

Town of Lenox
Planning Board
Lenox Town Hall
February 11, 2020

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

List of documents provided for this meeting:

- February 11, 2020 agenda
- January 14, 2020 and January 28th minutes for approval
- HPP recommendations re Inclusionary Development
- Draft Annual Town Meeting Report
- Draft Letter in support of CDBG application
- Update of Land Use priorities so far
- Remaining Land Use ideas yet to vet
- Going into Executive Session Guidelines

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

1. Approve minutes for Jan 14 and Jan 28

- KMV moves to accept January 14, 2020 minutes as amended. KS seconds. All in favor 5-0.
- KMV moves to accept January 28, 2020 minutes as amended. KS seconds. All in favor 5-0.

2. Debrief on Jan. 28 ZBA hearing on 114 Main Street project, including discussion of potential amendments to 9.8 Residential Inclusionary Zoning bylaw

- PK pointed out to the Board that Judy Barrett (consultant to the Planning Board) looked at the Housing Production Plan (HPP) and made five specific recommendations relative to improving section 9.8 of the Lenox ZBL, inclusionary development.
- KMV suggested having a meeting that is completely devoted to housing.
- TD recalls previous meetings in regards to section 9.8 of the Lenox ZBL in which Phil Heller was at the table discussing the bylaw and brought forth ideas and changes that would be good for the bylaw.
- JH asked the board that if the bylaw was clearer and better written would it have been upheld instead of waived with the application for 114 Main Street. JH believes it is clear in the language that the bylaw could have been upheld.
- KS believes to make the bylaw strong that the waiver should be removed.

3. Approval Annual Report to Town Meeting

- Board reviewed the final draft of the Annual Report to the Town Meeting.
- KMV will send grammatical and formatting updates to PK.

4. Review, amend, and vote to approve draft letter in support of Town's application for the 2020 Community Development Block Grant, to develop a joint housing rehabilitation program in the Towns of Lenox, Lee and Clarksburg, Mass.

- Board reviewed draft letter.
- KMV would like to review the numbers within the letter that Marybeth Mitts supplied PK for the draft letter.

5. Continue work on Master Plan Land Use Section

- The board continued working on the Land use section of the Master Plan and in this meeting completed selecting action items for Goal 3, Attract and retain young families, and Goal 4, Attract and retain businesses and help all businesses to thrive.

6. Executive Session: To discuss strategy with respect to litigation – Planning Board appeal to special permit granted for 114 Main Street, Lenox.

- TD recused himself, as he is an abutter to this project, and left the meeting.
- KMV moved to go into Executive Session to discuss strategy with respect to litigation – Planning Board appeal to special permit granted for 114 Main Street, Lenox, and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and not to reconvene in Open Session. Seconded by JH.
- Members of the Planning Board then discussed whether it was necessary or appropriate to go into an Executive Session, prior to a roll call vote.
- KS took the position that there is no existing litigation, and therefore no reason to go into Executive Session according to the precise description of reasons allowed for that purpose. He felt that the decision to file should be made in a public open meeting.
- Chair Kueber indicated that she had spoken to an attorney in the AG's office on the Open Meeting Law who had recommended an Executive Session for this discussion under purpose #3. KS also had spoken with the AG's office and received a different response.
- Members discussed JH's concern that making the decision in a public meeting could potentially be detrimental to or compromise any strategy the Board might take, or was necessary.
- PK said she felt comfortable, as chair, holding the discussion in Executive Session.
- PK declared that an open meeting may have a detrimental effect on the bargaining/litigating position of the body, and that the Board would not reconvene in public session.
- The Board then took a roll call vote on the decision to go into Executive Session: Voting YES: JH, KMV, PK; Voting NO: KS