

**Town of Lenox**

**Planning Board**

**Meeting Minutes**

**July 14, 2020**

**Planning Board Members Present:** Pam Kueber (PK), Tom Delasco (TD), Kate McNulty Vaughan (KMV), Jim Harwood (JH)

**Absent w. Notification:** Lauryn Franzoni

**Staff:** Gwen Miller, Land Use Director/Town Planner

**Others Present:** Linda Shafiroff (Creative Building Solutions), Patrick McColgan (Taconic Land Surveyors)

**Documents Provided in Advance:**

- Agenda for July 14<sup>th</sup>, 2020
- Bylaw amendments from Pam (agricultural amendments)

**1. Approve minutes of June 23, 2020 Meeting**

Minutes were not available.

**2. Discussion with Linda Shafiroff regarding her properties at Housatonic & Hynes Street**

Linda Shafiroff presented a proposed Approval Not Required (ANR) plan likely to be submitted to the Planning Board in the near-term future. She was joined by her surveyor, Patrick McColgan. Ms. Shafiroff explained that she and her business partner had purchased a cluster of homes (single family and duplexes) on Hynes Street and Housatonic Street. She is working with the Affordable Housing Trust to create affordable ownership opportunities in the future.

In some cases, there are multiple units on one parcel. She and her business partner hope to create new lots so that each building is in on an independent lot.

She has spoken to Mr. McColgan, GM, the Zoning Board of Appeals. GM has discussed with Town Counsel (Joel Bard of Kopelman and Paige). The Planning Board is allowed to endorse an ANR even though the lots won't meet today's zoning requirements so long as each new nonconforming parcel has an existing structure on it. A land court case in 2015 has made it clear that in order for the new lots to be created, the Zoning Board of Appeals must first grant variances for relief from the dimensional requirement. She and PM discussed M.G.L. Ch. 41, Section 81L. GM noted that Town Counsel had confirmed that the Planning Board could endorse the plan when it comes before the Board and the property owners would need to seek variances for dimensional relief from the ZBA.

Ms. Shafiroff indicated they would seek the variances from dimensional relief first and then submit the ANR to the PB.

Discussion ensued.

**3. Annual Reorganization of Board**

The newly elected member, Lauryn Franzoni, was unable to participate in the meeting. The group discussed who would like to be Chair. There was consensus that PK would remain Chair and provided an effective role to the Planning Board. Participation with other Boards as Planning Board “liaisons” would take place when all members were present.

**4. Agricultural Uses (Farm Stands, Backyard Chickens)**

PK had done additional work on the agricultural use’s language. She added a new “tier” of farm stands. The group discussed farm stands at length, along with the differences between exempt and non-exempt agricultural.

**5. Educational and Religious Uses**

PK had done additional work on the educational and religious uses section of the ZBL. She suggested to the group that they retain some level of review and maintain standards for these uses. These uses are allowed in residential zoning districts and without anything explicit in the Zoning Bylaw, they could be developed with little regulation. She noted what the Town is allowed to regulate via the ZBL for these uses and suggested the group amend the ZBL accordingly.

DRAFT