agenda for next meeting, July 23 (15 minutes):

a. Status of proposed bylaw work for November Special Town Meeting

- PK let the PB know that the Historical Commission reached out because they are looking to write a demolition by delay bylaw and a demolition by neglect bylaw. Lucy Kennedy checking with Town Counsel to see if they can be general bylaws. The HC would like to come in front of PB to discuss bylaw they are proposing. Board said go ahead and plan this for our next meeting
- Reworking of educational/religious uses bylaw -- PK mentioned that Chabad of Berkshires is coming in front of the ZBA on July 17, 2019.

Meeting closed @ 8:08pm JH motioned and KMV seconded. Passed unanimously 4-0.