

**Lenox Zoning Board of Appeals
Meeting Minutes
March 4, 2020
Land Use Meeting Room**

Members present: Robert Fuster Jr. (RFJr); Albert harper (AH); Shawn Leary Considine (SLC); Clayton Hambrick (CH); Cliff Snyder (CS); Ned Douglas (ND)

Staff Present: Town Planner, Gwen Miller (GM); Land Use Assistant, Jessica Cote (JC)

Other Members of Public: Clarence Fanto, Berkshire Eagle

RF opened the meeting at 7:00pm. The meeting was recorded by the ZBA as well as Clarence Fanto.

7:00 PM 29 Kemble Street (Map 42, Parcel 40) Special Permit (Section 8.4.4(2) of the Lenox Zoning Bylaw), to allow for an additional 35 days of Short-Term Rentals.

- Gregg Carlo, owner of 29 Kemble Street, presented petition and the need for an extension of 35 days.
- Purchased home in October 2019. Wanted to have a home back where he had been from
- Home was run as a short-term rental before purchase. Liked to opportunity to help cover cost to have a home back where Gregg is from.
- Reached out to neighbors to let them know about this petition for the extension.
- RFJr asked why the need to additional days. Number coincides with the mortgage.
- AH asked if he would actually need the additional days. Gregg responded that the previous owner shared data from when it was an STR and that he would need the additional days. AH followed up when he would become a resident of Lenox.
- SLC stated that the Planning Board provided a letter to restrict the Special Permit to the owner/petitioner and not the property.
- Pam Keuber, Greenwood Ave and chair of the Planning Board, explained that once the Special Permit is issued it is for the life of the resident and that the resident does not have to come in each year and reapply for the Special Permit.
- RFJr read the correspondence into the record from the Planning Board.
- AH shared his frustration with the correspondence and that the Planning Board can't come back at a later date and modify the bylaw.
- SLC believes the board has the latitude to restrict Special Permit to the owner. SLC asked GM and GM responded that the Board can restrict to just the owner.
- RFJr asked if the petitioner would like to address section 3.4.2 at this time as to why they meet the criteria of a SP. The petitioner agreed to address tonight and explained to the board each subsection of 3.4.2.
- Public Comment: MaryBeth Mitts, Galway Court, does not agree with extension because the site of that house could have been for a smaller family and be owner occupied to bring a young family to town.
- Kameron Spaulding, Walker Street, believes 3.4.2 has not been met and that the board should not except a quick answer from the applicant with an explanation of each subset of that bylaw.
- Board discussed that the applicant should require more detail as to why they deserve the special permit. SLC agrees that there should be more detail as to why there should be an issuance.
- Kate McNaulty-Vaughn reiterated the reasons the planning board suggests applying the SP to the applicant and not the property. Recommends that the applicant come back with a more robust presentation.

- KS asked the Board that without written documentation how does the applicant explain parking and loading. There are many unanswered questions. KS went on to keep asking the Board that this bylaw has not been addressed by the applicant.
- Board does not need a site visit.
- Applicant would like to continue the hearing to supply supplemental information.
- AH moves to continue the hearing until April 1, 2020 @ 7:00pm. ND seconds. All in favor 5-0.

7:00 PM 130 Cliffwood Street (Map 17, Parcel 1) Special Permit (Section 5.3.5 of the Lenox Zoning Bylaw), is to allow for renovations of a single-family dwelling that include a new garage and an addition to the existing structure which will increase the non-conformity.

- Jeffrey Lynch's, attorney for the applicants, presented the plans. Mark Smith, architect of the plans, also presented.
- The parcel has a single-family residence on interior lot which is 400 feet from road. Attorney Lynch stated the closest neighbor is 200 feet.
- The lot is roughly 35,000 square feet, non-conforming lot. The dwelling unit on the lot is also non-comforting.
- Applicant would like to renovate home with two car garage and structure additions that expand footprint. New non conformities will occur with additions.
- Attorney Lynch explained the renovation and the new setbacks if the permit is granted and the additions are built. He also reviewed the sections of 3.4.2 of the ZBL and how the petition meets all those requirements.
- RFJr read the correspondence into the record from an abutter with concerns about drainage and lighting.
- David Lane, 126 Cliffwood, closest neighbor to the project spoke in favor of the project.
- Board agreed no need for site visit.
- Board asked petitioner if they would agree to conditions that both drainage and flood lights would be directed away from neighboring houses. By counsel, petitioner agreed to these conditions.
- AH moved to adjourn public comment, ND seconds. All in favor 5-0.
- AH moves to grant petition as written. SLC seconds. All in favor 5-0.
- RFJr moves to include conditions that were already agreed to during hearing. All in favor 5-0.

7:00 PM 35 Walker Street (Map 43, Parcel 163) Special Permit (Section 8.8.2 of the Lenox Zoning Bylaw), to allow for a Bed & Breakfast Inn with lodging for up to 20 guests with 10 rooms.

- CS, CH, SLC, RFJr, ND sitting for hearing. AH has recused himself.
- Stephen Narey, attorney for petitioner, presented the change of use back to a bed and breakfast.
- Maureen Corcoran currently has a purchase and sale agreement with the owner, Mr/Mrs Dakin, with hopes to restore property back to a bed and breakfast.
- Currently there is an easement for a driveway through the back of the parcel and those easements will continue to be obeyed for the abutters.
- The B&B will have an accessible unit on the first floor with 10 total rooms and 10 parking spots.
- CS asked if breakfasts would be just to guests. At this time would be only guests but, in the future, petitioner would like to serve on a smaller scale to the public.
- SLC asked if the petitioner meets all 8.8.2 requirements
- Attorney went through each section of the bylaw with explanation of how the petitioner meets all requirements.

- Petitioner would live in the carriage barn with owner on site of the B&B.
- RFJr read the correspondence into the record from Janet Pumphrey, an abutter to the property.
- SLC asked if the petitioner would accept all the conditions that were proposed by an abutter through correspondence. Petitioner agreed to all conditions.
- Public Comment; Mary Jo Piretti, represents the seller of property. She is in favor of this change of use back to a B&B.
- Board stated no need for site visit.
- SLC moves to grant petition and CS seconds with conditions. All in favor 5-0.

7:00 PM 16 Blantyre Road (Map 4, Parcel 75) Special Permit (Section 8.9 of the Lenox Zoning Bylaw), to allow for the redevelopment, preservation and protection of an Estate Preservation-qualifying building, open space and settings associated with such building. The proposed project will include a new 45-room hotel building, 20 townhouses, relocation of the spa facilities and 14 new building lots. RF opened the meeting at 7:45pm.

- Syd Smythers representing Blantyre Hotel Ventures, LLC. Syd introduced Linda Law, the owner of the property.
- Linda explained her love for Blantyre and gave her history with Blantyre.
- Linda spoke to the vision of Blantyre for the future and that the hotel needs to enlarge. Currently only 24 rooms.
- She wants to create a thriving community at Blantyre.
- Must expand to attract different market segments to survive.
- Steve Mack from Foresight Land Services. Steve Mack explained property, 109 acres. Foresight Land Services has been working on this property for 40 years.
- Steve explained the property including resource areas.
- Proposal of additional guest rooms, 14 single family residences, 20 townhouse units, valet parking.
- New access roadway: meet subdivision standards for grades and turning radius, including 2 one-way village greens, 20' wide road.
- Townhouses and residences will be provided with garages parking at each house.
- Site has existing private utilities (electric, telephone, cable). Served by natural gas, municipal water and sewer from town.
- Town requested new water main be installed from walker street to Blantyre, new water meter pit will be installed.
- Sewer at adequate capacity.
- Meeting MA storm water standards.
- Steve states that there are no negative environmental impacts as a result of the proposal.
- Ann McCullum, architect for the project, shared architectural details of the proposed project of the new hotel rooms/spa/single-family residence/townhouses/gallery/museum.
- AH asked about the single family residences.
- Traffic study report shows an increase of 61 vehicles trips during afternoon commuting peak time (Blantyre road and route 20). Less than a 5% increase.
- One safety concern at the Blantyre/Route 20/Plunkett location.
- Syd concluded and reiterated 3.4.2 and why this meets a SP as well as the estate preservation bylaw of 8.9.
- Syd addressed section 9.8 Inclusionary Development of the Zoning Bylaw.
- NO residential building permits until Blantyre pays.
- AH asked about height of buildings.

- SLC wants more info on the two floors of the residences and Ann mentioned third stories.
- Board requesting a site visit with buildings staked and balloons for height.
- Site visit on March 25th at 4pm and the meeting continued until March 25th at 7pm.

RFJr moves to close the meeting. AH seconds. All in favor 5-0. Meeting closed at 9:46pm.