

**Town of Lenox  
Zoning Board of Appeals  
August 12, 2020  
7:00 p.m.  
Roche Reading Park**

**Members Present:** Albert Harper (AH), Robert Fuster (RF), Cliff Snyder (CS), Shawn Leary Considine (SLC), Clayton Hambrick (CH)

**Staff:** Jes Cote (JC), Land Use Assistant

RF called the meeting to order at 7:01pm

**55 Pittsfield Road, Special Permit and Site Plan Review hearing for an Adult Use Retail Marijuana Retail Establishment**

- Before Chair opened the hearing for 55 Pittsfield Road, he noted that an abutter did not get proper notice. The abutter, Larry Lane & Susan Lyman at 91 Pittsfield Road did not receive notice of the meeting. The address in which the notice was sent to the abutter at 91 Pittsfield Road was incorrect in the assessor database therefore they did not receive the notice. The abutters stated that they do not have an objection of tonight's meeting going forward.
- JC noted that she will notify the assessor that the address listed was in correct. Abutter provided correct address to JC, which should be 28 Schermerhorn Park.
- Donna Pignatelli, 4 Spruce Trail, stated that she did not receive any notice in regards to this hearing.
- SLC suggests that if this hearing is continued to send notice to abutter before the continuance of this hearing.
- RF asked JC about when notices were sent out. JC verified that notices were in fact sent on March 11 prior to when the initial hearing was scheduled.
- Paul Buckanavage, 17 Evergreen trail - also stated they did not receive the notice.
- Andrew Hochberg, attorney for the petitioner, addressed the issue of notice for some abutter not receiving anything in the mail. He would move forward if the abutter are ok with proceeding.
- RF asked the board if they want to proceed.
- AH realizes that this has been hard to schedule however he thinks that we should postpone hearing in regards to everyone receiving notice.
- SLC thought it should go forward however because it seems like one whole street did not receive notice. She agrees with AH that the meeting should be continued until all abutters can be properly noticed. SLC would like to address a couple questions to the petitioner so that they can answer when the hearing is continued. would like to have a few questions
- CH agrees that we should continue until everyone is properly noticed.

- CS is concerned who has and has not been noticed. And he believes it should be continued.
- New notice will be sent to abutters.
- The Board voted to have the hearing continued to September 2nd at 6:30pm behind Lenox Community Center for a vote of 5-0.
- Board members let the petitioner know some issues that need to be addressed at the next meeting.
- SLC would like the petitioner to address the traffic within the parking area in regards to drive up pickup service.
- RF would like the petitioner to address a more concrete version of parking and traffic flow with in the parking lot. Another concern in regards to doors and how people will flow in and out of the building and what entrances and exits will be utilized.
- CS question in regards to parking lot structure and make changes. Concern with drive up delivery and how traffic flow will work.
- Petitioner stated that they will address all these questions at the continued hearing September 2nd.

#### **Approval of Minutes (July 20, July 22, July 29, August 3<sup>rd</sup>)**

- Minutes were unavailable at time of meeting.

#### **Executive Session – To discuss strategy with respect to ongoing litigation (114 Main Street)**

- RF declared that an open meeting may have a detrimental effect on the ongoing litigation and that 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: AH, SLC, RF, CH, CS