

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:

A Special Permit pursuant to the provisions of Section 5.3.2 of the Town of Lenox Zoning By-Law.

To permit the following use or activity (describe proposed use or activity):

Creation of an advertised, ticketed outdoor performance space in an area approximately 110 feet x 80 feet to be called the Roman Garden Theatre, located behind the building identified as St. Martin's from Memorial Day weekend through Columbus Day weekend with all performances to end before 9:00 PM. See Addendum.

For premises:

Owner of Record: Shakespeare & Company, Inc.
Address: 70 Kemble Street, Lenox, MA
Map and Parcel 7-22
Zoned as R-1A
Deed. Reference Book 1717, Page 476

Petitioner


By: **Adam Davis, Managing Director**

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

Address (Mailing Address) 70 Kemble Street, Lenox, MA

Telephone Number (413) 637-1199

Date February 19, 2021

ADDENDUM

Petition of Shakespeare & Company, Inc. for outdoor Roman Garden Theatre
Special Permit to the Zoning Board of Appeals
Property located at 70 Kemble Street, Lenox, MA

The petitioner owns a large parcel of land containing 33.84 acres located at 70 Kemble St. with 17 existing structures. The property has the benefit of a Special Permits and Variances issued by the Zoning Board of Appeals to the National Music Foundation, dated June 13th 1995 and recorded in the Berkshire Middle District Registry of Deeds in Book 1482, Page 1053 for a number of uses including theater for performances and educational programs.

For nearly 20 years Shakespeare & Company has offered indoor performances in 2 different theatres on the property. As a result of the Covid pandemic they had to cancel their entire 2020 season. They do not anticipate being able to provide indoor performances in either the **Elaine Bernstein Theatre** or the **Tina Packer Playhouse** in 2021. Recently the Zoning Board of Appeals granted a Special Permit for outdoor performances in an area adjacent to the Elaine Bernstein Theatre, dated 12/18/2020 and recorded in said Registry of Deeds in Book 6822, Page 45. That outdoor theatre has been named the **New Spruce Theatre** and will have seating for approximately 500 people. The performances that would have been in the larger Tina Packer Playhouse will now be held in the new Spruce Theatre, but they will need another smaller outdoor venue for those performances that would have been held in the Elaine Bernstein Theatre.

Shakespeare & Company seeks permission to perform advertised, ticketed public performances in a venue to be called the **Roman Garden Theatre** located outdoors between the St. Martins' Hall south wing and the Tina Packer Playhouse from Memorial Day weekend through to Columbus Day weekend, with all performances scheduled to end before 9 PM.

This space was utilized in past summers, allowing the Artistic Director and the Director of Education to explore audience response and potential impact on other performance spaces. The proposed Roman Garden Theatre outdoor venue will be approximately 110' x 80' and is accessed from a pathway, constructed with the assistance of the Greenagers, leading from the Tina Packer Playhouse to an area that includes a flexible performance space with up to 300 seats. Existing access to and from Kemble Street serves the parking for this venue. There are 160 paved parking spaces adjacent to the Tina Packer Playhouse, another 7 spaces in a gravel area, and approximately 75 spaces on a grass field, all within a short walking distance of the proposed Roman Garden Theatre. Rest rooms and a concession area in the Tina Packer Playhouse will also serve the Roman Garden Theatre. No changes will be made to the existing conditions at the location - no addition of lighting, sound or other facilities. The petitioner will not be offering performances in the Tina Packer Playhouse and the Roman Garden Theatre at the same time. In addition, due to sound concerns, they will also not schedule performances in more than one outdoor venue at a time.

Accompanying this Petition are a "Campus Key Plan" marked as Exhibit A showing the location of the proposed Roman Garden Theatre, 3 photographs, marked Exhibit "B" taken a

few years ago during their experiment with a small outdoor theatre in this location; and a proposed seating arrangement marked Exhibit "C".

The Zoning Board of Appeals may grant a special permit pursuant to section 5.3.2 of the Lenox Zoning Bylaw to change the nonconforming use of the premises for indoor performances to an extension of that use to allow outdoor advertised and ticketed performances. The use would not be substantially more detrimental than the existing non-conforming use to the neighborhood because the number of cars accessing the property would be substantially fewer than normally attend the permitted uses during the summer season. The proposed findings for a special permit are as follows:

- 1) The community needs served by the proposal are: bringing back outdoor theatre entertainment to Lenox.
- 2) The traffic flow and safety, including parking and loading will not be changed as there will not be performances scheduled for all 4 venues at one time. Adequate parking exists for both indoor venues that will also be utilized for the outdoor venue.
- 3) Adequacy of utilities and other public services: no utilities or public services will be impacted by the proposed use.
- 4) Neighborhood character and social structures: the 33.84 acre parcel contains several nonconforming uses that would not be impacted. The adjoining residential neighborhood would presumably enjoy attending outdoor performances. No additional traffic would be generated as they will not have performances scheduled in all 3 venues at any one time.
- 5) Impacts on the natural environment: There will be no adverse impact on the natural environment
- 6) Potential economic and physical impact to the town, including impacted town services, tax base, and employment. There will be no economic obligation on the town or town services. The potential economical impact on the town businesses who serve patrons and on the residents who enjoyed out door performances will be beneficial.

Respectfully submitted,
Shakespeare & Company, Inc.



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EXHIBIT A

SHAKESPEARE & COMPANY



Campus Key Plan

Exhibit "B"

PHOTGRAPHS OF PROPOSED ROMAN GARDEN THEATRE

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Exhibit "C"

