

## Planning Board Minutes, 11/07/17

**DRAFT FOR APPROVAL**  
**Town of Lenox**  
**Planning Board**  
**Land Use Meeting Room**  
**November 7, 2017**

**Members present:** Chair Pam Kueber, (PK); Kameron Spaulding, (KS); Kate McNulty-Vaughan, (KMV); Deborah Rimmmler, (DR); Tom Delasco, (TD)

**Staff present:** Gwen Miller, Land Use Director, (GM); Peggy Ammendola, Land Use Clerk, (PA)

**Also present were the following:**

David Ward, Matt Ward, and Jim Scalise of SK Design for Stone Path; Clarence Fanto of the Berkshire Eagle (He recorded the meeting.); Selectman Ken Fowler; and Mark Smith of Mark Smith Design. Representing Birchwood Village were Attorney John Gobel of Gobel and Hollister; Mark Kulig of Berkshire Engineering and Linda Miller, resident and board member of Birchwood Village.

The meeting was called to order at 6:00 PM.

**Documents provided for this meeting:**

- Hearing Notice
- Notes for 241 Walker Street
- Peer Review of Scope of Services and Fee Estimate
- Department of Public Works (DPW) Recommendations
- Minutes of October 24, 2017

**Stone Path Development, Inc. for the property at 241 Walker Street (Map 8, Parcel 1 and Map 8, Parcel 6-1)**

The Notice was read into the record:

*Notice is hereby given that the Lenox Planning Board will hear the Application of Stone Path Development, Inc. for the property at 241 Walker Street (Map 8, Parcel 1 and Map 8, Parcel 6-1) in the Residential "R-1A" zoning district, at 6:00 p.m. on November 7<sup>th</sup>, 2017 at Lenox Town Hall. The Applicant seeks to develop nine (9) single family homes on 9.5 acres under Sections 3.4 and 9.7 of the Lenox Zoning Bylaw: "Special Permits" and "Open Space Flexible Development". The Application and supporting materials are available for review at the office of Town Clerk in Lenox Town Hall between the hours of 8:30 AM and 4:00 PM and on the Town website 24/7.*

**Disclosures:**

KS said that he filed a disclosure form earlier in the week as LD Builders (Dave and Matt Ward) is a member of the Chamber of Commerce. KS is the Director of the Chamber

KMV said that she will file a disclosure as she is an officer of the Lenox Land Trust which has oversight of one of the Ward's properties.

**Presentation:**

Mr. Scalise said that he received the document from the DPW a few days ago and has reviewed it, but he just received the other three documents late this afternoon and hasn't had time to review. He also noted that he has had some interaction with Birchwood Village, abutters to the subject property, through their representative Mike Kulig.

The site consists of 9.5 acres. Mr. Scalise reviewed with the Board the plans, starting with the "Existing Conditions Plan". The proposal is for 9 condominium units, ranch style with two levels. (Not two story.) The first floor is 2100 square feet with 3 bedrooms, two baths, kitchen, open area and a mudroom off from the garage. Some will have walkout basements and others will have conventional basements. They will have a covered deck and enclosed screen porch. Looking at the homes from the rear will appear to be two stories. There is room in the basement for 2 bedrooms and another bath. Each unit will be constructed with a 2 car garage and have additional space for two more cars. It is expected that these will be second homes.

He explained that one arrives at density by starting with a yield plan which shows what a conventional subdivision would look like. Eight units would fit on a preliminary subdivision layout respecting wetland resource areas, but under this section of the bylaw as open space increases, one additional unit can be requested. The homes will be on a cul-de-sac. Mr. Scalise said that they have a building permit for a single building and construction has started.

There was discussion regarding the facades. Some Board members mentioned that they preferred that they buildings not look exactly alike. Mr. Scalise will take that under consideration.

The most clearing on the property is where there is a stockpile of soil and tree stumps which is to be removed. The application proposes 45% of open space. The applicant prefers a conservation easement rather than a conservation restriction which will be for passive recreation and pedestrian access. There is a 100 foot setback from residential areas and 50 feet from the open space.

The access road will be 22 feet wide and will be low impact with a minimum amount of curb and no sidewalk.

With this development there will be a very low volume of traffic. It is one lot, not a subdivision. There will be no lighting other than yard lights that will be mounted on posts.

Mr. Scalise said that they would be seeking waivers and briefly reviewed them.

Based on comments received from the Board, DPW and peer review, Mr. Scalise will be revising the plans.

GM asked Mr. Scalise to explain the difference between a Conservation Restriction (CR) and a Conservation Easement (CE). Mr. Scalise said that a CR has to go through the legislature which is a laborious process for a project of this scale. Neither of the two expires. It would be a recorded easement in the deed.

Discussion ensued regarding sidewalks. Mr. Scalise felt that it was counter intuitive to have as they are trying to reduce impervious areas. GM asked that in sequencing this project with the Town's project of improving Walker St., that there be road signage and road markings to warn drivers of biking and walking activity. The Town's Open Space and Recreation Plan recommends sidewalks.

The Board discussed the difference in a "yield plan", versus a "buildable plan". Mr. Scalise said that the yield plan is not practical. KS stated that the yield plan is primarily a "math question" which is to determine how the property can be divided based on frontage and acreage.

The Board posed questions regarding the wetlands. Mr. Scalise said that a previous owner did some excavation work on the property which created low lying areas that now have wetland vegetation. He said that the property does not border on a river, pond, lake or stream so it is not protected under the Massachusetts Wetland Protection Act (WPA). It is protected under the federal WPA, but that law allows alteration of up to 5,000 square feet of wetlands without permit requirements. The proposal with this project is less than 5,000 square feet.

Mr. Scalise discussed the concerns of Birchwood Village and Mr. Kulig with regards to stormwater and it flow into low lying area. On the current topographical map, the outlet is going to the northeast. Mr. Scalise will survey the Birchwood property and revisit the design with the idea to relocate the outlet more to the northwest. The stormwater plan will be revised. PK asked that the minutes include that additional documents identified as Figure 7, 8, and 9 were provided. Mr. Scalise will bring a color aerial to the next meeting.

KS commented there hasn't been enough time for the Board or Mr. Scalise to review the peer review comments and the Conservation Commission hasn't made their final decision. He added that Mr. Scalise has indicated that he will be making changes to the plans, so he felt that it isn't practical to spend much more time on making judgements on the plans presented tonight. Mr. Scalise advised the Board that the Conservation Commission's regulations stipulate that he goes before all other boards first, and that it is not uncommon for this Board to make a decision in advance of the Conservation Commission.

DR asked that Mr. Scalise to focus more on open space and provide a development plan. He agreed.

PK had a concern that the buildings would look the same and that this be reconsidered. Mr. Scalise agreed to look into differentiating the façades.

Attorney Goebel said that this project is located in close proximity of Birchwood Village which consists of 42 homes. A lot of water drains off of the subject property down to their development. He said that he has discussed solutions with both Mr. Scalise and Mr. Kulig so that the drainage can be directed so that it doesn't impact Birchwood. He stated that the developer is working with him to accommodate their requests and he is hopeful that this will continue.

Linda Miller said that there is a history of run-off and the flooding of basements in Birchwood. Some of the unit owners have put in French drains around the perimeter of their homes to help. She said that they welcome the development, but do not want it to adversely affect them.

It was agreed to continue the hearing and to have a site visit. The site visit will be on November 17<sup>th</sup> at 2:00 PM. The continued hearing will be on November 21<sup>st</sup> at 6:30 PM.

KS made a motion to continue to November 17<sup>th</sup> at 2:00 PM and TD seconded the motion. The Board voted to agree 5-0.

The Board and Mr. Scalise discussed the placement of stakes for the site visit.

The Board will submit any questions to GM who will then submit to Mr. Scalise prior to the next meeting.

Respectfully submitted,  
Peggy Ammendola