

**Town of Lenox
Zoning Board of Appeals
December 8, 2021 6:00 p.m.
Via Zoom**

Members Present: Robert Fuster Jr (RFJr); Al Harper (AH); Ned Douglas (ND); Jedd Hall (JH); Kim Duval (KD)

Staff: Jessica Cote, Land Use Assistant; Gwen Miller, Town Planner

RFJ opened the meeting at 6:01pm. The meeting was recorded.

36 Pittsfield Road – Chapter 40B Comprehensive Permit – Continued from November 17, 2021

Rebecca Schofield from Pennrose LLC introduced the Pennrose Team and gave a background of Pennrose LLC and their vision for the project. There was review of the local experience thus far along with the ongoing community process of meeting with appropriate representatives of the town and local Boards.

Andrew Singer, attorney for Pennrose LLC, has been involved with a dozen of developments of Chapter 40b projects. Mr. Singer briefly reviewed Chapter 40B process as well as the current housing level for the Town of Lenox and emphasized that all the units with this development will count towards SHI numbers.

Steve Mack, from Foresight Land Services, reviewed the site plan, the Scenic Mountain Act which a portion of the land is under Conservation Commission jurisdiction because of the SMA. The site plan took in careful consideration of the SMA so that those areas on the land are not disturbed. The project will consist of 13 residential units with 1, 2, and 3 bedrooms. Total of 24 one bed room units, 33 two-bedroom units, and 8 three-bedroom units. There will also be a Club House/Community building. A total of 99 parking spaces. The town Zoning bylaw requires 130 spaces. The applicant is requesting a waiver to this requirement.

The project is served by town water and sewer. It was noted that the town is currently studying current capacity at existing line. Applicant has agreed to a requirement of off-peak storage for sewer if need. Off-peak pumping would be between 11pm and 4am. Project will also tie into town water system. There are known pressure deficiencies in this area of town and the applicant is proposing a new water boosting system due to deficiencies.

Project consists of several storm water management areas, catch basins, underground infiltration, and rain gardens. A comprehensive stormwater management system was submitted with the application.

The lighting plans was reviewed with the Board. No light intrusion off property and all light will be downward directed.

There will be two hydrants on property and the booster system will be in the club house which will distributed throughout project site.

Michelle Crowley, the landscape architect on the project, reviewed the planting plan. Trees will be planted to reforest the site. All trees will remain in the SMA areas and will not be touched. The plan is to keep the site wooded as if the building were built among the trees. It will be difficult to see houses from Route 7/20 as they are behind the high points of the site. There will also be a playground area added to the site.

Additional screening will be added on the Courtyard Marriott side of the site, specifically evergreen screening.

Andrew Stevens from TAT reviewed the architecture and floor plans of the units and building. All building built on slab except for one unit will have basement. Every resident has their own entrance and access point. Own front door to use on front of building.

AH asked about the waiver for the height of the building. Currently the Town Zoning Bylaw states that high maximum is 35 feet. Andrea responded that due to grading some of the buildings bump slightly above the 35-foot maximum, therefore there is a request for a waiver.

AH and RFJr both asked about the waiver request for the width of the roadway. Current Town Zoning Bylaw states minimum of 24 feet wide. Waiver is requested to have driveway at 22 feet wide. Steve Mack responded that the request is to minimize pavement (impervious material) as well as cost.

Andrew Singer noted that with a 40B project there is only need of a majority vote for everything in this permit process.

RFJr opened the meeting to public comment:

Dennis Egan - represents Toole family who are direct abutters (Courtyard Marriott), the Toole family does not objection to affordable housing, quite simply the project doesn't meet requirements of the Town Zoning Bylaw even under Chapter 40B.

Scott Barrow - 14 Old Stockbridge Road, fantastic that someone wants to come and put-up affordable housing, comment on design of community feel of development, concerns about cell tower nearby.

Marybeth Mitts - 20 Dunmore, Chairwoman of Board of Selectman and Affordable Housing Trust, working with Pennrose for about a year to try to help address concerns regarding public safety, Conservation, affordable housing. Happy with responsiveness and that Pennrose has been open to modifying design through the process with local boards. Plausible plan and brings closer to 10% for SHI needs.

Colin Toole - Pittsfield - owners of Courtyard Marriott, not opposed to concept to development or opposition to affordable housing - contention is the location of the property and attributes of location and are not acceptable under the bylaw.

Maria Smith - lives in Pittsfield, manages the Courtyard Marriott since 2018 – guests of the hotel will suffer with this development with the noise of drilling and lack of privacy. Stated that you will be able to see the development from the third floor of the back of hotel/.

Kate McNulty Vaughn - 10 Post Road - PB and AHT, - complemented Penrose for allaying the misinformation out in the public about affordable housing.

Concerns raised from public comment prompted ZBA to schedule a site visit. ND moves to have site visit on Dec 15 at 3pm (alternate date of Dec 23 at 3pm). AH seconds. All in favor 5-0

AH moved to continue the hearing until January 27 at 6pm via Zoom. ND seconds. All in favor 5-0.

RFJr closed the hearing at 9:15pm