

Commonwealth of Massachusetts

BERKSHIRE, SS.

To One of the Constables of the Town of Lenox:

GREETING:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Lenox qualified to vote in town affairs, to meet in the

**Lenox Memorial Middle High School, located at 197 East Street
in said Lenox, on Thursday, November 1, 2018
at 7:00 o'clock p.m., then and there to act upon the following:**

ARTICLE 1. To see if the Town will vote to raise and appropriate or otherwise provide, the sum of \$1,683,205.23, or any other sum, for capital expenditures in the Department of Public Works; and, further, to provide for said appropriations, to transfer the following sums:

- 1. \$950,000 from Free Cash as certified on July 1, 2018**
- 2. \$700,000 from Retained Earnings in the Water Enterprise Fund as certified on July 1, 2018**
- 3. Unencumbered balance of \$33,205.23 appropriated and borrowed under Article 17 of the May 5, 2016 Annual Town Meeting warrant, in accordance with Chapter 44, Section 20 of the General Laws and which balance is no longer needed to complete the project for which it was initially borrowed; or take any other action in relation thereto.**

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE**

ARTICLE 2. To see if the Town will vote to raise and appropriate or otherwise provide, the sum of \$30,000, or any other sum, to the Permanent Building Committee for planning, design and consultant expenses related to facilities for Police, Fire and Ambulance operations; or take any other action in relation thereto.

**APPROVED BY BOARD OF SELECTMEN
APPROVED BY FINANCE COMMITTEE**

ARTICLE 3. To see if the Town will vote to authorize the Board of Selectmen to accept a gift of land located at 179 Housatonic Street and to authorize the Board of Selectmen to execute such documents and instruments or take any action needed to effectuate the vote taken hereunder, upon such terms and conditions as the Board of Selectmen may deem appropriate; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

ARTICLE 4. To see if the Town will vote to amend the Zoning Bylaw so that multifamily dwellings are allowed By-Right in the Commercial "C" district in Lenox Village and Lenox Dale, and by Special Permit in the C-1A zoning districts along Route 7 by amending Section 5.2, "Schedule of Uses", and amending Section 9.1, "Multifamily and Townhouse Buildings" with a new subsection, 9.1.5, "By Right Provision" that will allow properties unable to comply with existing standards to seek relief through a Special Permit from the Zoning Board of Appeals, as exhibited through the proposed bylaw on file with the Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 5. To see if the Town will vote to amend the Zoning Bylaw so that there is no longer a minimum square foot area for multi-family dwelling units by deleting the definition of Apartment in Section 4, "Definitions", as exhibited through the proposed bylaw on file with the Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 6. To see if the Town will vote to amend the Zoning Bylaw so that two-family (duplex) dwellings have no minimum square foot area by revising Section 9.1.4, "Dwelling, Two Family (Duplex)" of the Zoning Bylaw so that the size requirement is stricken, as exhibited through the proposed bylaw on file with the Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 7. To see if the Town will vote to amend the Zoning Bylaw so that minimum area requirements for dwelling units and lot sizes are removed from Section 9.5, "Mixed Use Development", as exhibited through the proposed bylaw on file with the Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 8. To see if the Town will vote to amend the Zoning Bylaw so that the minimum area requirement for a dwelling unit is removed from Section 9.6.1, "Conversion of an Existing Dwelling"; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 9. To see if the Town will vote to amend the Zoning Bylaw so as to allow marijuana establishments along the Route 7/20 corridor and in the Lenox Dale "Industrial" district by inserting adult marijuana uses into Section 5.2, "Schedule of Uses", and deleting the existing Section 8.13, "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana", of the Zoning Bylaw, and inserting a new section 8.13, "Adult Use of Marijuana (Non-Medical)", which will require Site Plan Approval by the Zoning Board of Appeals for all adult marijuana uses except for Retail, which will require a Special Permit, as exhibited through the proposed bylaw on file with the Lenox Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 10. To see if the Town will vote to extend the time frame of the "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana" in existing Section 8.13, so that the moratorium will remain in effect through June 30th, 2019; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 11. To see if the Town will vote to accept a local option tax on marijuana sales; or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

ARTICLE 12. To see if the Town will vote to adopt a general bylaw requiring the inspection and registration of all Short-Term Rentals in Lenox, as exhibited through the proposed bylaw on file with the Lenox Town Clerk; or take any other action in relation thereto.

APPROVED BY PLANNING BOARD

ARTICLE 13. To see if the Town will vote to amend the Zoning Bylaw so as to regulate the Short-Term Rental of Rooms and the Short Term Rental of Entire Dwellings by deleting existing Section 8.8.1, inserting new definitions in alphabetical order into Section 4, "Definitions" of the existing Zoning Bylaw, and inserting two new subsections into Section 9, "Special Residential Regulations" of the existing Zoning Bylaw, as exhibited through the proposed bylaw on file with the Lenox Town Clerk; or take any other action in relation thereto.
(2/3 vote required)

APPROVED BY PLANNING BOARD

ARTICLE 14. To see if the Town will vote to accept a local option tax on short-term rental occupancy; or take any other action in relation thereto.

NOTE: As of the approval date of the Warrant for this Town Meeting, enabling legislation authorizing this local option remains pending before the Massachusetts General Court. Action on Article 14 will only be taken in the event that legislation currently pending becomes law.

APPROVED BY BOARD OF SELECTMEN

ARTICLE 15. To see if the Town will vote to amend CHAPTER IX, FINANCIAL AFFAIRS Section 6 Departmental Revolving Funds of the Town Bylaws by adding a new subsection 5.3, as follows:

5.3 Land Use Permitting Revolving Fund.

5.3.1 Fund Name. There shall be a separate fund called the Land Use Permitting Revolving Fund authorized for use by the Land Use Department.

5.3.2 Revenues. The town accountant shall establish the Land Use Permitting Revolving Fund as a separate account and credit to the fund all of the funds collected for Planning Board, Zoning Board of Appeals and Conservation Commission fees, charges or other receipts to be credited to the fund charged and received by the Land Use Department in connection with the Planning Board, Zoning Board of Appeals and Conservation Commission.

5.3.3 Purposes and Expenditures. During each fiscal year, the Land Use Department may incur liabilities against and spend monies from the Land Use Permitting Revolving Fund for advertising, document production, consultations and other costs incidental to the permitting processes of the Planning Board, Zoning Board of Appeals and Conservation Commission.

5.3.4 Fiscal Years. The Land Use Permitting Revolving Fund shall operate for fiscal years that begin on or after July 1, 2019.

Or take any other action in relation thereto.

APPROVED BY BOARD OF SELECTMEN

And you are directed to serve this warrant by posting an attested copy of the warrant therefore in three public places in the Town not less than fourteen days before the meeting.

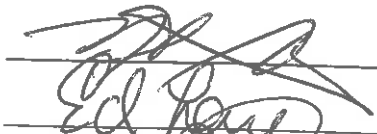
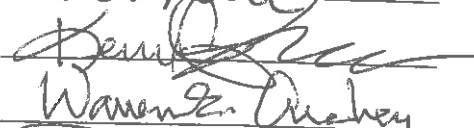

Hereof fail not and make due return of this warrant with your doings thereon to the Town Clerk or the Selectmen, at the time and place of said meeting.

Given under our hand the 17th day of October in the year of Our Lord Two Thousand and Eighteen.

Signed

A true copy, ATTEST:

Constable of Lenox.


Ed. Rowe

Henry Z. Ashley

S. D. Cook
Selectmen of Lenox