

**THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LENOX**

Filing fee is due with the petition. If hearing expenses exceed this amount the Zoning Board of Appeals will bill the petitioner.

The undersigned hereby petitions the Town of Lenox Zoning Board of Appeals for:

X A Special Permit pursuant to Section 10.2 with specific reference to Section 10.2.4 to operate a Professional Office, specifically a Veterinary Office.

X. A Waiver pursuant to Section 10.2.17, from all submission requirements required for a new mixed use development because the development is fully constructed and applicant is simply changing the use of an existing building.

To permit the following use or activity: See Attached Memorandum

For premises:

Owner of Record: BHG Group, LLC

Address 55 Pittsfield Road, Unit 2, Lenox, MA

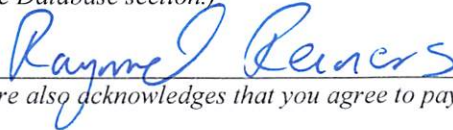
Map and Parcel Map 17-4-2

Zoned as C3A and Gateway Mixed Use Development Overlay District

Deed Reference Book 3692 Page 213

(This information is available from the Assessor's Office or townoflenox.com in the Property Assessments-Online Database section.)

Petitioner



(Your signature here also acknowledges that you agree to pay all hearing expenses relative to this petition.)

Address (Mailing Address) c/o Jeffrey R. Lynch 68 Main Street, Lenox, MA 01240

Telephone Number 413-637-1300

Email address Lynch@LenoxAttorney.com

Date

SPECIAL PERMIT APPLICATION

DATED: August 11, 2021
Submitted by: LYNCH SCRIMO, 68 Main Street, Lenox, MA
For Petitioner: Raymond Reiners and BHG Group, LLC

I. BACKGROUND

Raymond Reiners (“Reiners”) is a licensed Massachusetts veterinarian who owns and operates South Street Veterinary Services in Pittsfield, Massachusetts. Reiners has a letter of intent with BHG Group, LLC to move his practice to 55 Pittsfield Road, Unit 2 contingent upon approval by the Town of Lenox Zoning Board of Appeals and Planning Board. Unit 2 was previously occupied by Jae’s Asian Bistro and various other restaurants.

55 Pittsfield Road, Unit 2 is part of the mixed-use development known as The Lenox Commons. The existing retail stores include restaurants, a chocolate confectioner, martial arts studio, hair salon, pet store, and medical offices. The residential homes are a series of condominium units built between the perimeter of the retail stores and Kennedy Park.

The purpose of the Gateway Mixed Use Development Overlay District is to “foster a greater opportunity for creative development by providing guidelines which encourage a mix of uses compatible with existing and neighboring properties”.

II. IDENTIFYING INFORMATION

CURRENT OWNER: BHG Group, LLC
ADDRESS: 55 Pittsfield Road, Unit 2, Lenox, Massachusetts (the “Property”)
DEED REFERENCE: BERKSHIRE MIDDLE DISTRICT REGISTRY OF DEEDS IN BOOK 3692 PAGE 213
TAX PARCEL: 17-40-2
ZONE: C3A
CURRENT USE: Non-operating restaurant

III. OUTCOME REQUESTED

Reiners requests issuance of a Special Permit pursuant to Section 10.2 with reference to the standards of 3.4 for the operation of a professional office, specifically a veterinary office in the Gateway Mixed Use Development Overlay District. Further, Reiners requests waiver of the submission requirements pursuant to 10.2.17 which the Board may find unnecessary or duplicative given Reiners’ application seeks a change of use for an existing building. On August

10, 2021, the Planning Board granted Site Plan Approval to Reiners' proposed change of use, specifically opining that Reiners use is not classified as an Animal Hospital.

IV. SPECIAL CONSIDERATIONS

The Town of Lenox Zoning Bylaws Table of Uses does not include a specific provision allowing or prohibiting a veterinary office. The Gateway Mixed Use Development Overlay District specifically permits offices of physicians, dentists, attorneys, architects, engineers or accountants and all other professional offices. The Gateway Mixed Use Development Overlay District prohibits Animal hospitals, animal sales. The Town of Lenox Planning Board granted Reiner's Site Plan approval pursuant to Section 10.2.4 and in doing so determined Reiners' veterinary office is akin to a physician's office and is properly classified as a professional office and not an animal hospital. An animal hospital is distinguishable from a veterinary office because an animal hospital accepts walk-in emergency treatment generally on a 7-day 24-hour schedule. In contrast, Reiners sees clients by appointment and operates on a Monday through Friday daytime schedule with limited Saturday hours. Reiners specifically refers emergency trauma calls, in particular calls that are received outside of business hours to other facilities with trauma services.

There are no proposed changes to the exterior of the building or site plan with the exception of the replacement of an existing fence in the rear of the building.

V. SPECIAL PERMIT STANDARD

1. The Standard for A Special Permit

According to the Lenox Zoning Bylaw 3.4.2,

[P]ermits *shall* be granted by the Special Permit Granting Authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following: 1. Community needs served by the proposal; 2. Traffic flow and safety, including parking and loading; 3. Adequacy of utilities and other public services; 4. Neighborhood character and social structures; 5. Impacts on the natural environment; and 6. Potential economic and fiscal impact to the Town, including impact on town services, tax base, and employment. *Id.*

As outlined below, the present project satisfies all the conditions of Bylaw 3.4.2 and the Special Permit should therefore be issued.

2. Community Needs Are Served by the Proposal

55 Pittsfield Road, Unit 2 is a permitted 7,060 sf building that is part of the permitted Mixed Use Development. Reiners plans to fully renovate the interior to create a modern veterinary office serving exclusively cats and dogs. The office will not offer, boarding or grooming services. The animals will not be outside unless leashed and attended by office personal. The property will not have a dog run area or other area which would allow dogs or cats to be off leash. No exterior renovations to the building or site are proposed. Lenox does not have a veterinary office for dogs and cats. There are 520 registered dogs in Lenox; the town does not track cat ownership. It would be a great convenience for Lenox residents to have a local, in town veterinarian.

3. Traffic Flow and Safety, Including Parking and Loading, Will not be Material and Will Fully Comply with the Zoning Bylaw Requirements

The change of use from restaurant to Veterinary office will not materially alter traffic flow and safety. The existing site is already developed, and the Town has previously approved the traffic study for the intended occupancies at 55 Pittsfield Road. When compared to the prior use of the Property, the Veterinary Clinic will create a more predictable traffic flow. Each patient will arrive at a fixed appointment time, Reiners has only a limited number of patients that can be attended to per hour. Unlike a restaurant which concentrates visits during the meal hours, Reiners and the development will not experience busy hours which will alleviate traffic congestion and all parking overflow concerns. The practice presently serves approximately 40-60 patients per day all by scheduled appointments. This equates to approximately 5-8 cars per hour¹.

The Parking Requirements of Section 7.1.5 is satisfied with the existing parking lot.

PARKING REQUIREMENTS: SECTION 7.1

PARKING SPACES REQUIRED	EXISTING	REQUIRED	PROPOSED
1 parking space for each 300 sf	27 paved 13 gravel	23 paved	No change

An office must have 1 space for every 300 square feet of gross floor area. The gross floor area of the existing building is 7060 square feet, which requires 23 parking spaces. The existing parking area has 27 parking spaces. There is additional gravel parking in the event parking proves inefficient. Deliveries of supplies will occur through the existing, and accessible rear access.

¹ According to the Institute of Transportation Engineers a veterinary clinic generate approximately 3.53 trips/hours for every 1,000 square feet of gross floor area. This estimate exceeds the actual numbers of clients seen per day per Reiners' practice experience.

4. The Property Is and Will Be Supplied with Adequate Utilities and Other Public Services

The Property is served by Town utilities. The total anticipated gallons of water per day is 600-900 gallons. A survey of local restaurants in Lenox demonstrates the anticipated water usage is comparable to the prior use as a restaurant. For this reason, the utilities and other public services to the site are adequate.

5. The Improved Property Will Enhance the Neighborhood's Character and Social Structures

Many restaurants have occupied this property during the past 15 years. The constant change with periods of vacancy is detrimental to the development and the Town. 55 Pittsfield Road is a very prominent location in Lenox. When this space is vacant it casts an image that the rest of the site may not contain businesses or offices that are viable, and therefore discourages patrons from entering and property to investigate and "window shop" other businesses.

6. A Veterinary Office Will Have No Negative Impacts on the Environment.

The property is already developed. No green space will be lost with the change in use. The parking area will not increase in size. The use of utilities will not be negatively impacted.

7. The Veterinary Office Will Have a Positive Economic and Fiscal Impact on the Town, Including Improving Tax Revenues, Providing Employment Opportunities, and Providing Funding Resources for Additional Town Services.

The location of a veterinary office in the Property is positive. Reiners has maintained a successful practice in Pittsfield for over 20 years. The relocation of his office to this location will bring necessary stability to an under-utilized and often vacant space. The location of the business in Lenox will increase town revenue, increase services available for the Town residents, and generally boost opportunities to attract employees to Town.

VI. CONCLUSION

Locating a well-established veterinary practice in the Gateway Mixed Use Overlay District is a gain for the Town of Lenox, and there is no substantive reason to deny the Special Permit as presented.

Reiners application is consistent with the intent and purpose of the Gateway Mixed Used Development Overlay District. Reiners' new veterinary office will promote the opportunity for people to utilize services in the vicinity of their homes, plus this location is on the bus route,

easily accessible by car and is served by sidewalks which connect to the Village Center, or via Kennedy Park. The proposed use will not have a detrimental outcome on adjacent uses, does not increase traffic congestion nor strain the public utility system. The existing parking exceeds requirements. No new construction is planned so there will not be a disturbance of any green space and there will be no new impervious surfaces.

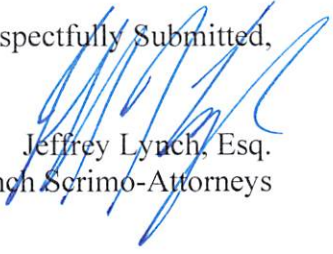
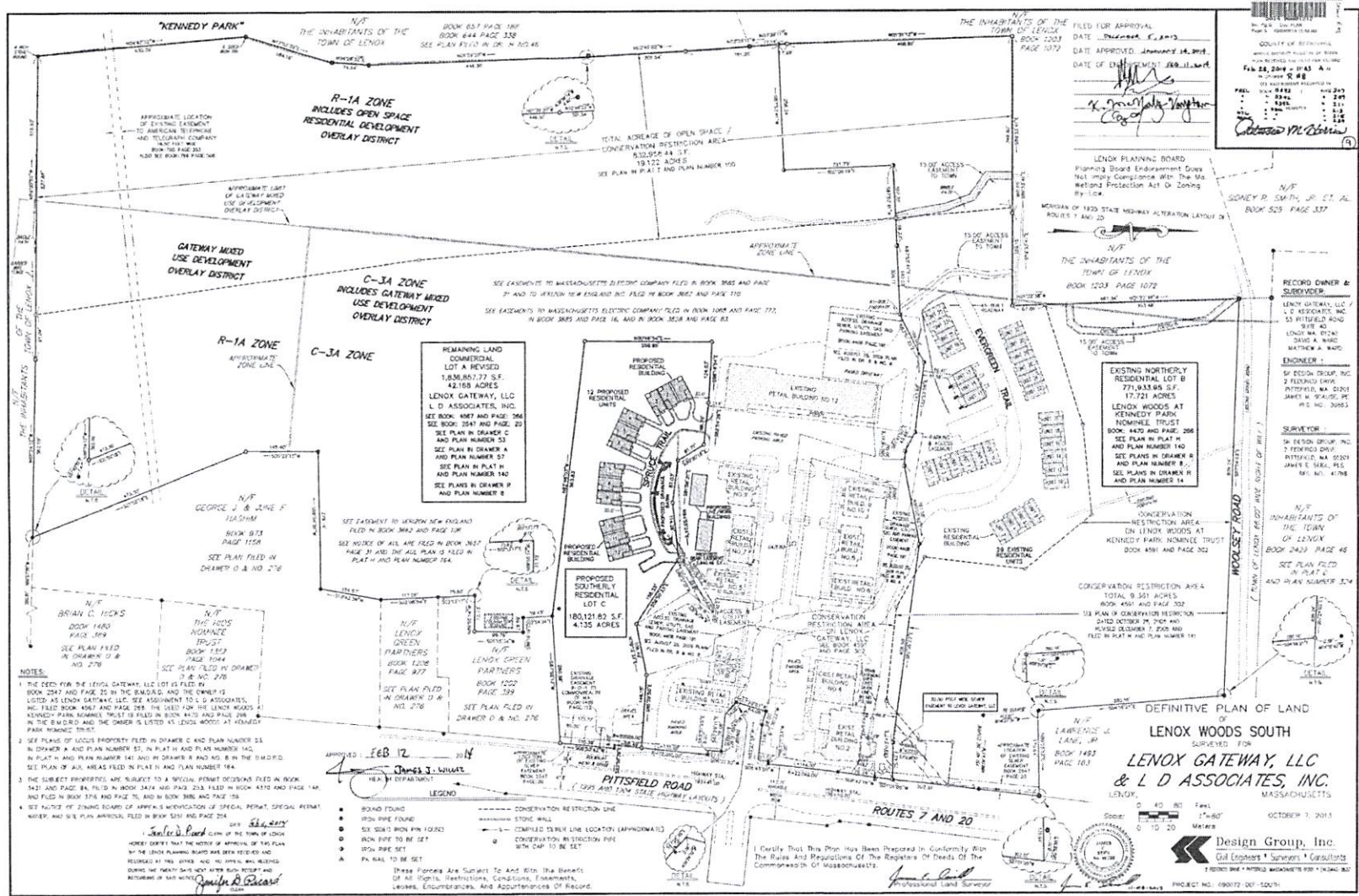
Respectfully Submitted,

Jeffrey Lynch, Esq.
Lynch Scrimo-Attorneys

EXHIBIT INDEX

1. EXISTING SITE PLAN
2. CONCEPTUAL INTERIOR DESIGN PLANS
3. EXTERIOR ELEVATION DRAWING
4. ENGINEERING LETTER
5. ASSESSOR'S TAX CARD



FILED FOR APPROVAL
 DATE: December 8, 2012
 DATE APPROVED: January 14, 2013
 DATE OF DEPOSIT: 01/14/2013

COUNTY OF WASHINGTON	
TOWN OF LENOX	
FILE NO. 24-204-0143 A	
PLAT AREA	10.48
ACRES	2.37
FEES	114.00
TAXES	1.14
TOTAL	115.14

LENOX PLANNING BOARD
 Planning Board Endorsement Does Not Imply Compliance With The Massachusetts Protection Act of Zoning By-104.

RECORD OWNER & SUBDIVIDER:
 LENOX GATEWAY, LLC / L D ASSOCIATES, INC.
 20 PITTSFIELD ROAD
 LENOX, MA 01946
 DAVID A. WARD
 BATHURST A. WARD

EXISTING NORTHERLY RESIDENTIAL LOT B
 771 S.W. 8th St.
 17.721 ACRES
 LENOX WOODS AT KENNEDY PARK
 NOMINALE TRUST
 BOOK 4875 AND PAGE 206
 SEE PLAN IN PLAT H AND PLAN NUMBER 140
 SEE PLANS IN DRAWER B AND PLAN NUMBER 8
 SEE PLANS IN DRAWER H AND PLAN NUMBER 14

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CONSERVATION RESTRICTION AREA 4
 TOTAL: 9.561 ACRES
 BOOK 4567 AND PAGE 302
 SEE PLAN IN CONSERVATION RESTRICTION DATED OCTOBER 29, 2009 AND HOUSE DECISION 7, 2009 AND FILED IN PLAT H AND PLAN NUMBER 14

RECORD OWNER & SUBDIVIDER:
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 LENOX, MA 01946
 DAVID A. WARD
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NOTES:

- SEE FEED FOR THE LENOX GATEWAY, LLC LOT 63 FILED IN BOOK 2347 AND PAGE 20 IN THE BEMERD, AND THE CORNER 12 CORNER AS LENOX GATEWAY, LLC. SEE ASSIGNMENT TO L D ASSOCIATES, INC. FILED BOOK 4047 AND PAGE 208. THE FEED FOR THE LENOX WOODS AT KENNEDY PARK NOMINALE TRUST IS FILED IN BOOK 4470 AND PAGE 206 IN THE BEMERD AND THE CORNER IS LISTED AS LENOX WOODS AT KENNEDY PARK NOMINALE TRUST.
- SEE PLANS OF LOCAL EASEMENTS FILED IN DRAWER C AND PLAN NUMBER 23 IN DRAWER A AND PLAN NUMBER 57, IN PLAT H AND PLAN NUMBER 140, IN PLAT I AND PLAN NUMBER 141 AND IN DRAWER R AND NOS. 8 IN THE BEMERD. SEE PLAN OF ALL AREAS FILED IN PLAT H AND PLAN NUMBER 140.
- THE SUBJECT EASEMENTS ARE SUBJECT TO A SPECIAL PERMIT DECISIONS FILED IN BOOK 1421 AND PAGE 84, FILED IN BOOK 3474 AND PAGE 233, FILED IN BOOK 4470 AND PAGE 148 AND FILED IN BOOK 3716 AND PAGE 76, AND IN BOOK 3986 AND PAGE 158.
- SEE ACTS OF ZONING BOARD OF APPEAL IS REVOCATION OF SPECIAL PERMIT, SPECIAL PERMIT WATER, AND SUE PLAN APPROVAL FILED IN BOOK 3251 AND PAGE 204.

Sealed & Filed with the Office of the Town of Lenox
 HENRY J. WARD, Town Engineer
 JAMES J. WARD, Town Clerk
 JAMES J. WARD, Town Clerk

APPROVED: FEB 12 2013
 JAMES J. WARD
 TOWN CLERK

DEFINITIVE PLAN OF LAND OF LENOX WOODS SOUTH SURVEYED FOR LENOX GATEWAY, LLC & L D ASSOCIATES, INC. LENOX, MASSACHUSETTS
 OCTOBER 7, 2013
 Design Group, Inc. Civil Engineers & Surveyors & Consultants
 100 WEST MAIN ST. SUITE 1000 LENOX, MA 01946
 PROJECT NO.: 090172-DEF-120131

OVERALL SITE PLAN
 SCALE: NTS



SOUTH STREET VET SERVICES
 55 PITTSFIELD RD, LENOX MA 01240
 6/22/21
 COVER SHEET

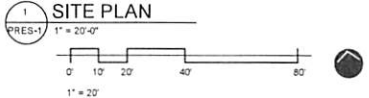
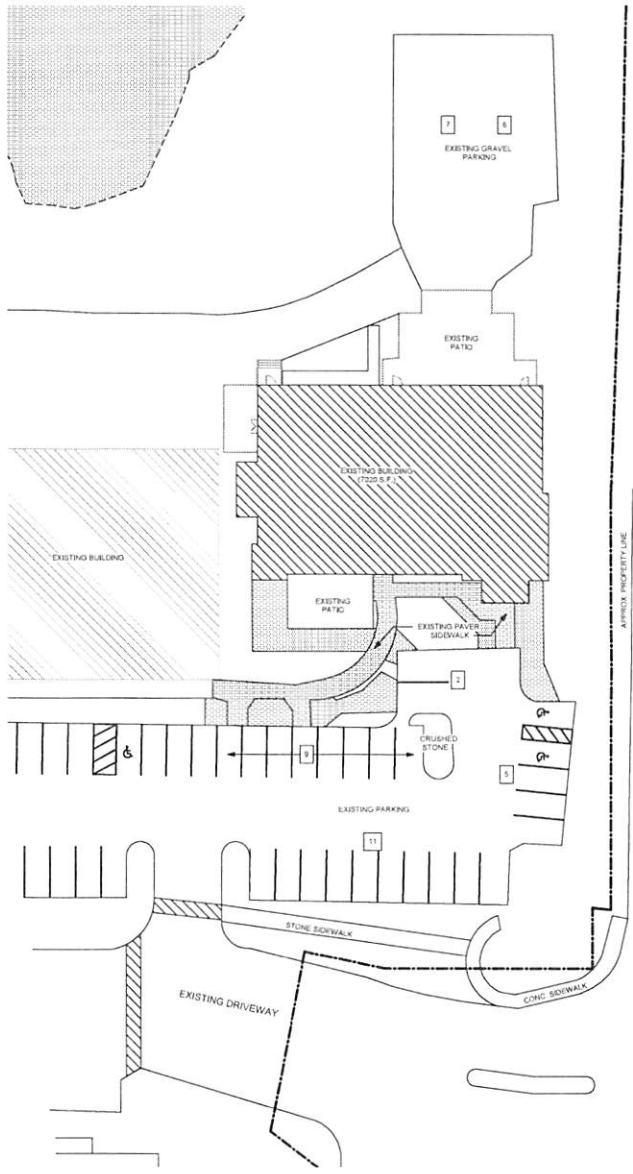


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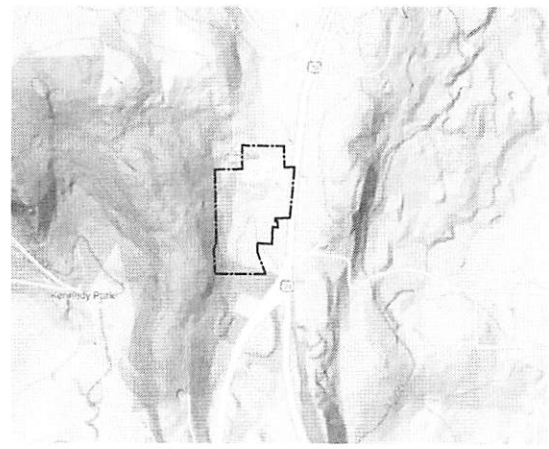
C:\Users\jmcarron\OneDrive - Terwisscha Construction, Inc\Documents\102-002_South Street Vet Services_CENTRAL_presentation\1.LAYOUT
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PITTSFIELD LENOX ROAD - ROUTE 7

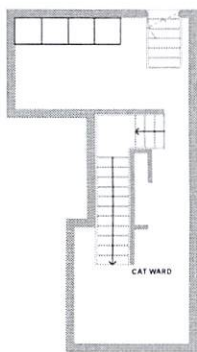
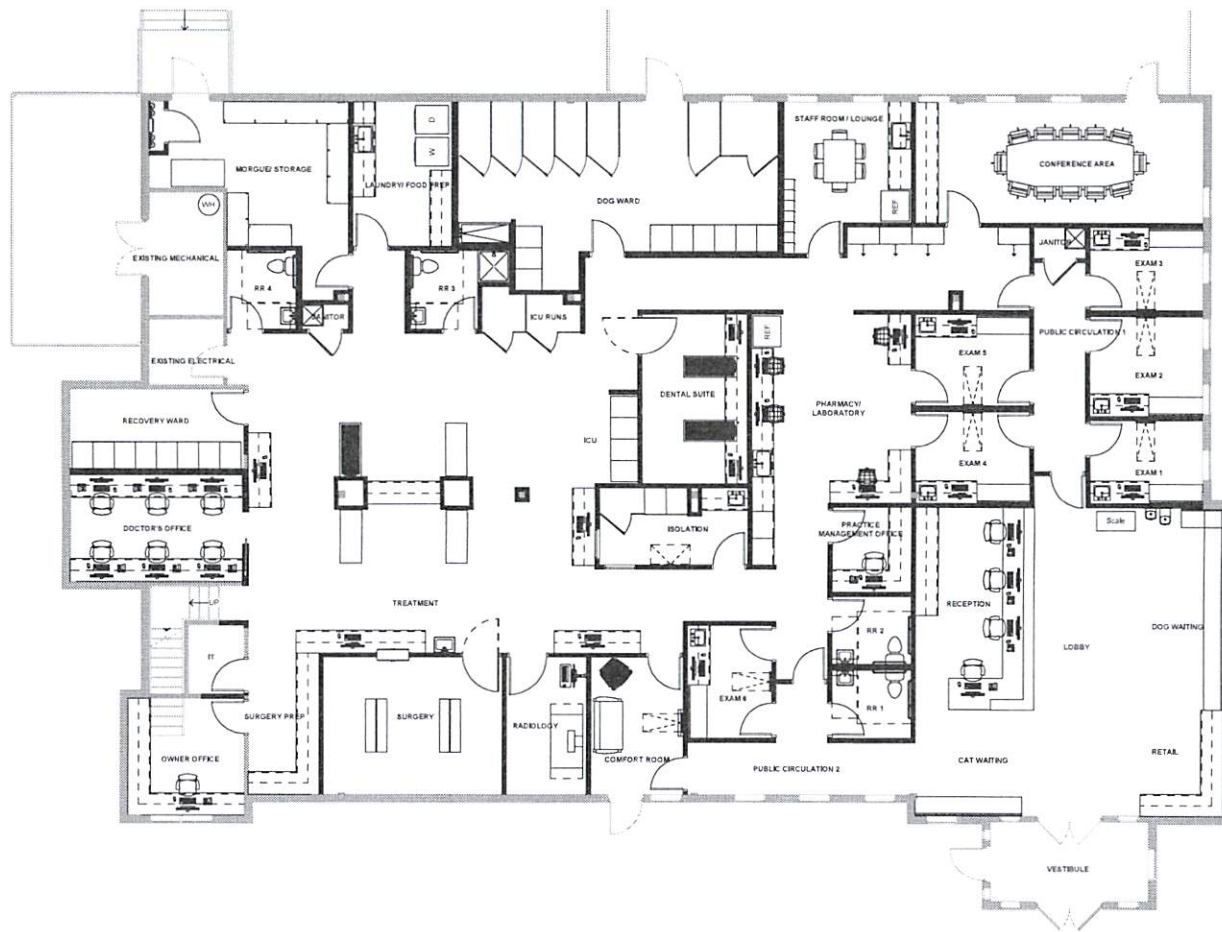


LOCATION PLAN
SCALE : NTS

- LEGEND**
- APPROXIMATE PROPERTY LINE
 - APPROXIMATE WETLAND BOUNDARY
 - EXISTING LANDSCAPE AREAS

TOTAL PARKING PROVIDED FOR SUBJECT BUILDING	
PAVED PARKING:	27 SPACES
GRAVEL PARKING	13 SPACES
TOTAL:	40 SPACES
PARKING SPACE QUANTITY REQUIREMENTS PER ZONE SCETION 7.1.5.	
BUSINESS:	1 SPACE FOR EACH 300 S.F. OF GROSS FLOOR AREA
REQUIRED:	7,020 S.F / 300 = 23 SPACES

SOUTH STREET VET SERVICES
 55 PITTSFIELD RD, LENOX MA 01240
 6/22/21
 PRESENTATION SITE PLAN



SECOND FLOOR PLAN
3/16" = 1'-0"

FIRST LEVEL FLOOR PLAN
3/16" = 1'-0"
0 3 6 12
3/16" = 1'

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EXHIBIT

2

SOUTH STREET VET SERVICES

55 PITTSFIELD RD, LENOX MA 01240

6/22/21

PRESENTATION FLOOR PLAN

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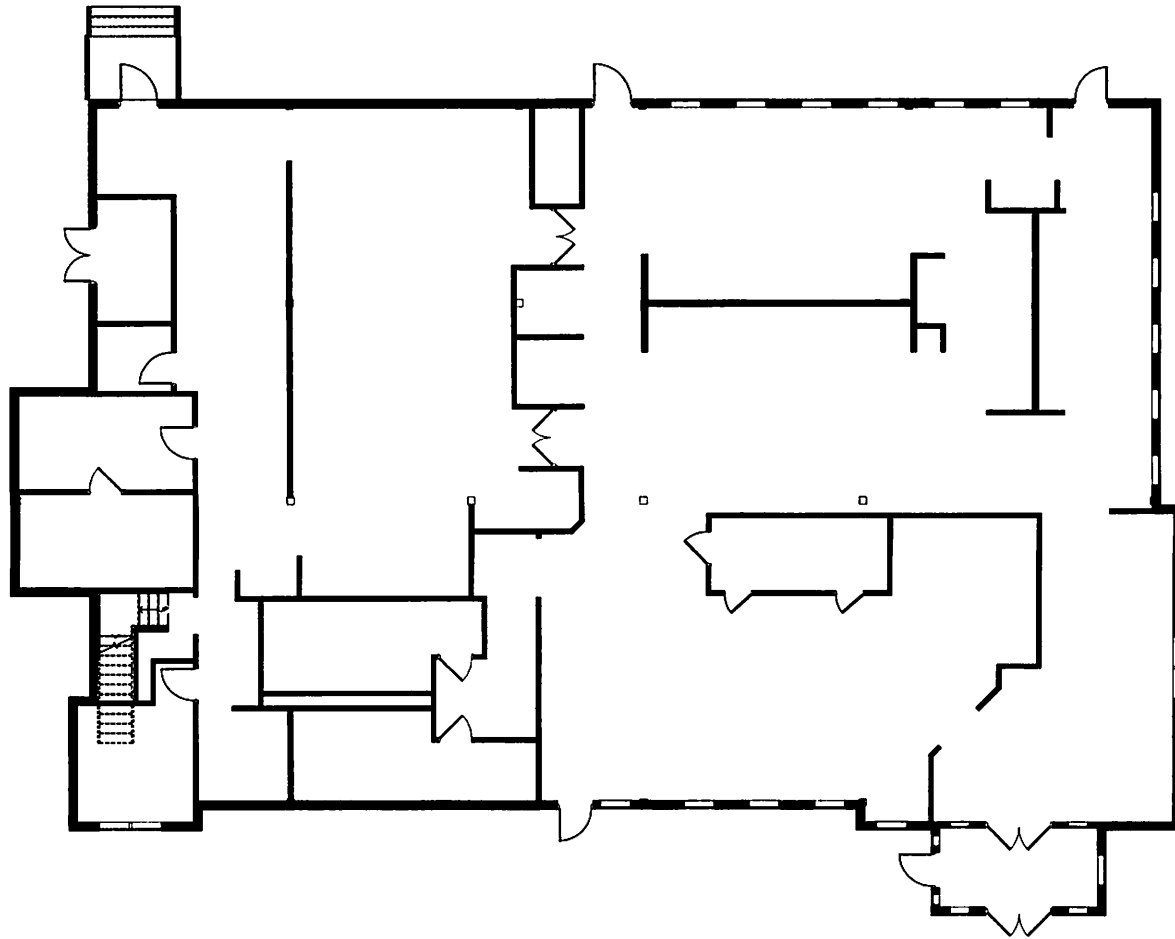
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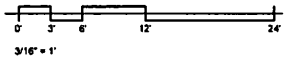
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1 EXISTING FLOOR PLAN
PRES-3 3/16" = 1'-0"

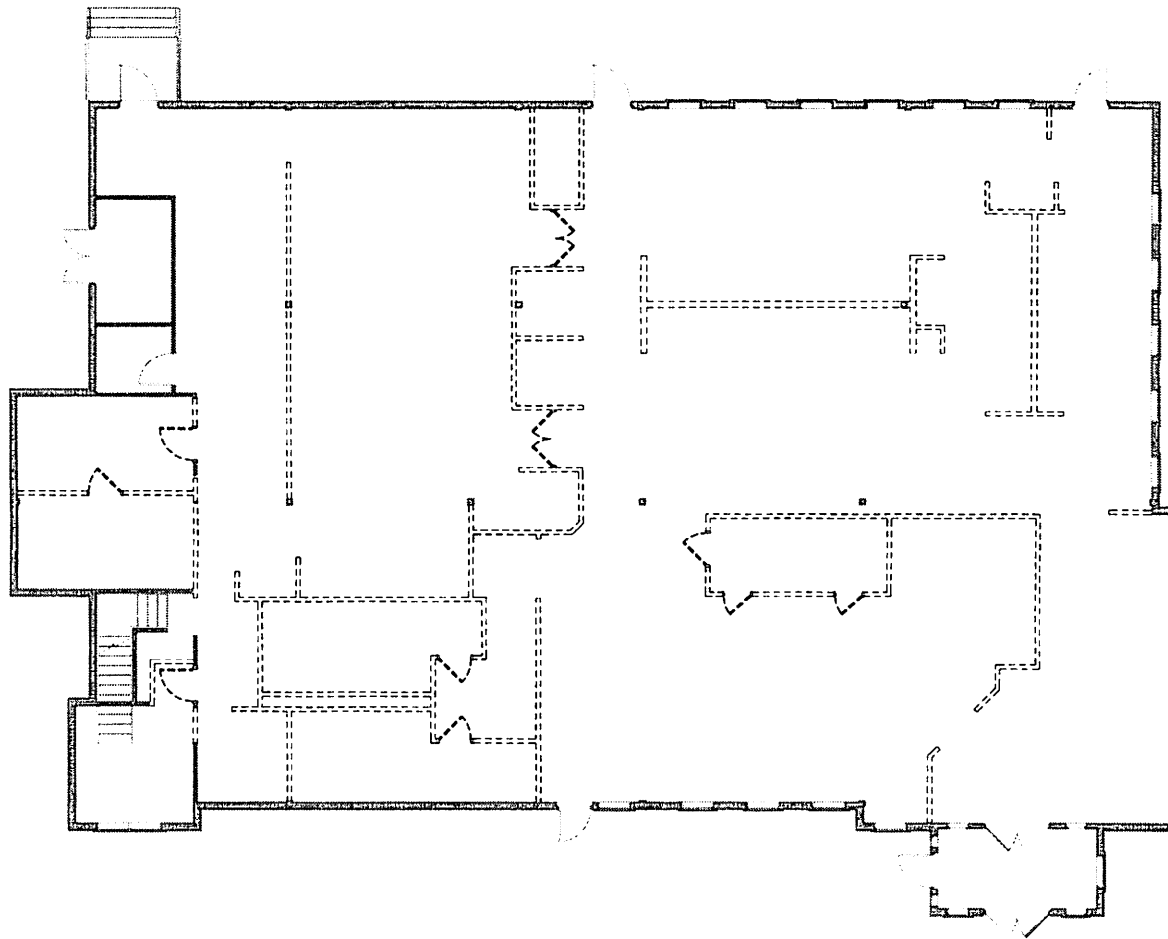


SOUTH STREET VET SERVICES

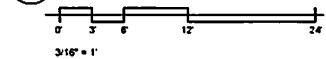
55 PITTSFIELD RD, LENOX MA 01240

6/22/21

PRESENTATION EXISTING FLOOR PLAN



1 FIRST FLOOR DEMOLITION PLAN



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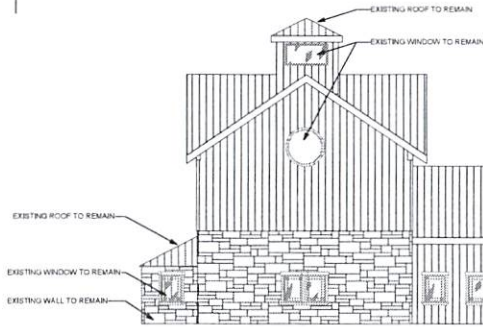
SOUTH STREET VET SERVICES

55 PITTSFIELD RD, LENOX MA 01240

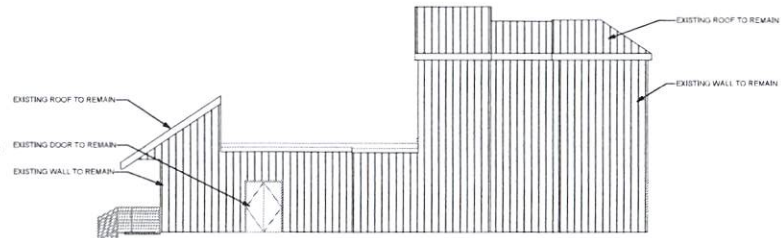
6/22/21

PRESENTATION DEMO PLAN

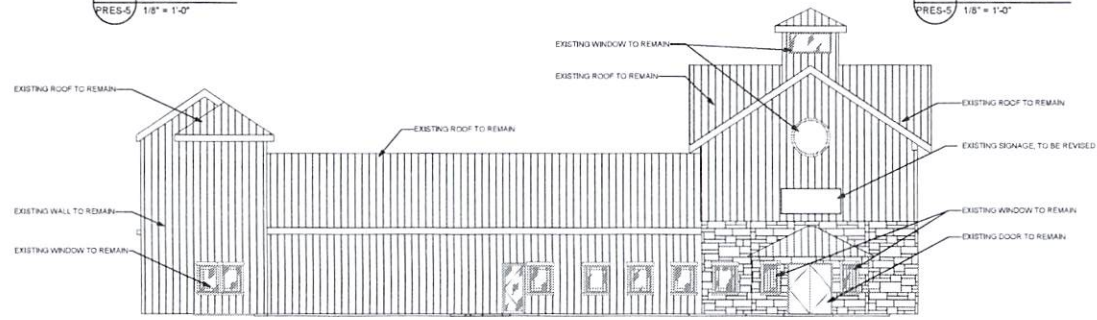
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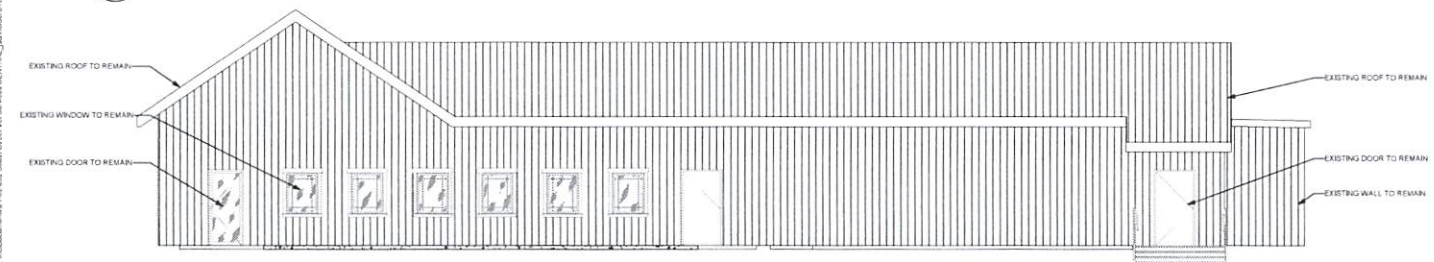
1 NORTH
PRES-5 1/8" = 1'-0"



2 SOUTH
PRES-5 1/8" = 1'-0"



3 EAST
PRES-5 1/8" = 1'-0"



4 WEST
PRES-5 3/16" = 1'-0"



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EXHIBIT
3

SOUTH STREET VET SERVICES
55 PITTSFIELD RD, LENOX MA 01240
6/22/21
PRESENTATION ELEVATIONS



EXHIBIT
4

1550 Willmar Ave SE
Willmar, MN 56201

Phone: 320.235.1664
Fax: 320.235.3137
Toll Free: 800.478.4892
www.twcinc.com

July 7, 2021

Zoning Board of Appeals
6 Walker Street
Lenox, MA 01240

**RE: SOUTH STREET VETERINARY SERVICES
55 PITTSFIELD ROAD
LENOX, MA 01240**

To whom it may concern:

Our company specializes in the design and construction of veterinary clinics throughout the country. Our client is looking to purchase the existing Bobby Mac's restaurant located at 55 Pittsfield Road in Lenox, MA and convert it to a new veterinary clinic.

We have included our design drawings that show the site plan, building floor plan and exterior elevations. Our intent was to minimize the exterior building modifications and try to incorporate any door and windows into the new design. As you will notice we believe we have accomplished this, so we do not anticipate any revisions needing to occur when it comes to the façade of this building. The only exterior improvement we would be planning is replacing the existing building sign with a new one for our client.

The site plan would remain as is. The current available parking is more than adequate for the new use of this building. We would expect the traffic generated from this clinic to be less than half the previous restaurant space. According to the Institute of Transportation Engineers a Veterinary Clinic generates 3.53 trips/ hour for every 1,000 s.f. of gross floor area. A casual restaurant generates 14.13 trips/ hour for every 1,000 s.f. of gross floor area. The clinic will be on an appointment basis and not a walk-in clinic so they will be able to anticipate and control the traffic coming and going to prevent any excessive parking demand. The rear of the building has an existing gravel parking lot that the client would utilize for staff parking to keep the main parking lot available for clients. Also, at the rear of the building there is a fenced in location that we would anticipate converting that space into a fenced in animal relief area that the hospital staff can safely walk the dogs on a leash. The fence that is currently there looks like it would need to be replaced. We would anticipate replacing it with a vinyl privacy fence like what is currently there so that it will complement the existing building. The current lighting at the parking lots and on the building would remain as is. The existing landscaping on the site would be maintained and kept up to enhance the site.

With regards to odor mitigation the facility will be putting any waste into a dumpster. The exterior relief area would be constantly maintained, and any animal waste would be picked up right away to avoid any odors affecting any of the neighboring buildings.

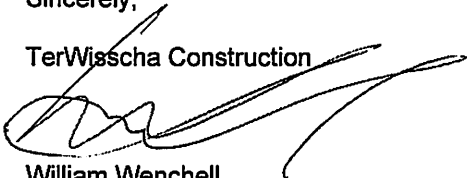
From our historical perspective with working on veterinary clinics we would anticipate this building utilizing anywhere from 600-900 gallons of water per day. We would not be able to finalize that number without bringing an engineer on board and doing the calculations for this specific project.

The facility would be open Monday through Friday from 8am – 7pm and on Saturdays from 8am – 12pm. The facility would be closed on Sundays.

Thank you for your time in reviewing this narrative as well as our drawings, and if you have any questions or comments concerning anything that has been provided, please feel free to contact our office at 320.235.1664.

Sincerely,

TerWisscha Construction

A handwritten signature in black ink, appearing to read 'Wenchell', with a long, sweeping horizontal stroke extending to the right.

William Wenchell
Architect

Key: 3734

Town of LENOX - Fiscal Year 2021

12/22/2020 9:18 pm SEQ #: 3,000

LEGALS

CURRENT OWNER		PARCEL ID	LOCATION		
BHG GROUP LLC C/O BENNIGAN'S PO BOX 116 LENOX, MA 01240		17-40-2	55 PITTSFIELD RD		
TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)
BHG GROUP LLC		12/18/2006	O	500,000	3692-213

CLASS	CLASS%	DESCRIPTION	BN ID	BN	CARD			
3430	100	COMMERCIAL CONDO	B-2	1	1 of 1			
PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st	%
C17-87	11/20/2017	9	Reno / Alter	850	10/10/2018	RJM	100	100
C-13-99	08/07/2013	7	Other	3,270	08/23/2013	RJM	100	100
12-184	05/25/2012	7	Other	1,875	08/23/2013	RJM	100	100
12-33	02/08/2012	9	Reno / Alter	31,900	08/23/2013	RJM	100	100
10-459	10/20/2010	9	Reno / Alter	1,000	07/25/2011	RJM	100	100

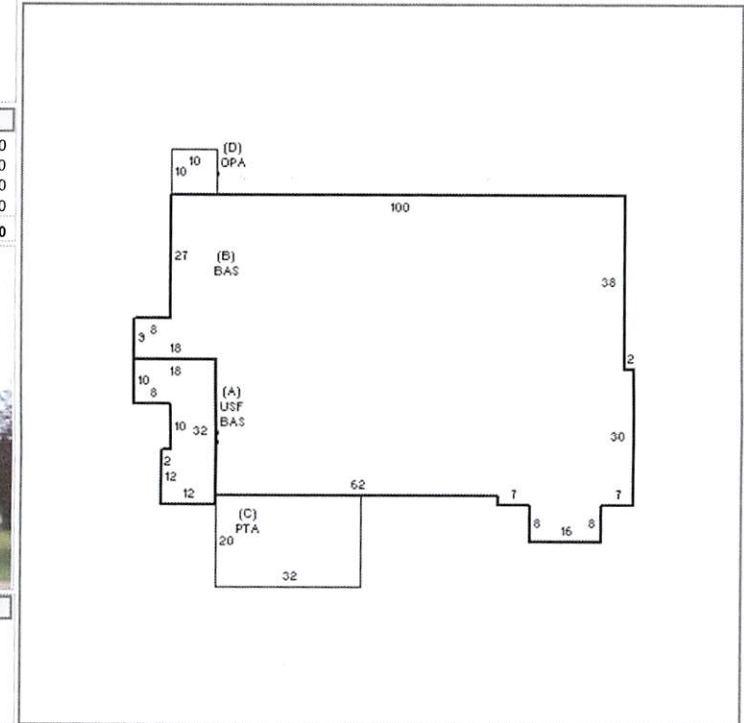
LAND

CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	LPI	VC	CREDIT AMT	ADJ VALUE

TOTAL	SF	ZONING	C3A	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd		NOTE				LAND	0	0
Inf1			BUILDING	828,300	828,300			
Inf2			DETACHED	0	0			
			OTHER	0	0			
			TOTAL	828,300	828,300			

DETACHED

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO
								07/25/2011



BUILDING

BUILDING	CD	ADJ	DESC	MEASURE	1/9/2007	RJM	BLDG COMMENTS
MODEL	20		CONDOS CI	LIST	1/9/2007	RJM	JAE'S
STYLE	4	1.11	RESTAURANT [94%]	REVIEW	4/8/2010	RJM	
QUALITY	G	1.10	GOOD [100%]				
FRAME	1	1.00	WOOD FRAME [100%]				

BUILDING

YEAR BLT	2006	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	862.811
NET AREA	7,464	DETAIL ADJ	1.219	FOUNDATION	2	SLAB	1.00	+	BAS	L	BASE AREA	7,040	2006	114.63	807.024		
\$NLA(RCN)	\$116	OVERALL	1.000	EXT. COVER	10	VERT. BOARD	1.00	A	USF	L	UP-STRY FIN	424	2006	114.63	48,605		
				ROOF SHAPE	1	GABLE	1.00	C	PTA	N	PATIO/STOOP	640		6.60	4,224		
				ROOF COVER	10	METAL	1.00	D	OPA	N	OPEN PORCH	100		29.59	2,959		
STORIES		1	1.00	FLOOR COVER	3	W/W CARPET	1.00										
% HEATED		100	1.00	INT. FINISH	2	DRYWALL	1.00										
% AIR COND		100	1.03	HEATING/COOL	12	WM/CL AIR SPLIT	1.01										
% SPRINKLER		100	1.02	FUEL SOURCE	2	GAS	1.00										
				COMPLEX	1	ASPINWELL VIL	0.65										
				LOCATION	8	EXCELLENT	1.60										

EFF.YR/AGE	2006 / 13
COND	4 4 %
FUNC	0
ECON	0
DEPR	4 % GD 96
RCNLD	\$828,300