

Zoning Board of Appeals Minutes, 05/18/2016

**Lenox Zoning Board of Appeals
Minutes
May 18, 2016
Landuse Meeting Room**

Members present: Ethan Berg, (EB); Shawn Leary Considine, (SLC); Robert Fuster Jr. (RFjr); Clayton Hambrick, (CH); Robert Fuster, RF
Absent with notification: Clifford Snyder, (CS); Ned Douglas, (ND)
Staff present: Gwen Miller, Land Use Director/Town Planner (GM) and Peggy Ammendola, (PA)

Matthew Keator, 27 Undermountain Road (Map 10, Parcel 6), Variance from Section 4.1.1 "Table of Dimensional Requirements" to renovate the third floor of an existing single family residence to install a new bathroom.

Due to miscommunication, Thomas Drain, contractor for the Keators, was not present. Mr. Drain was contacted and it was agreed that he could be present at the next ZBA meeting. EB made a motion to reschedule the hearing for June 1, 2016 at 7:00 PM. RFjr seconded the motion and the Board voted to agree 5-0.

TIF and STA-Policy Proposal Discussion-GM provided handouts which detailed TIF and STA and an overview of both. Through the state the town can enter into an agreement with a developer to get a local tax exemption thru a TIF which is Tax Increment Financing or a STA which is Special Tax Assessment.

With a TIF, a developer who invests into an existing property to open a business would end up paying only a certain percentage of tax on the difference in the existing value and the value plus the developer's investment in increments. The town can make an agreement for 10 years where the developer pays 10 percent in the tax increment, eventually recapturing 100% of the full value of the taxes.

With a STA, the developer could get up to the first two years where they don't have to pay anything on the real prop value.

GM told the Board that the Town of Lenox entered into a TIF with the Allegrone building on Pittsfield Road and was approved at the 2010 Annual Town Meeting. Joe Toole of the Marriott, Mahida Family (Magnuson/Lenox Manor) and Morrison Home Improvement have approached the Town for the same. Over the years the state program has made it easier so that anyone can say that they are expanding business and apply.

Either TIFs or STAs must be approved by Town Meeting and milestones are set in the agreements. Reports are given annually, e.g., number of new employees, etc. and if not met, the state can de-certify the project, revoke, and the recipients may be required to pay back the tax relief.

The Board of Selectmen wants to set a policy procedure to review each proposal which would limit it to 5 years and with set percentages and are asking if the ZBA wanted to know in advance of granting a Special Permit if the applicant would be requesting a TIF or STA. Discussion ensued and it was the consensus of the Board that they would prefer that an applicant make their intentions known as a part of their request for a Special Permit and the level of their request. The applicant should be required to give their reasoning behind their request and substantiate their need.

Minutes: *March 16, 2016*-(Due to a lack of a quorum, these minutes have been tabled in the past.) SLC made a motion to invoke the Rule of Necessity. RFjr seconded the motion. The Board voted to approve 5-0. SLC made a motion to approve the minutes and RFjr seconded the motion. The Board voted to approve 5-0.

EB made a motion to approve the following:

*April 6, 2016
April 20, 2016
April 27, 2016*

RFjr seconded the motion and the Board voted to approve 5-0.

Executive Session-The Board entered into executive session to discuss strategy with respect to ongoing litigation regarding Elm Court.

Respectfully submitted,
Peggy Ammendola