

Town of Lenox
Planning Board
Lenox Town Hall
August 27, 2019

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

Absent without Notification: Kameron Spaulding (KS)

Others Present: Clarence Fanto, Berkshire Eagle

Documents used at meeting:

- August 27, 2019 agenda
- August 13, 2019 Minutes for approval
- Short-Term Rental second draft bylaw
- Commencement of use/Construction draft bylaw

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

1. Approve minutes for August 13, 2019

- Board decided to move minutes to the end of the meeting.

2. Continue Short-Term Rental discussion

- KMV reviewed her notes and suggested a simple statement for the “purpose” section of the bylaw; separate the definitions and the general standards within the bylaw.
- TD updated PK on the last meeting in regards to the number of days you can short term rent an entire dwelling unit. The board discussed up to 90 days by right and 91 to 120 by special permit.
- JH defended this time frame because 90 days covers what most people want to do with a short term rental and then if the STR needs more time then they must apply for a special permit up to 120 days.
- The board discussed the difference between “household” and how many dwelling units an individual/group owns and if all their properties have to adhere to the 90/120 days or each property can rent 90/120 days.
- Board clarified the difference between two units on one property and units on different properties and how that impacts STRs.
- Board discussed and made edits to their draft bylaw in regards to definitions and intensity.
- KMV stated she will hold strong in regards to ADUs (Accessory Dwelling Units) and why that bylaw was put into play to help with the housing stock in Lenox and she said she will hold strong on the purpose of the ADU; not for STRs.
- KMV asked the board if they want to open up this STR bylaw to ADUs. KMV doesn't want ADUs included. KMV demanded a straw vote of the board and in follow up discussion consensus was 3-1 in favor of including ADUs. JH believes that ADUs should be included in STR. TD sees both sides but leans more to including ADUs. PK believes the towns people would like to have flexibility on how to use their dwelling units and

thinks ADUs be used by STRs. PK acknowledges the requirements of the special permit to get an ADU.

- PK asked the audience for feedback on the meeting thus far and what the Board has agreed on in regards to days allowed, dwelling units, and ADUs.
- Dan 582 East Street – asked what ADU stands for. Also asked what is required for a Special Permit. PK explained what an ADU is as well as where a special permit is listed in the zoning bylaw and what the requirements are for gaining a Special Permit.
- Jeff Lynch – believes group will support the SP after the number of days and can get behind the idea of aggregation of multi dwelling units on one parcel of land. JL believes the number is too high at 120 days. Inn keepers will not support 90 days by right.
- MJ Piretti – against 90 days and detrimental to a neighborhood and spread through an entire year. MJP asked that a pre-existing non-conforming ADU doesn't have to make it official? MJP is against the ADU being used as a STR.
- Ted Silverman – current zoning bylaw allows 110 days for rooms in homes. TS gave the example of someone renting the month of July would be 31 days and that would still be considered a STR.
- Susan Foulds – asked if the state came up with the 31 days for STR does the town need to follow the same days. TD doesn't think that the town can get around the number of days what the definition is of a STR.
- Rebecca Brenner East Street – asked the board if the bylaw could be the number of turnovers and not days. PK and TD replied that the Board has discussed the difficulty to manage turnovers.
- Beth Tracy Gamble Tucker Street –BTG believes the number of days should be 75 days and then after 75 days you need a Special Permit.
- Lauren Peterson – thinks there will be confusion around the 110 days for rental of rooms and there will be sticking point.
- Marybeth Mitts Dunmore Court – supports 62 days and then up to 90 days by Special Permit.
- PK moved to go from 0 to 62 days by right and 63 to 90 days by Special Permit for entire dwelling units. KMV seconds. JH thinks 90 days to too low because there may be some people who live here need to rent their house to stay living in town.
- Board continued to discuss days allowed of a short term rental of a dwelling unit. PK asked the board to agree on a number that the Board will settle on for STRs. After discussion, board voted 4-0 to have bylaw state 1-75 days is by right and 76 to 110 days would require a special permit.
- Board discussed possible General Bylaw consisting of a STR registration. Board would like to ask the Board of Selectmen to construct a general bylaw for STR registration as well as a Noise Ordinance General Bylaw.
- Board worked through verbiage and organization of STR bylaw which will be inserted into complete zoning bylaw document as well as the presentation for the STM in November 2019.
- Board discussed verbiage to use for warrant article for new STR bylaw.
- KMV suggest going back to the simplicity of warrant article that the Town used to use for Town Meetings. KMV shared the warrant articles from the 2007 Town Meeting and

suggests keeping the warrant article simple and to the point so that voters can understand what they are voting on.

- PK moves to approve final policy proposal for STR zoning bylaw and acknowledging that PK and KMV will wordsmith bylaw by September 9. JH seconds. All in favor 4-0.
- PK moves to approve proposed location as discussed of the zoning bylaw, hold Public Hearing on September 24th and filing with BOS for warrant. JH seconds. All in favor 4-0.
- Planning Board will present to BOS on September 4th and will ask about the Noise Ordinance and Registration General Bylaw.

3. Discuss adding proposed bylaw “Commencement of Use or Construction” as required by state law adopted in 2016

- PK explained that if an applicant receives a special permit and doesn't start on construction within the two years of the SP and the bylaws change within the town then the applicant is held to the changes of the zoning bylaw.
- Board agreed to discuss during another PB meeting when there is more time available.

4. Confirm attendance at BRPC Third-Thursday dinner Aug. 29 on zoning for 5G and wireless infrastructure; provide the draft bylaw prepared for us by BRPC under FY20 DLTA grant for dinner attendees to pre-read and consider in advance of the dinner

- PK will attend Third-Thursday dinner.

Meeting closed @ 8:45pm PK motioned and KMVseconded. Passed unanimously 4-0.