

## Town of Lenox

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### Planning Board

#### Minutes

April 11, 2017

**Members in attendance:** Chairman Kameron Spaulding (KS), Pam Keuber (PK), Deborah Rimmler (DR), Tom Delasco (TD), Kate McNulty-Vaughan (KMV), BoS Liaison Ken Fowler (KF)

**Staff present:** Gwen Miller, Land Use Director/Town Planner (GM)

**Members of the public:** Jason Berger, Jan and Tom Durfee

#### Public Hearing for Proposed Zoning Bylaw Amendments

KS walked the Planning Board and residents through the proposed Zoning Bylaw changes, summarizing the intent and scope of the proposed amendments. These amendments included:

- Amendments to the Lenox Dale zoning district boundaries;
- Clarifying language and making Zoning Bylaw sections consistent between each other;
- Removing regulations from Definitions and placing them in pertinent sections or creating new sections of regulations;
- Removing minimum parking and loading requirements from Section 7.1 of the Zoning Bylaw;
- Removing footnotes from the Table of Dimensional Requirements and creating a special section for these regulations;
- Clarifying the number of feet and stories a building may be in special districts as regulated in the Table of Dimensional Requirements

In regards to the parking bylaw amendment, Mr. Berger cited concern with allowing new restaurants to open without providing additional parking. He explained Lenox faces a lack of available parking spaces nearby to his existing restaurants in the summer, and that he and his staff have to deal with non-customers using their restaurant parking. He expressed strong concern that by removing parking requirements for restaurants and other places of assembly, the Town would be placing the burden of creating more parking and parking enforcement on individual business owners.

The Planning Board discussed this subject at length. DR felt that it would be imprudent to change the proposed amendment in reaction to one voice from the business community, especially as the one stakeholder had a vested interest in protecting his existing businesses from new, competing businesses; KS did dispute parking being a problem or challenge; TD, PK and KMV felt that Mr. Berger had identified a true challenge w/ the proposed amendment and felt that it would be a reasonable exclusion from the proposed exemption if restaurants and other places of general assembly. They noted that with a high number of new hotel rooms opening, there may be more visitors to the village center, placing increased pressure on the existing parking resources in the village center.

The Planning Board voted 3-2 to revise the proposed amendment so as to exclude restaurants and other places of public assembly from the Commercial “C” parking and loading requirement exemption. DR and KS voted no; KMV, PK and TD voted to approve the amendment and it carried.

The Durfees were present, and indicated they were supportive of the proposed boundary changes to the zoning districts in Lenox Dale.

### **Zoning for Medical and /or Recreational Marijuana**

KS explained to the Planning Board that a medicinal marijuana business was interested in locating an RMD (Registered Marijuana Dispensary) in Lenox. He explained that it would help them and the town if the Zoning Bylaw had clear guidelines about where the RMD could be sited. He noted the state has many regulations for RMDs, and that the locality can only regulate specific aspects of an RMD—location, hours of operation, and landscaping.

The proposed bylaw discussed at this meeting allowed for an RMD to open in all Commercial zoning districts and the Industrial zoning district.

In addition to the RMD bylaw regulations, KS shared a proposed zoning moratorium for recreational marijuana sales. He noted the state had voted to approve recreational cultivation and sales in the November 2016 ballot, and the state is now refining the regulations. A recreational moratorium would allow the Planning Board time to consider where they’d like to allow the sale of recreational marijuana products. KS explained that the Board would hold a Public Hearing on April 25<sup>th</sup> at 6:00 p.m. to accept public comments and answer questions.