

Town of Lenox
Planning Board
Lenox Town Hall
August 13, 2019

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

Absent with Notification: Pam Kueber (PK)

Absent without Notification: Kameron Spaulding (KS)

Others Present: Evan, Berkshire Record

Documents used at meeting:

- August 13, 2019 agenda
- Calendar to Town Meeting
- July 23, 2019 Minutes for approval
- Short-Term Rental second draft bylaw

TD opened the meeting at 6:03pm. The meeting was recorded by the Planning Board and the Berkshire Record.

1. Approve minutes for July 23, 2019 (10minutes)

- KMV moves to accept July 23, 2019 minutes. JH seconds. All in favor 3-0.

2. Short-Term Rental roundtable discussion – discuss second-draft bylaw proposal; next steps (1 hour)

- PK worked on second draft and then JH reviewed and made comments that PK incorporated into the second draft.
- Board discussed fair housing in regards to discrimination to different groups of people with a STR.
- Beth Tracy Gamble believes the updated bylaw is clear and simple as it is now.
- TD made comments in regards to slight changes to the use table of the second draft.
- Beth Tracy Gamble asked what else is in the lodging establishments section of the use tables.
- Board discussed the use table with stakeholders and where the new STR use table lines would be added.
- Board discussed language around “events” within the proposed bylaw.
- Jeff Lynch brought up “glamping” and is someone who sets up a tent in their property is that a STR that is regulated? The board then discussed if a tent is considered a dwelling unit per the definition in the current zoning bylaws.
- Board needs to determine “general requirements” within the bylaw in regards to glamping, tents, RVs. Board needs to address the definition of “dwelling”.
- Beth Tracy Gamble pointed out conflict within the bylaw in regards to owner-occupied or non owner-occupied.
- Jeff Lynch believes there are too many goals stated within the bylaw. Board discussed how to change the goals to be more clear and understandable for explanation during the STM.

- Board and stakeholders discussed changes to verbiage within “Short-Term Rental second draft bylaw”
- KMV addressed the board in regards to the use table stating “by right” in all zones and remembers the board briefly discussing possibly “by right” for a certain number of days and then needing a special permit to go over said number of days. By obtaining a special permit for more days the applicant would then engage their neighbors. Board and stakeholders agreed that may be the right course of action.
- Board discussed possibly subscribing to Host Compliance again for data in regards to STRs.
- A stakeholder asked for more clarification of STR of rooms vs STR of whole house. TD explained STR of rooms is allowed all year round.
- Jeff Lynch argued against a high number of days for STR. Some of his clients (Inns/B&B) believe the number of days should be 14 days while other clients believe it should be no more than 60 days for a STR. Per Jeff Lynch, Inns/B&Bs occupancy is about 120 days, therefore giving STRs 120 days put them at the same level as Inn/B&B but STRs don’t have many regulations adhere to.
- Beth Tracy Gamble asked if there was some way to grandfather ADUs. Board discussed if it was possible to grandfather ADUs within the bylaw.
- Stakeholders and Board debated what the sweet spot is for the number of days. One stakeholder mentioned renting all days in July and August and then only weekends in a few other months as well as the Christmas and Thanksgiving weeks. This brings the number of days up to 95. Other stakeholders agreed that is a good number and that anything over the sweet spot would require a Special Permit.
- Beth Tracy Gamble asked about the electronic voting at the next town meeting. BTG believes that would help with the voting for STRs.

3. Review Calendar to Town Meeting

- Board reviewed next meet will be August 27, 2019.
- Board determined they can have an almost finalized bylaw for next meeting.
- Board discussed the number of days that would be allowed with a STRs in regards to steps within the bylaw. Possibly 90 days by right and over 90 days up to 120 would require a Special Permit.
- TD believes if someone is getting a Special Permit, he would be more liberal with the number of days within the Special Permit.

4. Review agenda for next meeting, August 27

- Discussed email from Lucy Kennedy from Historical Commission. Historical Commission would like to be added to the next meeting.
- KMV believes there is not enough time before the STM for the Historical Commission to get this bylaw together and get it passed at the STM.
- Board agreed to give the Historical Commission 30 minutes during the next meeting to give an update on proposed general bylaw.

Meeting closed @ 8:09pm JH motioned and KMVseconded. Passed unanimously 3-0.