

**Town of Lenox
Planning Board
Meeting minutes for April 14, 2021**

Members present: Chair Pam Kueber (PK); Vice Chair Tom Delasco (TD); Kate McNulty-Vaughan (KMV); Lauryn Franzoni (LF); Jim Harwood (JH)

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

List of documents provided for this meeting:

- April 14, 2021 Agenda
- 241 Walker Street Form A
- Site Plan_Dec.2017_SpecPermit
- Lenox Landings deed for Open Space DRAFT 4.13.21
- 20.284 Open Space Final
- Ltr. Lenox PB_4.13.21
- 1st Amendment to Master Deed – 3.25.21
- 94/100 Church Street Form A

PK opened the meeting at 6:00pm. The meeting was recorded via Zoom.

1. Minutes March 9 and 23, 2021 (held for review to end of meeting).

- KMV moves to approve March 9, 2021 as presented. PK seconds. All in favor 4-0. JH abstains.
- KMV moves to approve March 23, 2021 as amended. TD seconds. All in favor 4-0. JH abstains.

2. Review / Endorse Approval Not Required application for Lenox Landings–Assessor’s Map 8 Parcel 1 and 6-1 (241 Walker St.)

- PK asked if there was any feedback from Town Counsel. GM stated that no feedback has been received to date from Town Counsel.
- Nick Arienti, counsel for the owner of the subdivision, explained to the PB why this property is eligible for an ANR including this ANR has to do with a previous Special Permit decision for this property in which part of this subdivision is to convey Open Space to the Town of Lenox. These Open Space parcels to be conveyed will not be building lots.
- **KMV moved to approve the ANR as presented contingent on Town Counsel’s opinion. TD seconded, and Board voted 4 ayes (PK, TD, LF, KMV) with 1 abstention (JH) due to absence.**

3. Review / Endorse Approval Not Required application for property at Assessor’s Map 43 Parcels 86 and 87 (94/100 Church Street.)

- TD recused himself from this ANR as he is an abutter to this property. JH disclosed that he has worked on projects together with Mr. McColgan and JH was a co-plaintiff in a legal issue at 114 Main Street with Mr. Merritt. JH also stated that 10

years ago he made a casual offer to Mr. Merritt to purchase lot 2 on the plan provided which Mr. Merritt declined. Mr. Merritt did not have an issue with JH continuing with the hearing.

Pat McColgan presented the ANR for Mr. Merritt. In looking at the ANR proposal, the PB noted that Lot 2 did not have the required frontage or access on a Town way. Given it had been a pre-existing non-conforming lot, but lot lines were proposed to change, there was uncertainty whether an ANR could be endorsed. Because the applicant wanted to reestablish Lot 2 as a buildable lot, it was suggested that the applicant would further review the situation, including potentially working with the Land Use office, to ensure a plan that could be endorsed as an ANR. GM also commented on the desire to maintain the density of the area, and not lose these lots as potentially buildable.

- JH asked if the applicant were comfortable continuing until the next PB meeting to further research the situation. Mr. McColgan stated that it was fine continuing until the next hearing.

4. Discuss zoning for veterinary clinics in the Gateway Mixed Use Development Overlay District with representative of a prospective business; discuss zoning for this use overall since it is not called out in the Section 5. Schedule of Uses.

- Jeff Lynch, attorney for a prospective buyer at 55 Pittsfield Road, Unit 2, talked with the Board about whether a proposed veterinary office could be rightfully considered a doctor's office. The board discussed various language in the bylaw pertaining to professional offices, doctors' offices, and animal hospitals and whether and if so how those align with the proposed business use.
- Attorney Lynch provided more information about the proposed veterinary office at this location: small animals; primarily focused on dogs and cats; open 8am to 5pm Monday – Friday with limited office hours on Saturday and no office hours on Sunday; no boarding or outside runs; and no overnight care expect possibly in emergency situations. This would not be an animal hospital, it would be a veterinary office similar to a doctor's office.
- Ultimately, the Board agreed that a vet's office operates and functions the same as a doctor's office (but is different from an animal hospital.)
- **JH moved that the PB draft a letter of support stating that a vet office use is similar to a doctor's office or professional office but distinct from animal hospital, and is consistent with the Gateway District's intended purpose. KMV seconded the motion and the Board voted unanimously in support of a letter to the ZBA. PK to draft.**

5. Report from Chair

- **Update on Town Meeting:** Expected to be held in June, no date final yet.
- **Master Plan: joint Planning Board/Select Board Public Hearing planned for May 10.**
- Planned public hearing on May 10th for the adoption of the Master Plan at a joint meeting with the Select Board offering an opportunity to get public comment.

- **ZBA's 4/7 discussion on 115 Walker St. regarding the percentage of votes required for 7.1.8.8.b extra curb cuts and Special Permits and Variances:** PK informed the PB that there was discussion at the ZBA meeting on April 7 about how many votes are needed for extra curb cuts, Special Permits, Variances, and Site Plan Approvals. GM stated that Special Permit and Variances are always a super majority and that the ZBA understands the number of votes needed. There was, however, a little bit of confusion on Site Plan review and approval as MGL Chapter 40A doesn't specify votes for Site Plan review/approval, which is governed by local town zoning bylaws.

6. Discuss agenda for next regular meeting April 27; and possible extra meeting April 20 for working session with consultant on Wireless Communications bylaw

- GM to ask Wireless Bylaw Consultant if he is available.

TD moved to close the meeting at 8:28. LF seconded. All in favor 5-0.