

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 for exception under the provisions of Section of the Town of Lenox Zoning By-Law.
- ☒ A Variance from the following provisions of Section 6.1.1 Table of Dimensional Requirements for the Industrial Zone of the Town of Lenox Zoning By-Law.

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

See Narrative attached hereto.

To For premises:

Owner of Record Thomas and Judith Hynes
Address 155 Crystal Street, Lenox Dale
Map and Parcel Map 4, Parcel 63,
Zoned as Industrial
Deed Reference Book 3155, Page 191.

Petitioner Piretti Tennis, Inc.



Richard Piretti, President

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

Address (Mailing Address) c/o Lynch Scrimo PO Box 1787 Lenox, MA 01240

Telephone Number 413 637 1300

Email address lynch @lenoxattorney.com

Dated: May 17, 2022

Variance Application Narrative

Submitted By:	Richard Piretti, Jr. – Piretti Tennis, Inc.
Property:	Map 4, Parcel 63, 155 Crystal Street, Lenox Dale
Deed Reference	Book 3155, Page 191.
Zone:	Industrial
Current owners:	Thomas and Judith Hynes
Proposed Use:	Commercial Office/Wholesale business in an enclosed structure

Background

Richard Piretti, Jr. is under contract to purchase property on Crystal Street identified by the assessor's office as Map 4, Parcel 63. Mr. Piretti is the owner and operator of Piretti Tennis, Inc. ("Piretti Tennis") a firm specializing in the installation and maintenance of recreational surfaces for residential and commercial businesses. Piretti Tennis also sells product used in recreational surface and yard maintenance industry at wholesale to select commercial clients.

Mr. Piretti proposes the construction of a 60 x 40 Morton style building to be used by Piretti Tennis. The building will house Piretti Tennis' equipment, vehicles and inventory. The interior will also have a small show room and office(s). Within the fenced and screened rear yard, Piretti Tennis will store bulk, packaged materials and vehicles.

Zoning

The premises is an undersized vacant lot. The total land area is 22,500 sq. ft. with 150 feet of frontage along Crystal Street. The development of the premises is limited due to wetland buffer zones. The property was also adversely impacted by an Order of Taking by the Town as recorded in Book 6039, page 29 (taking of land with construction of R&R utility pole and guy wire).

The Schedule of Dimensional Requirements for the Industrial Zone are:

1. Min. Lot Area	2 acres
2. Min. Frontage	200'
3. Min Lot Width at building	200'
4. Min. Setbacks	
a. Building	50'
b. Lot Line	25'
c. District Boundary	30'
d. Sign	30'
e. Parking Area	30'
5. Max Building Height	35'
6. Max. Building Coverage	35%

In 2004, the Zoning Board granted a variance which would allow the construction of self-storage buildings on this parcel. In doing so, the Zoning Board of Appeals found

"The property (150-x 150-ft) was formerly used for residential purposes and is unique in the district due to its small size and shape. ... Given the size and shape of the lot, there are very limited industrial uses, which would be appropriate for this location"

Mr. Piretti seeks the required permits to build and open a business office with the accessory storage of commercial vehicles. A business office is permitted by right within the Industrial Zone, See Table 5.2E1. and the accessory storage of vehicles is allowed by right within the Industrial Zone, See Table 5.2H9.

A variance is required from the Dimensional requirements of a minimum 2-acre lot, minimum frontage of 200' and min lot width of 200'.

The Zoning Board of Appeals is empowered to grant variances in accordance with Section 40A, Section 10. See Section 3.3.2.4.

The permit granting authority shall have the power after public hearing for which notice has been given by publication and posting as provided in section eleven and by mailing to all parties in interest to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority **specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted**

without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.

Consistent with this Board's decision in 2004, it should find that due to the unique shape and size of the premises that a variance is warranted. Without issuance of a variance, the premises cannot be developed for any purpose. Adding this land to an adjacent use does not enhance or improve the marketability or use of those lots. The premises is bordered on the north south and west by property owner by Valmet, Inc; the eastern border is Crystal Street. Pursuant to the GIS mapping, much of the immediate adjacent land is wetland or wetland buffer.

The proposed use, a business office with accessory parking - is allowed by right within the Industrial zone. Accordingly, the Board must find the use would not be a detriment to the neighborhood. Also, the variance from the dimensional requirements will not nullify or substantially derogate from the intent or purpose of the bylaw. The bylaw's intent is to create an industrial zone within the Town. The Inhabitants of the Town of Lenox determined through the passage of its zoning bylaw that Crystal Street can safely host industrial uses. The minimum lot size and set back requirements are intended to create buffers between adjacent uses. However, the reduced size of the premises would not derogate from this buffer because the premises sits entirely within Valmet, Inc.'s property boundaries. The adjacent wetland and resource areas ensure an adequate buffer between the intended business use and the developed areas of the adjacent landowner.


The Town will benefit from the variance grant. Mr. Piretti is ready and able to make a sizeable investment in the Town, which will increase tax revenue, and allow Mr. Piretti to expand his business. With his business expansion, Piretti Tennis may be able to add to its payroll, providing a further benefit to the Town. Plus, bringing another new business to Lenox Dale will be positive.

There are no detriments arising from this development. Crystal Street is a town way with clear sight lines in both directions. The type of business and its location will not create congestion or traffic hazards.. The lot is connected to Town water and sewer, but its usage will generally be limited.

In conclusion, Piretti Tennis' application is a case study on the proper use of the Board's authority to grant a variance. The undersized parcel is unique in its size, location, and the limited development envelope. These, unique characteristics affect only this site and not the general zoning district; and a literal enforcement of the zoning ordinance will create an unbuildable lot for any purpose.

Respectfully submitted,

Piretti Tennis, Inc.

A handwritten signature in blue ink, appearing to read 'J. Lynch', is written over a solid horizontal line.

By: Jeffrey R. Lynch its counsel

Plan drawings and design by Robert Akroyd, Greylock Design



Greylock Design Associates
Landscape Architecture & Land Planning

• 41 Lane Kiln Rd.
Lenox, MA 01240
P 413-637-8366

• 784 B Tremont St.
Boston, MA 02118
P 617-351-0108

RICHARD PIRETTI JR.
155 Crystal Street
Lenoxdale, Massachusetts

PERMITTING

SITTE PLAN

L-201

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