

**Town of Lenox
Zoning Board of Appeals
October 6, 2021 7:00 p.m.
Via Zoom**

Members Present: Robert Fuster Jr (RFJr); Al Harper (AH); Ned Douglas (ND); Shawn Leary Considine (SLC)

Staff: Jessica Cote, Land Use Assistant

RFJ opened the meeting at 7:00pm. The meeting was recorded. RFJr informed the petitioner that there are only four Board members sitting for the hearing and they have the option to continue until a fifth Board member is available. The applicant chose to proceed with the hearing.

1. **55 Pittsfield Road** – Special Permit – Continued from September 1, 2021
 - The Applicant, through their attorney Jeffrey Lynch, requested a continuance until the next ZBA meeting on October 20, 2021.
 - AH moves to continue hearing until October 20, 2021. ND seconds. All in favor 4-0.

2. **212 Main Street** –Special Permit - The first Special Permit is for the change of use from two apartments and one commercial space to three apartments. The second Special Permit is for the construction of a pool house cabana and above-ground pool.
 - RFJr opened the hearing for the first Special Permit requesting for the change of use.
 - Cameron Brown, from Hill Engineering, presented the application to the Board for the change of use.
 - Currently building has a business use on the first floor and two dwelling units on the second floor (apartments). Applicant is requesting change of use to three total dwelling units by returning the first-floor business use to a dwelling unit. The first-floor dwelling unit will be inhabited by the applicant.
 - Renovations of interior and add a sunroom to the first floor. Sunroom addition will not impact any setbacks.
 - Public Comment:
 - i. Frederick Keator – owner of 218 Main Street (Keator Group) – In favor of the change back to three-family full residential use.
 - ND moves to adjourn public hearing for first Special Permit request. AH seconds. All in favor 4-0.
 - There was discussion among the Board if section 9.1 applied to this petition. After discussion it was noted that section 9.1 refers to “new construction” for multi-family units and therefore section 9.1 of the Zoning Bylaw does not apply.

- The Board discussed the petition and determined that this change of use (returning to all residential at this property) will be less detrimental to the residential neighborhood.
- AH moves to grant the Special Permit for change of use as presented. ND seconds. All in favor 4-0.
- RFJr opens hearing for the second Special Permit requestion regarding pool and cabana.
 - i. Engineers presented plans for new above ground pool and cabana including layout on property and dimensions of proposed cabana.
 - ii. There will be a crawl space basement and it will not be living space.
 - iii. The engineers noted that the new structure meets all requirements of section 9.3 of the Lenox Zoning Bylaws – “Accessory Buildings”
 - iv. The applicant, Suzanne Andeway, stated that the pool will be for her use only and not for the tenants of the building.
 - v. A member of the Board asked if the pool cabana will ever be used as an accessory dwelling unit. The applicant, Suzanne Andeway, stated that the pool cabana will not be used as an accessory dwelling unit now or any time in the future. This cabana will not be a dwelling unit and will not be rented.
 - vi. AH raised question regarding stairs around the pool. Plans did not show where stairs/access points to pool and cabana. Engineers responded that they can update plans to show access points.
 - vii. Correspondence read into record from neighbor about screening of pool area.
 - viii. AH believes abutters made misrepresentation of concerns for privacy as there are substantial trees lining the property from the abutter.
 - ix. Board would like to see landscape plan as well as updated and more detailed plans around the pool and cabana including access points, stairs, and gates to pool area.
 - x. AH moves to continue until November 3rd and SLC seconds. All in favor 4-0.

RFJr closed the hearing at 8:07pm.