

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 Modification of a Prior Special Permit for exception under the provisions of Section 8.10.8 of the Town of Lenox Zoning Bylaw.
- ☐ A Variance from the following provisions of Section _____ of the Town of Lenox Zoning Bylaw.

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

To allow the conversion of the Gatehouse, currently used for administrative offices, to a dwelling to be used for staff housing.

See attached Addendum.

For premises:

Owner of Record	<u>CR Resorts, LLC</u>
Address	<u>165 Kemble Street, Lenox, MA 01240</u>
Map and Parcel	<u>Map 3, Parcel 43</u>
Zoned as	<u>R-1A</u>
Deed Reference	<u>Book 3144, Page 26</u>

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

Petitioner 
CR Resorts, LLC by its Attorney Lori A. Robbins

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

Mailing Address c/o Heller & Robbins PC 36 Cliffwood Street, P.O. Box 823, Lenox, MA 01240

Telephone Number (413) 637-2255

Email address lrobbins@hellerandrobbins.com

Date August 11, 2023

ADDENDUM

CR RESORTS, LLC 165 KEMBLE STREET, LENOX

Background

The applicant, CR Resorts, LLC, is the current owner of the real estate with a street address of 165 Kemble Street, doing business as Canyon Ranch Lenox that includes property identified on the Lenox Assessors Map 3 as Lot 43 and 50. Built as a residential dwelling in 1896-1898, the property originally included all of the land identified currently shown on the Lenox Assessors Map 3 as lots 43, 47 48, 49, 50 and a portion of 85. From 1946 to 1987 the property was owned by several owners and used as a seminary and a school or sat vacant. In addition to the original mansion and gate house, several new buildings were built for the school use. In 1981 Martin Eisenberg purchased the property and obtained a variance from the Lenox Zoning Board of Appeals by a Decision dated 2/28/1983, to construct 71 condominium apartment units on the campus, described as having 96 acres, by converting existing buildings used for the school into residential units (See Exhibit 1). The former mansion known as Bellefontaine is one of a few buildings in Lenox that is eligible for special development rights in Section 8.10 of the Lenox Zoning Bylaw, entitled Estate Preservation Area. Plans for the development of this parcel have evolved over the past 40 years from strictly residential/condominium use to the creation of an Estate Preservation Area and Resort use by special permits. A summary of the decisions is as follows:

April 19, 1985 – Two Special Permits were granted by the Lenox Zoning Board of Appeals (hereinafter “ZBA”) to Martin Isenberg, Trustee for the Bellefontaine Realty Trust under Section 6.6-3 (B 14) to establish a Resort and Section 6.6-8(H) (now section 8.10) of the Lenox Zoning Bylaw to develop an Estate Preservation Area that allowed the construction of 37 new condominium/apartment units; conversion of the “gate house” into two condominium/apartment units; the use of the “guest house” as one residential unit ; and the development of a maximum of 85 hotel units in a proposed Inn. (See Exhibit 2)

May 27, 1987 -The ZBA approved a modification of the previous special permits to Martin I. Isenberg, Trustee of the Bellefontaine Realty Trust to change the use from a general

resort to a specific use as a fitness and health resort. In connection with the application, the following modifications were allowed: "elimination of two condominium/apartment units in the Gatehouse and replacing them with administrative/security offices; reallocation of the number of hotel units...proposed Inn will contain 120 units; ..." and incorporated a new site plan with changes in location and/or size of the proposed Inn, sports center, tennis facility, condominium units, parking areas and outdoor tennis courts and paddle tennis. (see Exhibit 3)

October 18, 1989- The ZBA granted Canyon Ranch-Bellefontaine & Associates, L.P. a Variance to allow the construction of a "...guard station to be located within a 200 foot buffer area, within 50 feet of a Category 1 designated building, within land lying between the Bellefontaine Mansion and Kemble Street..." (See Exhibit 4)

January 31, 1990- The ZBA granted Canyon Ranch-Bellefontaine & Associates, L.P. a modification of the Resort and Estate Preservation Area special permits to "...incorporate into the special permit a new site plan showing changes in the location and allocation of condominium units, the elimination of the Guest House and Barns and Stable, and the increase in the size of the garage on the north end of the property..." (See Exhibit 5)

March 12, 1997- The ZBA granted Crescent Real Estate Funding VI, L.P. a modification of the prior special permits and variance to construct an addition to the north side of the Spa Building; enclose two areas on the north side of the Inn; reorient and relocate a solarium to accommodate a staff cafeteria, an Inn dining room and two lounges; reduce the number of condominiums to be built from 38 to 24 and to relocate the "owners" condominium unit to the Health and Fitness Assessment Center; and "...to relocate the "security house" (aka "guard station") 140 feet from Kemble Street". (See Exhibit 6)

December 1, 1999- the ZBA granted further modifications of the Resorts and Estate Preservation Area special permits to Crescent Real Estate Funding VI, L.P. to construct an aquatic center and a sports center additions to the Sports Center Building; add a Guest Room Addition which resulted in an increase of the inn units from 126 to 134 and "there will be a reallocation of the 24 condominium units authorized to be built on the premises..."; the construction of a bookstore; relocating the tennis courts and approving a new sign. (See Exhibit 7)

March 27, 2002- The ZBA granted another modification of the Resort and Estate Preservation special permits to Canyon Ranch Real Estate Funding VI, L.P. (that was amended by Decision filed 12/9/2002) to correct the name of the Petitioner to Crescent Real Estate Funding VI, L.P) to allow the petitioner to grant deeded rights to the "Canyon Ranch in the Berkshires resort" to six building lots on an adjoining parcel of land owned by Melvin and Enid Zuckerman. That adjoining parcel is now known as the "Pinecroft" subdivision upon which 6 residential dwellings have been constructed. (See Exhibit 8)

January 22, 2014- The ZBA granted CR Resorts, LLC a modification of the Resort and Estate Preservation Area Special Permits to allow the construction of 19 new condominiums in one building and to be located on a dedicated 5.9 acre parcel of land that would be owned by a separate entity; the construction of another addition to the spa building, the elimination of 3

existing maintenance buildings and the construction of a new indoor maintenance and storage building with office space. Section 8.10.5 of the Zoning Bylaw entitled Estate Preservation Area Lenox specifically provides that the “Division of the Designated Area into separate parcels by reason of public ways or multiple ownership shall not prevent the qualification of an area that otherwise complies with the requirements set forth herein.” The ZBA made the following findings: *“The Canyon Ranch resort was approved by the Zoning Board of Appeals under the Estate Preservation Area bylaw by Decision dated April 19, 1985, which allowed up to 37 condominium units plus a staff house. From 1987 to 2007 the number of condominium units approved by the Zoning Board of Appeals has been reduced to 19 condominium units, which are being reallocated to the condominium apartment building from several previously approved areas: 10 condominium units not built which were to be located in the lower Meadow, eight apartment units in a guest room addition building that was not built, and the use of a staff house, which will remain for storage only... The density requirements for the resort in the 19 condominium apartments have been met. In addition, all setback requirements under section 6.10.5, Division, and 6.10.8(2), Multifamily uses, of the Estate Preservation Area Bylaw... and section 6.6 .1 (2) concerning the resort buffer area have been met. The condominium apartment building will be located on a dedicated 5.9 acre parcel of land with 250 feet of frontage and Kemble Street, thereby reducing the total acreage of Canyon Ranch resort from 119 acres 113.10 acres and the resort frontage on Kemble Street from 3,300 feet to 3,050 feet. (See Exhibit 9)*

The current 2023 Estate Preservation Area in the Lenox Zoning Bylaw, now Section 8.10 entitled Multifamily Uses still provides that “An Estate Preservation Area may include any mix of single-family dwellings, multifamily dwellings, and townhouses...” pursuant to certain requirements.

As with many of the prior special permits and their modifications, some of the features were never built including the “staff house”, which originally was proposed in a building located on Lenox Assessors Map 3, Lot 50 that had previously been referred to as “Guest House” and is now referred to as “The Farm House” on the assessors card as “vacant”.

The petitioner seeks the following:

1. Modification of the Special Permit and site plan approved by the Zoning Board of Appeals on January 28, 2014 to repurpose the Gate House as a residential dwelling for staff housing.

On January 28, 2014, the ZBA approved the “Updated Master Site Plan for Canyon Ranch –

In the Berkshires—", prepared by Foresight Land Services, dated December 27, 2013 and identified as SP-1H, and Updated Municipal Impact Report for the construction of 19 condominium residential dwellings. The ZBA previously approved "two condominium units" in the Gate House in the April 19, 1985 Special Permit Decision. (see Exhibit 2) A "staff house" has been approved in numerous previous Special Permit Decisions at different locations. The petitioner seeks to repurpose the five administrative offices to provide for 5 bedrooms, living room, dining room and to renovate one of the two bathrooms in the building. The staff will use the existing adequate parking surrounding the Gate House.

The proposed modification to the Special Permit will increase the number of dwellings from 19 to 20 with the addition of the Gate House as staff housing. Pursuant to section 8.10.8 the following requirements must be satisfied:

1. Frontage of 150 feet plus an additional 5 feet of frontage for each single-family dwelling - based on this formula, with 20 single-family dwellings, required frontage is 250 feet. The premises has 3,050 feet of frontage and Kemble Street, well in excess of the requirement .
2. A buffer area up to 200 feet wide as determined by the Board of Appeals, is maintained between off premises neighbors and on premises activity areas which would be intrusive to such neighbors. The Gatehouse is a pre-existing Category 1 building and the ZBA had previously authorized the construction of 2 condominium units in this structure in this location. There are no off premises neighbors within 200 feet of the Gatehouse.
3. The total acreage required for Multifamily use in the Estate Preservation Area is 1 acre for a Category number #1 buildings and 3 acres for Category # 3 buildings. The

Gatehouse is Category # 1 building and the 19 fully constructed condominium dwelling units are Category #3 buildings; therefor 58 acres are required for this modification. The Property currently contains a total of 119.13 acres, which consists of 113.2 acres in the "Resort Lot" and 5.9 in the separate "Condominium Lot", well in excess of the 58 acres, therefor no density bonus or open space restriction is required or requested.

The municipal impacts have been factored into the development of the Canyon Ranch property since the granting of the special permits in April of 1985.

COMPLIANCE WITH SPECIAL PERMIT CRITERIA

The requested modifications to the site plan and the modification of the previous Special Permits to add one more residential dwelling for staff housing will comply with Section 3.4.2 of the Zoning By-laws, Special Permits, Criteria:

1. Community needs served by the proposal. Section 8.10.1, Purposes, of the Estate Preservation Area by-law describes its purpose to encourage the preservation and restoration of the buildings and the open space, vistas, stonework, gardens and recreation facilities associated with the original buildings. Section 8.10.8 specifically allows for multifamily uses and Section 8.10.9 specifically allows for combination of uses, including any use permitted in an R-1A zone by right and by special permit. The use of the Gate House for staff housing serves the dire community need for affordable housing.

2. Traffic flow and safety, including parking loading. Traffic flow and safety will remain consistent with the current conditions. Traffic flow will not change with the conversion of the administrative offices to staff housing as the number of employees will not be increased because of the addition of staff housing. There are 5 parking spaces near the entrance that will

be designated for the staff housing

3. Adequacy of utilities and other public services. The staff Gatehouse is connected to Town water and sewer. The facilities are adequate for the proposed use.

4. Neighborhood character and social structure. The repurposing of the Gatehouse will not affect the exterior of the building therefore the neighborhood character and architectural character will remain consistent with the other buildings on the Kemble Street.

5. Impacts on the natural environment. There will be no impact on the natural environment. The restoration is limited to interior work on existing structures.

6. Potential economic and fiscal impact to the Town including impact on town services, tax rates and employment. The small number of bedrooms in the Gatehouse to be used as staff housing will not significantly impact schools, fire or police protection. Providing staff housing will greatly benefit those employees who work at Canyon Ranch.


REQUESTED RELIEF

For the reasons set forth herein and the documents, plans and narratives attached and incorporated herein, CR Resorts, LCC respectfully requests a modification to its special permit and site plan to allow for the conversion of the Gate House to a 5 bedroom residential dwelling unit in the Resort and Estate Preservation Area described herein.

Respectfully submitted,

CR Resorts, LLC

By:



Lori A. Robbins, Esq.

Heller & Robbins PC
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Lenox, MA 01240
(413) 637-2255
lrobbins@hellerandrobbins.com

TOWN OF LENOX

PAGE 1.

BOARD OF APPEALS

27 February 1983

Decision of the Board of Appeals on the appeal and petition of Bellefontaine

Realty Trust AKA Martin Isenberg

The petitioner, Bellefontaine Realty Trust, was granted a variance from section 6.6-1(A5) by a vote of four members in favor to one opposed. The petitioner presented a plan to construct condominium apartments by converting existing buildings on property known as "Bellefontaine." The property, comprised of a total of 96 acres is located on the east side of Kemble Street, in an R-1A zone.

The Board found that granting of the variance would not derogate from the spirit of the zoning bylaw. The board stated that the bylaw allows for use variances, and that the presence of 71 apartment units on 96 acres would maintain an appropriate overall low density for a one-acre minimum lot size zone.

The Board also found that granting of the variance would not be detrimental to the public good. The members stated that the preservation of a large, historically and architecturally important "estate" property would, in fact, enhance the neighborhood and the entire community. As granted, the petition prohibits an increase in municipal water use and provides a temporary reserve sewage disposal system as a guard against overuse of the municipal system. The petitioner's plans include few exterior architectural changes and a wide buffer zone adjacent to neighboring properties.

The Board found that the hardship requirement for a variance was met by the size and nature of the 96-acre parcel and its large buildings. They were built as a mansion and residential school and thus exist as inordinately large buildings in an era when economic and cultural conditions make similar uses unlikely. The size and configuration of the structures create a situation in which this parcel of land is difficult to maintain through most allowed uses and in addition differs from land uses generally existing in this zoning district.

In granting the variance the Board imposed the following conditions:

1. Condominium apartment units in the buildings described as the "Mansion" and the "Gatehouse" are the only units allowed to be served from the town's water system. All other units will be required to draw from a private water system.

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF LENOX

BOARD OF APPEALS

27 February 19 83

Decision of the Board of Appeals on the appeal and petition of Bellefontaine

Realty Trust AKA Martin Isenberg

2. If water usage exceeds 500,000 gallons per year the town Department of Public Works, Board of Health, and or Building Inspector may restrict occupancy permits or halt accessory water uses such as the filling of swimming pools or use of outdoor watering systems.
3. The petitioner must construct an alternate on-site water supply approved by the state Department of Environmental Quality Engineering, town Board of Health and any other agency having jurisdiction, which must produce at least 10 gallons of water per minute.
4. No accessory water uses such as swimming pools or outdoor watering systems will use water from the Town's water system, but will be fed from private supplies developed or purchased by the petitioner.
5. There will be no physical connection between the water supplies of the portion of the development known as the "Mansion" and the part known as the "Atrium."
6. All apartment units will be equipped with water conservation devices as required by state and town laws and ordinances.
7. The section of the development known as the "Gatehouse" shall be limited to Two apartment units and no greenhouse additions as proposed in the petitioner's plan shall be added to that section of the development.
8. A 200-foot buffer zone inside of which are prohibited activities associated with the apartment development shall be maintained around the perimeter of the parcel with the exceptions of the building known as the "Gatehouse" and along the northerly and easterly property lines of the Convent parcel, and the easterly and southerly lines of the Bechtold parcel, and the southerly boundary of the petitioners parcel for 400 feet east from the south west corner, and along the southerly boundary of petitioner's parcel will be appropriately screened with dense shrubbery.

BOARD OF APPEALS

27 February

1983

Decision of the Board of Appeals on the appeal and petition of Bellfontaine

Realty Trust AKA Martin Isenberg

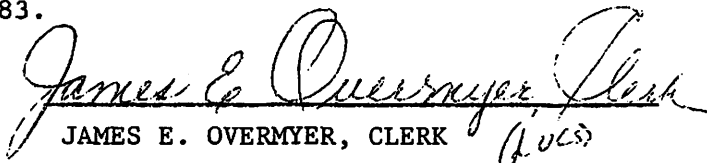
9. On-site septic fields shall be utilized when the town Department of Public Works and or Sewer Commission deems it necessary. The on-site septic systems shall be deemed adequate by the Board of Health for short term or emergency use.
10. There shall be no further subdivision of the 96-acre parcel which is the subject of this petition, as it is described in the plot plan.
11. No apartment unit shall contain more than two bedrooms.
12. No apartment units shall be sold on a "time-sharing" basis as that basis is defined in the Lenox Zoning Bylaw.
13. There shall be no illumination of outside athletic facilities, except for lights not to exceed five feet in height at the existing swimming pool.
14. No new building construction shall be permitted except for greenhouse additions to the portion known as the "Mansion" as described in the petitioner's plans, and except for necessary construction to develop the on-site water supply and enclose the swimming pool.
15. Interior roadways shall conform to road standards of the Lenox Subdivision Control, except the roads are not required to meet with width standards so long as they are at least 18 feet wide, and except that the roads need not be paved.

The petition was filed on 28 December 1982, advertisements were published in the Berkshire Eagle on 29 December 1982 and 5 January 1983, the public hearing was held on 12 January 1983, and the decision vote was made on 14 February 1983.

Any appeal from this decision must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing of this decision with the Town Clerk.

Filed this day with the Town Clerk and the Planning Board.

Signed and certified this 27 day of February, 1983.


JAMES E. OVERMYER, CLERK

277357

Town of Lenox
Massachusetts

Zoning Board of Appeals

EXHIBIT 2

NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a variance has been granted in compliance with the statutory requirements as set forth in Chapter 40A as amended, by the Lenox Zoning Board of Appeals, to:

Petitioner: Martin Isenberg, Trustee of the Bellefontaine Realty Trust

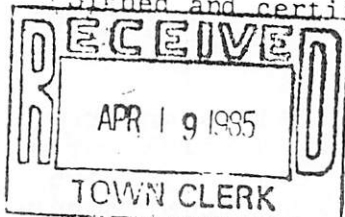
Land Owner: Martin Isenberg.

Premises: Kemble Street - Bellefontaine, Lenox, MA

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 19th day of April, 1985.

Zoning Board of Appeals



CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed; or appeal has been filed and denied in the case.

Seal

RECEIVED 3:51 PM

MAY

101985

Rita J. Payson
Town Clerk

APR 22 REC'D

TOWN OF LENOX

INCORPORATED 1787

MASSACHUSETTS

OFFICE OF THE Z.B.A.
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BELLEFONTAINE DECISION

Martin Isenberg, trustee of Bellefontaine Realty Trust, applied for two special permits, under section 6.6-3(B14) of The Lenox Zoning Bylaw to establish a resort - and under section 6.6-8(H) to develop an estate preservation area. The petitioner also applied for a variance from section 10.6 of said bylaw, which would have allowed a reduced number of off-street parking spaces in conjunction with the proposed resort. The property in question is on Kemble Street, in an R-1A zone, and is known as "Bellefontaine."

The board voted to deny the variance application. four votes in the negative (Clerk Darey, Members Lynch and McNinch and Associate Member Archey) to one affirmative (Chairman Overmyer). Those voting in the negative found that petitioner had not presented sufficient evidence to prove a hardship related to the property existed.

The board voted to grant the special permit application for a resort use under section 6.6-3(B14), with four votes in the affirmative (Chairman Overmyer, Members McNinch and Lynch and Associate Member Archey) to one in the negative (Clerk Darey). The board voted to grant the special permit application for an estate preservation area under section 6.6-8(H), with four votes in the affirmative (Chairman Overmyer, Clerk Darey and Members McNinch and Lynch) to one in the negative, (Associate Member Archey).

In regard to both special permits, the board made the following findings under section 6.1.1 of the zoning bylaw:

--the petition was in compliance with all provisions and requirements of the bylaw and in harmony with its general intent and purpose. As the petition was eventually reduced in size through the imposition of conditions, all parking requirements were met. Both resort and estate preservation uses are permitted in R-1A areas by special permit, and are thus in harmony with the bylaw.

--the petition was desirable to the public convenience or welfare in that it will add to the town's property tax base if constructed, will create both long and short-term employment opportunities, will result in the preservation of historic buildings and will result in the permanent dedication of open space.

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MASSACHUSETTS

OFFICE OF THE Z.B.A.
TOWN ENGINEER

--the petition would not be detrimental to adjacent uses or to the established or future character of the neighborhood, since the proposed development is well screened from neighbors; has the buffer zones required by the bylaw; is set on a 97-acre parcel of land, leaving sufficient open space between resort and housing operations and most abutters, and is in an area which already has substantial land devoted to institutional and open space uses similar to those proposed here.

--The petition would not create undue traffic congestion or unduly impair pedestrian safety since the property is near a major highway, is connected to that highway by a street (Kemble) which is still a numbered state route and is built and still maintained to state secondary highway specifications, and is under-utilized at present according to traffic studies presented by petitioner.

--The petition would not overload public facilities, given the execution of agreements between petitioner and The Town of Lenox specified in conditions imposed on the permits.

The board found in regard to the special provisions required of a resort use in section 9.18 of the bylaw that the petition showed 18 acres of property designated for resort use, in excess of the 15 acre minimum requirement, and that buffer zones of at least 200 feet in width between resort uses and abutting property lines were shown in the site plan filed by petitioner.

The board also found in regard to the special provisions required by section 9.19 for an estate preservation area that the petition:

--showed sufficient research and planning, as described in sections G and H of the petition (Exhibit IV in the hearing files) have been conducted to ensure an appropriate plan for preservation and rehabilitation of the original exterior features and character and structural integrity of Category 1 buildings.

--included 97 acres of land, well in excess of the 25 acre minimum.

--agreed to the use of town sewers, as specified in conditions attached to the special permit.

--agreed that water for domestic purposes is available, as specified in conditions attached to the special permit.

--acknowledged that town water will be connected for fire protection, as is currently the case for the property.

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OFFICE OF THE Z.B.A.
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--provided that all interior roads be constructed to contemporary subdivision standards, with exceptions as specified in the bylaw (see Section D of Exhibit IV).

--showed through its site plan that off-street parking is screened from abutters and adjoining streets.

--provided as specified in conditions attached to the permit, for a bonding agreement between the petitioner and town to ensure completion of historical preservation and other work.

--did not include any new structures within 200 feet of Category 1 buildings. The proposed enclosed glass walkway attached to the main building was found not to be a new building, particularly in light of plans to use the walkway to replace an existing, architecturally incompatible Category 2 building.

--did not include any new structure or building between a Category 1 building and Kemble Street, a proposed security building having been eliminated by a condition attached to the special permit.

✓ --met requirements for multi-family use in that the property's 3,000 feet of frontage exceeds by more than eight times the required frontage, a 200 foot buffer area is shown in the site plan and density requirements are met allowing 37 Category 3 and three Category 2 units on 97 acres are met, with the inclusion of a density bonus through dedication of open space.

In granting the special permits, the board imposed the following conditions:

1. Petitioner shall execute a signed agreement with the town board of public works specifying financial and other arrangements as offered by the petitioner which must be met regarding public water facilities before any building permits can be issued.

2. Petitioner shall execute signed agreements with the board of public works and the sewer commission specifying financial and other arrangements as offered by the petitioner which must be met regarding public sewer facilities before any building permits can be issued.

3. The area of the property to be included in the Estate Preservation Area be limited to that included in assessors' map 22C-1.

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MASSACHUSETTS

OFFICE OF THE Z.B.A.
~~SEAL AND SIGNATURE~~

4. The maximum number of new condominium/apartment units to be constructed be limited to 37.
5. The gate house shown on the site plan contain two condominium/apartment units and the guest house contain one unit.
6. The number of hotel units in the proposed inn to be constructed be limited to 85.
7. An adjoining 23-acre parcel of land also owned by the petitioner be permanently dedicated to open space.
8. Town counsel shall approve the form of a covenant which will guarantee the permanent dedication of open space and will guarantee the performance of the developer as required by sections of the zoning bylaw pertaining to estate preservation areas.
9. A purchase agreement shall exist with a proposed buyer of any condominium/apartment unit before a building permit is issued for said unit, with the exception of up to six model units.
10. Financial information is to be submitted to town counsel indicating that the resort has been fully subscribed to by valid investors before any building permit is issued for construction of the proposed inn.
11. The existing entrance of the dirt road at the north end of the property which will serve as a service road will be chained off at the Kemble Street entrance from 5 P.M. to 7 A.M. daily.
12. The proposed security house shown on the site plan shall be eliminated.
13. The drainage and erosion control plan will be adhered to minimize off-site damage downstream along Sargent Brook, both during construction and permanently.
14. No greenhouse appendages shall be allowed on the mansion.
15. No condominium/apartment units shall be sold on a time-sharing basis, as that use is described in the Lenox Zoning Bylaw.

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16. Petitioner shall file a new site plan with the Zoning Board of Appeals incorporating any changes in his proposal mandated by vote of the board. The new site plan must be filed on or before May 1, 1985. The Zoning Board of Appeals shall approve said site plan before any building permits are issued.

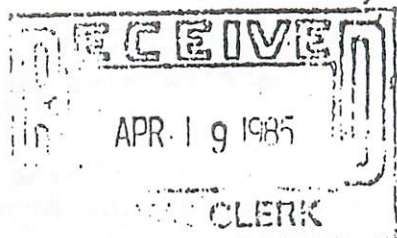
The petition was filed on November 21, 1984 for the special permits 6.6-8(H) & 6.6-3(B14). On November 26, 1984, the petition for the variance 10.6 was filed. Advertisements were published in the Berkshire Eagle on February 19 & February 25, 1985. The public hearing was held on February 27, 1985 and the decision vote was made on April 4, 1985.

Any appeal from this decision must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after the date of filing of this decision with the Town Clerk.

Filed this day with the Town Clerk and the Planning Board.

Signed and certified this 19th day of April, 1985.


James E. Overmyer, Chairman



BOOK 1198 PG 522

318010

TOWN OF LENOX

MASSACHUSETTS

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a Modification of 2 special permits has been granted in compliance with the statutory requirements as set forth in Chapter 40A as amended by the Lenox Zoning Board of Appeals to:

Petitioner: Martin I. Isenberg
Trustee of the Bellefontaine Realty Trust

Land Owner: Martin I. Isenberg

Premises: The Bellefontaine
Kemble Street, Lenox, MA 01240

The Decision of the Board is filed this date with the Town Clerk and the Planning Board.

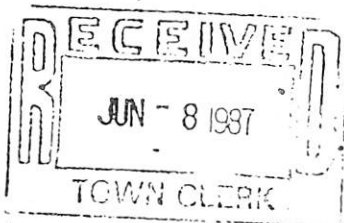
Signed and certified this 8th day of June, 1987

Zoning Board of Appeals

Patricia A. Darey *dt*
Patricia A. Darey

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed; or appeal has been filed and denied in the case.



Lorita Bosworth
Lorita Bosworth Town Clerk
(Acting)

RECEIVED 8:02 AM JUNE 30 1987

TOWN OF LENOX

ZONING BOARD OF APPEALS

DECISION

On May 27, 1987, the Lenox Zoning Board of Appeals heard the petition of Martin I. Isenberg, Trustee of the Bellefontaine Realty Trust, requesting modification of two special permits granted to the petitioner on April 19, 1985, under Section 6.6-3 (B14) and 6.6-8 (H) (Estate Preservation Area) of the Lenox Zoning Bylaw.

The change in emphasis from a general resort use to a specific use as a fitness and health resort and the need to re-locate the condominium units because of wetland and buffer problems would result in the following modifications: elimination of two condominium/apartment units in the Gatehouse and replacing them with administrative/security offices; re-allocation of the number of hotel units between the proposed Inn and the Mansion so that the Mansion will contain common areas and meeting rooms for the resort and the proposed Inn will contain 120 units; allow modification of drainage and erosion control plan because of roads, parking areas, and buildings being moved out of the wetlands and buffer zone; incorporation of a new site plan with changes in location and/or size of the proposed Inn, sports center, tennis facility, condominium units, parking areas, and outdoor tennis courts and paddle tennis.

After listening to testimony at the public hearing and visiting the site, the board by a vote of five (5) affirmative and zero (0) negative granted the request for modifications subject to restrictions/conditions hereinafter listed.

In his written decision Robert McNinch said that granting the modifications would not be contrary to the Lenox Zoning Bylaw and would fulfill all of the requirements of a special permit. He further stated that the modifications would only serve to enhance the property and use, the impact on Kemble Street traffic would less than a general resort use would create, and the re-location of the condominium units is desirable.

Warren Archey stated in his decision that this request was a substantial improvement over the April 19, 1985 request which was approved. He cited the movement of the condominium units from the wetland area, the maintenance of integrity of open space in the southern part of the resort, the maintenance of the 200-foot buffer, the decrease in the size of the Inn, and the elimination of condominiums in the gatehouse. He also noted that water and sewer agreements had been made with the Lenox DPW, and that the increased size of the sports building would not be detrimental since the proposed building would be invisible from off the property.

Charlotte Finn approved of the elimination of residential units in the gatehouse and the suitable substitution of security and administrative uses. She also approved the reduction in the number of hotel units and their re-location entirely to the Inn and the use of the Mansion as common rooms and offices, since it would reduce the footprint. She stated that questions she originally had concerning the size of the sports complex and its impact on the neighborhood were answered when she saw the topography and realized that the area would not be seen off the grounds. She further stated that the granting of this petition would be in harmony with the intent of the Lenox Zoning Bylaw, would not create undue traffic congestion or overload the public facilities of the town.

In her decision Patricia Darey said that the requested modifications comply with the Lenox Zoning Bylaw in all respects and are a definite improvement over the previously-approved plans. She also suggested, and the board agreed, that the decision include the map and lot numbers of the property as shown on the new assessors' maps.

In his decision Edward Spence found that the proposed changes would be visually set back from Kemble Street, and the traffic impact on the area would be reduced because of the nature of the resort activities. He said that the proposed use would not currently overload existing water resources, drainage, and sewer systems and will conform to prior engineering, drainage, and water retention plans approved previously.

The area identified as map 22C, parcel 1 on the former assessors' map and included in the Estate Preservation Area is currently identified as Map 7, parcel 43 on the new maps. Also included as the entire property involved are currently identified map 3, parcel 50 and map 3, parcel 46.

The decision of the Zoning Board of Appeals includes the following conditions/ restrictions:

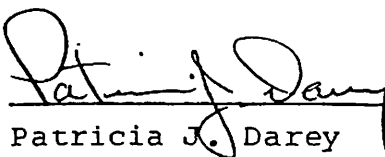
1. lighting at the gatehouse and parking areas will be low-level, unobtrusive, and directionally oriented to prevent spillage.
2. the run-off rate will not exceed the pre-construction run-off rate.
3. Except for the modifications permitted with respect to paragraphs 5,6,13, and 16 of the original permit granted on April 19, 1985, all other conditions and restrictions stated in that Special Permit shall remain in full force and effect and are incorporated herein by reference.
4. Prior to the opening of Canyon Ranch at Bellefontaine, the designated category one building under the Estate Preservation Area, the Bellefontaine Mansion must be completely rehabilitated and ready for use.

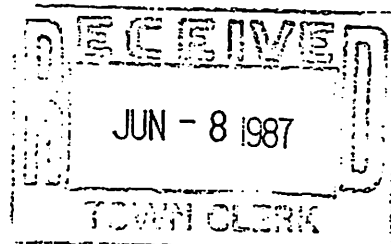
5. the petitioner will eliminate 113 parking spaces proposed for the southern part of the property and add an additional 29 parking spaces to the new proposed parking location on the amended site plan. All parking spaces will be located outside of the buffer zone but within the resort area.
6. the utility road located south of the main entrance to the property will be permanently blocked and abandoned.
7. all trees and landscaping will be retained except those necessary for the construction of the proposed buildings and amenities as outlined on the May 27, 1987, site plan.
8. the petitioner will execute a bonding agreement with the Town of Lenox in an amount sufficient to guarantee and insure the completion of the historical preservation and construction of the category one building. The amount of such bond and the form of bonding agreement will be determined by the Lenox Planning Board and/or Town Counsel.
9. The petitioner will hire and pay for the services of Preservation Technology Associates of Boston as historical consultant to review the exterior plans for historical restoration of the Mansion as approved April 19, 1985, and certify completion of said restoration in compliance with plans. If this designated consultant is unavailable, the petitioner will request approval from the Lenox Planning Board for another historical consultant.

The petition was filed on May 4, 1987; the hearing was advertised in the Berkshire Eagle on May 12 and May 19, 1987; the public hearing was held on May 27, 1987; the on-site inspection was held on May 30, 1987; and the decision was made on June 4, 1987.

Any appeal to this decision must be made with the Town Clerk twenty (20) days within the filing of this decision.

Filed this 8th day of June, 1987, with the Town Clerk and the Planning Board.


Patricia J. Darey



357346
TOWN OF LENOX
MASSACHUSETTS

OCT 27 REC'D
BOOK 1287^W 91

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY

VARIANCES AND

Notice is hereby given that a MODIFICATION OF A SPECIAL PERMIT has been granted in compliance with the statutory requirements as set forth in Chapter 40A as amended by the Lenox Zoning Board of Appeals to:

Petitioner: CANYON RANCH-BELLAFONTAINE & ASSOCIATES L.P.

Land Owner: CANYON RANCH-BELLAFONTAINE & ASSOCIATES L.P.

Premises: Kemble Street, Lenox, MA

The Decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 20th day of October 1989

Zoning Board of Appeals OCT 20 1989

Warren E. Archey
Warren E. Archey, Clerk

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied in the case.

Lorita Bosworth
Lorita Bosworth Town Clerk



1989 00870091
Bk: 1287 Pg: 0091 Doc:NOT
Page 1 of 3 11/21/1989

TOWN OF LENOX
Massachusetts
ZONING BOARD OF APPEALS

DECISION

Variances and a modification of a Special Permit are granted to Canyon Ranch-Bellafontaine & Associates L.P. to allow a guard station to be located within a 200 foot buffer area, within 50 feet of a Category I designated building, within land lying between the Bellafontaine mansion and Kemble Street, and a modification of a site plan, under a Special Permit, dated June 8, 1987.

The petition was filed on August 28, 1989, advertisements were published in the Berkshire Eagle on September 11, 1989, and September 18, 1989, the public hearing was held on September 27, 1989, and the decision vote was made on ~~September 18, 1989.~~
Oct.

Member Archey noted that the petition was reasonable, the guardhouse was small in size, was not a detriment to the sweeping vista, and met the requirement of hardship by providing the necessary privacy of guests and security of the facility and at the same time obviating the need to construct another roadway across the broad area of open space.

Member Brown felt the guardhouse was clearly needed and further believed that the existing turn-around area was inadequate to effectively allow the exit of those refused entrance to the facility.

Member Cowhig, in a written decision, because of a necessary absence, determined that the privacy of the guests is a necessity and that the small structure is necessary to protect the security personnel from the weather. Further, she stated that the location of the proposed structure does not violate the intent of the Great Estates section of the zoning bylaw as this section was written to protect views, and that hardship was met due to the distance of the proposed guardhouse from the mansion and the need to protect security staff from the weather.

Member Darey stated that the guests needed privacy and security and that the location chosen for the guardhouse provided no intrusion to the rest of the buffer area.

Member Overmyer, likewise, felt that the location for the clearly needed guardhouse was good and did not provide a detriment to the setting.

One condition accompanied the approval. The board voted 4-0 (Cowhig in absentia) to require a widened roadway around the guardhouse to accommodate turns of those vehicles refused entrance.

The board determined that the petition did not constitute an intrusion to the character of the neighborhood, that the shape of the land and its constituent structures relative to the proposed structure resulted in a hardship to the petitioner, that pedestrian and vehicular safety is not impaired, that public facilities would not be overloaded, that the proposed structure is essential and desirable for the public convenience at this location, that relief can be granted without substantial detriment to the public good, or substantially derogating from the intent or purpose of the bylaw.

Any appeal from this decision must be made pursuant to Section 17, Chapter 40A (G.L.) as amended, and must be filed within twenty (20) days after filing of this decision with the Town Clerk.

Filed this day with the Clerk, Zoning Board of Appeals and the Planning Board.

Signed and certified this 20th day of October, 1989.

Warren E. Archey
Warren E. Archey, Clerk

OCT 20 1989

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Page 1 of 3 03/06/1990

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BOOK 1295 PG 175
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TOWN OF LENOX

MASSACHUSETTS

ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a Modification of a Special Permit has been granted in compliance with the statutory requirements as set forth in Chapter 40A as amended by the Lenox Zoning Board of Appeals to:

Petitioner: CANYON RANCH-BELLEFONTAINE ASSOCIATES, L.P.

Land Owner: CANYON RANCH-BELLEFONTAINE ASSOCIATES L.P.

Premises: CANYON RANCH at BELLEFONTAINE, KEMBLE ST., LENOX, MA

The Decision of the Board is filed this date with the Town Clerk and the Planning Board.

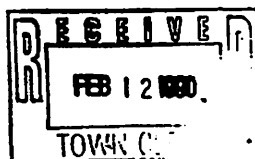
Signed and certified this 12th day of February, 1990

Zoning Board of Appeals

Warren E. Archey
WARREN E. ARCHY, Clerk

.....
CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed; or appeal has been filed and denied in the case.



Lorita Bosworth 3/15/90
Lorita Bosworth Town Clerk

A true copy:

Attest: *Lorita Bosworth*
Town Clerk

TOWN OF LENOX
ZONING BOARD OF APPEALS
DECISION

On January 31, 1990, the Lenox Zoning Board of Appeals voted to grant the petition request of Canyon Ranch-Bellefontaine Associates L.P. The petitioner had requested modification of a Special Permit previously granted by the ZBA under Section 6.6-1 B14) (Resort) and 6.6-1(H) (Estate Preservation Area) on June 8, 1987, to incorporate into the Special Permit a new site plan showing changes in the location and allocation of condominium units, the elimination of the Guest House and Barns and Stable, and the increase in the size on the garage on the north end of the property - all in accordance with the new site plan filed with the petition.

The members voting five affirmative, zero negative to grant the petition were Warren Archey, Harold Brown, Nancy Cowhig, Patricia Darey, and Robert McNinch.

After hearing the petitioner's presentation, studying the new site plan, and visiting the site, the members of the board made the following determinations:

- re-allocation of the 37 condominium units into 9 single-family units, 8 duplex containing 16 units, and 3 four-plex containing 12 units plus the relocation of these units will de-emphasize the apartment complex design by creating a more desirable village design;
- elimination of condominium construction in the Mansion area, preservation of large trees, smaller structures, and preservation of the view of the great lawn is in greater keeping of the Great Estates Area intention;
- razing the Guest House will eliminate two curb cuts on Kemble Street and allow for additional screening between Kemble Street and the condominium units;
- the elimination of the barns and stable will be more desirable to immediate abutters since they are of no historical significance and are in great disrepair;
- the single-family character of the neighborhood will not be adversely affected by the village design of the condominiums, the proposed screening, and the advantageous use of the topography in the placement of the structures;
- traffic concerns and pedestrian safety will not be increased by these modifications since all ingress and egress will continue to be at the well-patrolled front gate;

page 2 - Canyon Ranch-Bellefontaine L.P. Decision


- the impact upon public facilities will be no greater than what was originally approved since the number of units is not increased;
- town DPW approval and agreements have been submitted to the board and are on file.

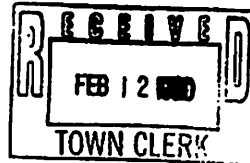
The board voted five affirmative, zero negative to include with this decision as a condition the two-page narrative description relative to improved screening, exterior lighting improvements, and berm plantings.

The petition was filed with the Town Clerk on December 26, 1989; legal advertisements were published in the Berkshire Eagle on January 2, 1990, and on January 9, 1990; the public hearing was held on January 17, 1990, and continued until January 31, 1990; and the decision meeting was held on January 31, 1990.

Any appeal to this decision must be made with the Town Clerk within twenty (20) days of the filing of this decision with the Town Clerk and must be made pursuant to Section 17, Chapter 40A (G.L.) as amended.

Filed this 14th day of February 1990 with the Town Clerk and with the Planning Board.


Patricia J. Darey for the
Lenox Zoning Board of Appeals



RECEIVED 10:08 AM MARCH 6 1990

BK 1552 PG 873
04/15/97 03:54 DOC. 475404TOWN OF LENOX
INCORPORATED 1762
MASSACHUSETTSOFFICE OF THE
ZONING BOARD OF APPEALSCORRECTIVE
NOTICE FOR RECORDING IN THE REGISTRY

Special Permit Modification
 Notice is hereby given that a and Variance has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Lenox Zoning Board of Appeals to:

Petitioner: *Crescent Real Estate Funding VI, L.P.*

Land Owner: *Canyon Ranch - Bellefontaine*

Premises: *Kemble Street
Lenox, MA 01940*

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

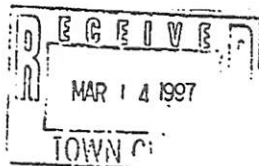
Signed and certified this *14th* day of *March 1997*.

Clifford Snyder/dmw
Zoning Board of Appeals

NOTE AT BOOK 1552, PAGE 41

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN
THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has been filed and denied in the case.



A true copy
 Attest: *Lois Bonatz*
 Town Clerk

Lois Bonatz
 Town Clerk (4/17/97)



1997 00475404
 Bk: 1552 Pg: 0873 Doc:NOT
 Page 1 of 5 04/15/1997

BK 1552 PG 874

TOWN OF LENOX
ZONING BOARD OF APPEALS
DECISION

On March 12, 1997, the Lenox Zoning Board of Appeals voted to grant the petition of Crescent Real Estate Funding VI, L.P.

The Petitioner has made the following requests for Modification of Special Permits and a Variance:

1. Modification of Special Permit dated April 19, 1985 and June 8, 1987, to:

a. Construct an addition to the north side of the Spa Building, approximately 40' x 180', with a footprint of 6,741 square feet, 13,482 square feet on two levels, containing a Health & Fitness Assessment Center, conference rooms, offices and six inn rooms.

b. Enclose two areas on the south side of the Inn to accommodate enlarged baggage areas of approximately 299 square feet each.

c. Reorient and relocate the solarium and construct a solarium with a footprint of 2,684 square feet and a gross floor area of 5,368 square feet, to accommodate a staff cafeteria, an Inn dining room of approximately 50 to 70 seats, and two lounges.

2. Modification of a Special Permit dated April 19, 1985, June 8, 1987 and February 12, 1990 to reduce the amount of condominium units to be built on the property from 38 to 24, with the 24 condominium units to be located to the south of the carriage road, and to relocate the "owner's" condominium unit to the Health & Fitness Assessment Center.

3. Modification of a Variance and Special Permit dated October 20, 1989, to relocate the security house 140 feet from Kemble Street.

All of the modifications are shown on a site plan and architectural floor plans submitted with the petition.

Members of the Zoning Board of Appeals voting five (5) in favor, none (0) against to grant the petition were: Shawn Leary Considine, Patricia Ryan, Robert McNinch, Clifford Snyder and Charlotte Finn.

The Board makes the following findings:

modification of 2
special permits

modification of
197 SP: Relocate
7 condo units

Variance
Granted ✓

guardhouse (enclose / construct)

BK 1552 PG 875

a. The proposed modifications are in compliance with the provisions and requirements of the bylaw, and in harmony with its general intents and purposes. A resort is allowed in the R-1A Zone, and the existing resort has been in operation since October of 1989. The modifications will conserve the value of land and buildings and encourage the most appropriate use of this property in Lenox. All requirements of the bylaw are met with the granting of the variance for the relocation of the security house.

b. The modifications are essential and desirable to public convenience and welfare at the proposed location. The modifications will allow the Canyon Ranch-Bellefontaine Resort to maintain its viability as a world-class resort and spa. The elimination of 14 condominium units north of the carriage road will decrease the density on the property to the benefit of the community. Canyon Ranch, for the calendar year 1996, generated for the Town of Lenox tax revenues totaling \$1,107,060, with no increase in town support services.

c. The proposed petition will not be detrimental to adjacent uses or the established or future character of the neighborhood. The Canyon Ranch-Bellefontaine Resort has been at the present location since October of 1989 and is a positive addition to Lenox. The addition of the HFAC structure with offices, conference rooms, six Inn rooms and an owner's suite, the enlargement of the baggage areas, and the relocation and reorientation of the solarium will not impact on abutters or the character of the neighborhood. All of these improvements are set back significantly from Kemble Street so that they will not be in view from the public way. There will be a minimum increase in vehicular traffic, and the relocation of the security house will allow for greater queuing of motor vehicles. The integrity of the historic Bellefontaine property and the "great lawn" is being maintained.

d. The modifications will not create undue traffic congestion or unduly impair pedestrian safety. The Board adopts the traffic report of Jon Dietrich, Fuss & O'Neill Traffic Engineers, dated January 27, 1997, which indicates that with the reduction of the condominium units there will be a net reduction of traffic at the property. There are sidewalks along Kemble Street; therefore the public safety will not be impacted.

e. The modifications will not overload any public water, drainage or sewer systems. The Board adopts the report of Foresight Land Services - the Municipal Impact Report.

The relocation of the security house approximately 50 feet in an easterly direction from Kemble Street so that the security house will be located 140 feet from Kemble Street, is consistent with the Zoning Bylaw. The security house is tastefully designed

BK 1552 PG 876

and will not increase in size from the present security house. The relocation of the security house is consistent with Section 6.1.1 of the Zoning Bylaw. It is consistent with the Zoning Bylaw, essential at the new location to allow for adequate queuing and turnaround for motor vehicles, will not be detrimental to the character of the neighborhood because of its location, and will enhance traffic flow and pedestrian safety. The security house will contain no utilities and therefore will not impact on public facilities.

The relocation of the security house will require a Variance, and the Board makes these specific findings in support of a Variance:

1. Owing to circumstances relating to the shape of the land and the structures, a literal enforcement of the Bylaw will involve substantial hardship, financial and otherwise. The Board finds that the hardship is the size of the property, 120 acres, and the configuration of the historic Bellefontaine Mansion located thereon. A security house needs to be located in close proximity to Kemble Street and within the 200 foot buffer of the resort. Because of the uniqueness of the structures and the land, there is a financial hardship directly relating to the premises.
2. Relief can be granted without substantial detriment to the public good. The security house is modest in size, 8' x 13', 107 square feet, and is architecturally designed to be consistent with the historic gatehouse. The location and design of the security house will be beneficial to the public good.
3. Relief can be granted without substantially derogating from the intent of the bylaw. The board finds that the purpose of the bylaw is to prevent large structures from being constructed too close to historic buildings that are regulated by the Great Estates Bylaw. Because of the small size and scope of the security house, coupled with its architecture to conform to the existing gatehouse, the Board finds that the bylaw will not be derogated from by the granting of the Variance.

The Planning Board, by letter to the Zoning Board of Appeals, has reviewed the modifications as proposed by the petitioner, and in addition conducted a site visit of the premises. The Planning Board recommended to the Zoning Board of Appeals its unanimous endorsement for the granting of the petition.

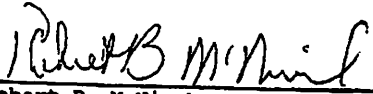
The petition was filed with the Town Clerk on February 7, 1997; the Notices of Public Hearing were published in The Berkshire Eagle on February 10, 1997 and February 17, 1997; the public hearing was held on February 19, 1997 and continued for further public hearing on March 12, 1997; the Decision hearing

BK 1552 PG 877

was held on March 12, 1997.

Any appeal to this Decision must be made pursuant to Section 17, Chapter 40A, M.G.L., as amended and must be filed with the Town Clerk within twenty (20) days of the filing of this Decision with the Town Clerk.

Filed this 14th day of March, 1997, with the Town Clerk and with the Planning Board.


Robert B. McNinch
Zoning Board of Appeals

MAR 14 1997
TOWN CLERK

END OF DOCUMENT

EXHIBIT 7

TOWN OF LENOX
INCORPORATED 1767
MASSACHUSETTS

OFFICE OF THE
ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a Modifications of Special Permits has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Lenox Zoning Board of Appeals to:

Petitioner: Crescent Real Estate Funding VI, L. P.

Land Owner: Crescent Real Estate Funding VI, L. P.

Premises: Canyon Ranch--Bellefontaine
Kemble Street
Lenox, MA 01240

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 6th day of December 1999 .

Zoning Board of Appeals

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN
THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has been filed and denied in the case.

10. 6



Maria J. Colvin
Town Clerk

BK 1702 PG 139
DEC - 6 1999
TOWN CLERK

TOWN OF LENOX
ZONING BOARD OF APPEALS

DECISION

On December 1, 1999, the Lenox Zoning Board of Appeals voted to grant Modifications of Special Permits pursuant to Section 6.6-1(B-19), Resorts, and Section 6.6(H), Estate Preservation, which Special Permits were granted to the petitioner and the petitioner's predecessors on November 19, 1985, June 8, 1987, October 20, 1989, February 12, 1990, and March 14, 1997.

The members of the Zoning Board of Appeals voting five (5) in favor, none (0) opposed, to grant the following portions of the petition were: Clifford Snyder, Shawn Leary Considine, Susan Lyman, Robert McNinch and Charlotte Finn.

1. Aquatic Center. Construct an addition to the south side of the Sports Center Building, 100' x 80', with a footprint of 7,025 square feet, 12,005 square feet on two levels, containing an Aquatic Center. Pursuant to Section 8.4, Footnote (3), the height of the addition may be increased to 39 feet measured from average grade to roof ridge, the same height as the existing Spa Building. The Aquatic Center will contain in-pool exercise equipment, massage pools, physical therapy pools and treatment rooms. The Board voted five (5) in favor, none (0) opposed.
2. Sports Center Addition. Construct an addition on the east side of the Sports Center building, 70' x 30', with a footprint of 2,140 square feet, 4,350 square feet on two levels, containing an addition to the existing gymnasium in the Sports Center building. The Sports Center addition will accommodate additional fitness equipment on the first level, and a yoga gymnasium on the second level. The Board voted five (5) in favor, none (0) opposed.
3. Guest Room Addition. Construct a Guest Room Addition building located north of the existing Health Fitness Assessment Center (HFAC) building, 110' x 85', with a footprint of 9,305 square feet, 19,025 square feet on two levels, containing 16 new units, which new units will contain 8 apartment suites including parlor, kitchenette and one bedroom, and 8 bedroom/inn rooms, which rooms will be attached to the 8 apartment suites and which may be used by the 8 apartment suites as an additional bedroom by the inn or as a separate inn room. The basement level will contain conference rooms, spa services, storage areas and an expanded laundry. Pursuant to Section 8.4, Footnote (3) the height of the building will be two and one-half stories, 40'-2" above mean grade. In addition, an enclosed walkway containing approximately 1,500 square feet will link the Guest Room Addition to the existing building. As a result of the Guest Room Addition, the number of inn units will increase from 126 to 134. In order to accommodate the 8 apartment suites, there will be a reallocation of the 24 condominium units authorized to be built on the premises by allocating 8 condominium units to the new Guest Room

Addition. The remaining 16 condominium units will be located to the south of the Carriage Road as approved in prior petitions by the Zoning Board of Appeals. The Board voted five (5) in favor, zero (0) opposed.

4. Bookstore. Construct a bookstore onto the existing walkway at the southeast corner of the courtyard, 30' x 30', with a footprint of 900 square feet. The bookstore will contain a basement for storage and mechanical areas. The height of the bookstore will be 12'-6" from the average grade to roof ridge. The bookstore will be 100 feet from the Category #1 building, the Bellefontaine Mansion, but will be constructed within the footprint of the pre-existing, nonconforming gymnasium that was partially demolished as a result of the Canyon Ranch development, and therefore will not be more nonconforming than the pre-existing gymnasium with respect to its distance from the Category #1 building. The Board voted five (5) in favor, none (0) opposed.

5. Tennis Courts. Relocate 3 existing tennis courts and add one additional tennis court, for a total of 4 tennis courts south of the Aquatic Center and Solarium. The tennis courts will also include 2 small gazebos for equipment storage and shelter. The courts will be located outside of the "Great Lawn" and will be enclosed with a 10 foot fence. The courts will not be lighted. The Board voted five (5) in favor, none (0) opposed.

6. The Board confirms the right of the petitioner to construct the Executive Conference Center shown on the original and updated Master Site Plans, which Executive Conference Center is located between the two wings of the inn. The Board voted five (5) in favor, none (0) opposed.

7. Signage. The Board voted to approve a new front entrance sign, 24" x 36", 4.7 square feet on two sides, at the same location as the existing front entrance sign. Pursuant to Section 7.6(c) the Zoning Board of Appeals has approved the sign in this size. The Board voted five (5) in favor, none (0) opposed.

The petitioner has requested two additional signs, 72" x 36", 19.3 square feet, to be located 200 feet north and 200 feet south of the entrance to the resort. The setback of the sign in the northerly direction would be 27 feet from the right of way, and 18 feet from the property line; the setback of the sign in the southerly direction will be 17 feet from the right of way and 5 feet from the property line. The Board voted five (5) opposed, none (0) in favor, of these two signs.

The Board makes the following findings with respect to this vote. The Board finds that the resort is located in a residential district, and the additional two signs will be contrary to the intent of the zoning bylaw. The signs are not essential or desirable at this location to the public convenience or welfare. The Board finds that Canyon Ranch is a destination resort and that most of the resort clientele will have no problem locating the entranceway. The resort can provide detailed instructions to guests to find its front entrance. The Board finds that the

Commonwealth of Massachusetts has erected "Pathfinder" signs on Route 7 and on Walker Street directing motor vehicles to the resort entrance. The Board finds that the signs will be detrimental to the established and future character of the neighborhood, and does not want to set a precedent with a proliferation of signs in this R-1A zone.

The Board finds that the approvals as indicated above are in compliance with Section 6.1.1 of the Zoning Bylaw, and makes the following findings.

- a. The modifications are in compliance with the provisions and requirements of the bylaw, and in harmony with its general intent and purposes. The Board finds that resorts are allowed in the R-1A zone by Special Permit, and that pursuant to the Estate Preservation Area bylaw, multiple family uses are also allowed in the R-1A zone by Special Permit. The resort has been operating at its present location since October, 1989. The reallocation of the approved condominiums will not change the density of the resort as provided for in Section 9.19.2.2 of the zoning bylaw. With the improvements, the density on the 120 acre property will be approximately 4%, significantly below the 20% maximum in this zone. All the improvements will allow the Canyon Ranch resort to be a viable resort in the town, will conserve the value of the land and buildings, and encourage the most appropriate use of the land in the town in conformity with Section 1.1 of the zoning bylaw's Purposes. All setbacks, parking requirements, and density requirements will be met.
- b. The modifications are essential and desirable to the public convenience and welfare at the proposed location. The modifications will allow Canyon Ranch resort to maintain its viability as a world class resort/spa. The Aquatic Center, Sports Center, Guest Room Addition and relocation of the tennis courts are important to allow Canyon Ranch to offer guests the most current facilities and programming in health and healing. Two of the outdoor tennis courts will be handicapped accessible. The Guest Room Addition will allow Canyon Ranch to offer programs for guests who elect to stay long term. The increase of 16 inn rooms and apartments on the 120 acre property will allow the resort to remain viable. The reallocation of 8 condominium units from the 24 condominium units previously approved will decrease the density of development in the front of the property adjacent to the Great Lawn to the benefit of the public. There will be no increase in density under the Estate Preservation Area bylaw.
- c. The modifications will not be detrimental to the adjacent uses or to the established or future character of the neighborhood. The Canyon Ranch resort has been in operation since October, 1989, and is a positive addition to the Lenox community. It has provided significant tax revenue to the town and has benefitted the local economy on a year-round basis. All of the setbacks as required under the zoning bylaw have been respected. All of the modifications have been set back in excess of 1,000 feet from Kemble Street, the public way. Because of the great distances of the setbacks, the natural vegetation and topography, none of the modifications will be visible to abutters. The tennis courts will be located outside of the Great Lawn and will be well screened from Kemble Street. The Bookstore is constructed within the pre-existing, nonconforming gymnasium, and is not more nonconforming than the pre-existing gymnasium.

d. The modifications will not create undue traffic congestion or unduly impair pedestrian safety. There will be no appreciable increase in vehicular or pedestrian traffic as a result of the Aquatic Center, Sports Center building, Bookstore, or tennis courts modification. The Guest Room Addition will generate an additional 8 trips at peak times, which can easily be accommodated by Kemble Street. There are sidewalks on the west side of Kemble Street to accommodate pedestrian traffic.

e. The modifications will not overload any public water, drainage, or sewer systems. The Conservation Commission reviewed the proposed modifications and issued an Order of Conditions on August 19, 1999. The Department of Environmental Protection, Division of Watershed Permitting, has issued a permit to the petitioner for the sewage pump station dated June 11, 1999. The Town of Lenox has issued a permit for a sewer system extension dated June 11, 1999. All permits are attached to the petition filed by the petitioner. Based upon the engineering report filed by Foresight Land Services in its Municipal Impact Report, the Board finds that the modifications will not overload any public water, drainage, or sewer system.

The Planning Board, by letter to the Zoning Board of Appeals, reviewed the modifications as proposed by the petitioner and, in addition, conducted a site visit to the premises. The Planning Board recommended to the Zoning Board of Appeals its unanimous endorsement for the granting of the petition with the exception of the two directional signs as referred to above.

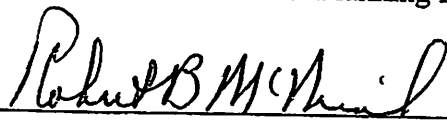
The petition is granted with the following conditions:

1. The utility road to the south of the main entrance shall be grassed over for a distance of 100 feet from the public way, and a barrier shall be erected in order to prevent vehicles from entering and exiting through the utility road. The Board voted five (5) in favor, none (0) opposed.
2. The petitioner is to use its best efforts to comply with Section 10.11.2.7, and Section 10.11.2.7.1, Screening, with respect to the parking area on the north side of the property abutting Kemble Street. The Board voted five (5) in favor, none (0) opposed.

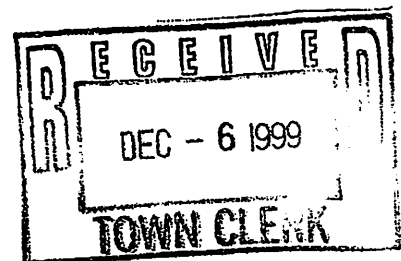
The petition was filed with the Town Clerk on October 27, 1999; the Notices of Public Hearing were published in The Berkshire Eagle on November 9th and November 16, 1999; the Public Hearing was held on December 1, 1999; the Decision hearing was held on December 1, 1999.

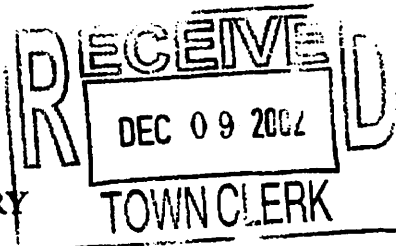
Any appeal to this decision must be made pursuant to Section 17, Chapter 40A, M.G.L., as amended, and must be filed with the Town Clerk within twenty (20) days of the filing of this Decision with the Town Clerk.

Filed this 5th day of December, 1999, with the Town Clerk and the Planning Board.



Robert B. McNinch
Zoning Board of Appeals



TOWN OF LENOX
ZONING BOARD OF APPEALS

AMENDED NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a modification of Special Permit has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Lenox Zoning Board of Appeals to:

PETITIONER: Crescent Real Estate Funding VI, L.P.LAND OWNER: Crescent Real Estate Funding VI, L.P.PREMISES: 165 Kimble Street

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 9th day of December 2002

Florence Ammendola, Secy
Zoning Board of Appeals

.....
CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has been filed and denied in the case.

Florence Ammendola
Asst. Town Clerk

Filed
December 30, 2002
1 PM SSA

10/05/2002



TOWN OF LENOX
ZONING BOARD OF APPEALS
Lenox Zoning Board of Appeals

AMENDED DECISION

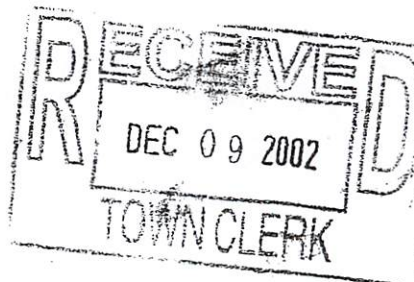
This decision amends the decision of this Board dated and filed May 24, 2002, and filed in the Berkshire Middle District Registry of Deeds, June 14, 2002 at Book 2233, Page 46, by correcting the name of the Petitioner to Crescent Real Estate Funding VI, L.P..

On March 27, 2002, a Public Hearing by the Lenox Zoning Board of Appeals was held to consider the Petition of Crescent Real Estate Funding VI, L.P.. The Hearing was subsequently continued to April 10, 2002 and to May 8, 2002. Petitioner sought, under Zoning Bylaw Sections 6.1.1 and 6.6-1(B 19) (formerly 6.6-3(B 14)), Modification of Special Permits originally issued to Petitioner's predecessor in title under the Zoning Bylaw's Resort and Estate Preservation provisions by the Zoning Board of Appeals on April 19, 1985 and June 8, 1987. The existing Special Permits concern Petitioner's property, which consists of approximately 116 acres on the east side of Kemble Street (hereinafter, "the Canyon Ranch property"), and allow for the establishment and operation of a resort on eighteen acres of the property, and for the construction of sixteen condominium units on approximately ninety-seven acres of the property. The Canyon Ranch property is located in the R-1A zone.

Petitioner requested Modification of its Special Permits to permit the following:

1. To allow for a six foot wide path entering the Canyon Ranch property at its approximate northeast corner from a contiguous proposed subdivision. Said subdivision is described in a preliminary plan entitled "Preliminary Subdivision Plan (Alternate G), Prepared For Mel Zuckerman, Lenox, Mass., Sheet No. SP-1, dated November 26, 2001" (hereinafter called "the subdivision"), and filed with the Petition. The subdivision is proposed for a parcel of land located north of the Canyon Ranch property, containing 34.2 acres, and owned by Melvin and Enid Zuckerman. The proposed subdivision would divide the Zuckerman property into six building lots with 22.5 acres to be dedicated as open space for passive recreational use.
2. To allow for deeded rights to the owners, their heirs and assigns of the six lots in the subdivision, for use of the Canyon Ranch in the Berkshires resort as guests of the resort (hereinafter called "the deeded rights").

Members of the Zoning Board of Appeals hearing the Petition were Clifford Snyder, Shawn Leary Considine, Donald Sarin, Harold Brown and Kevin Hall.



Crescent Decision
Page 2

At the Public Hearing, Petitioner's counsel presented his client's Petition, and numerous written and oral comments from neighbors and abutters were offered. Many such comments concerned the negative impact of potential traffic on the proposed path, and attendant noise and lighting issues. Some neighbors also expressed concern about potential expansion of the Canyon Ranch resort via insertion of deeded rights into title to additional private residential properties. A letter from the Lenox Planning Board was received, recommending approval of the Petition subject to the condition that the proposed path not be used for vehicular traffic except golf cart-type vehicles, and that it not be linked with other paths for access onto Schermerhorn Parkway. In response to the comments of neighbors and the Planning Board, Petitioner, by its counsel, proposed that it be further restricted by the limitations outlined below in Conditions 1-5.

At its Decision Meeting on May 8, 2002, by a vote of five (5) in favor, none (0) opposed, the Zoning Board of Appeals granted the Petitioner's request for Modification of its Special Permits. In granting the Petition the Board made the following findings:

For the reasons outlined herein and with the Conditions listed below, the Zoning Board of Appeals found that the requirements of Bylaw Section 6.1.1 were satisfied by Petitioner's proposed construction of the six foot-wide path for access between the Canyon Ranch property and the proposed subdivision, and by Petitioner's proposed inclusion, in deeds to the six lots in the proposed subdivision, of rights to use the Canyon Ranch in the Berkshires resort as guests of the resort. The Board found:

a. The Petition is in compliance with all provisions and requirements of the Bylaw, and in harmony with its general intent and purposes. The requests of the Petitioner relate to the resort activity on the Petitioner's property. Resorts are allowed in the R-1A zone by Special Permit, and the requisite permits were granted to the Petitioner's predecessors in title in 1985 and 1987. The six owners of the subdivision lots will use the resort as guests of the resort consistent with the definition of "Resort" as noted in the zoning bylaw.

b. The proposals outlined in the Petition are desirable to public convenience or welfare at the proposed location. The Board finds that the six foot wide path, subject to the Conditions set forth below, will allow lot owners in the subdivision to access the Canyon Ranch in the Berkshires resort on the Petitioner's premises without the use of motor vehicles on the path or on a public way, which is essential to the public convenience. The deeded rights, particularly in light of the Conditions set forth below, are also desirable to the public convenience in that they enhance the value of the subdivision and neighboring properties.

c. The Petition will not be detrimental to adjacent uses or to the established or future character of the neighborhood. The Petitioner agreed, and a Condition of this Decision requires, that the proposed path shall be unlit, unpaved and no more than six feet in width, and be closed to motorized vehicles except for small golf-cart type vehicles. The requests under the Petition are not inconsistent with the established and future character of the neighborhood, which is residential, and the Condition relating to neighbors' legal access to the passive recreational property enhances the neighborhood.

The Petitioner represented to the Board that the 22.5 acre parcel of land in the proposed subdivision contiguous to the petitioner's property will be dedicated as open space for passive recreational use, and that the neighbors listed below shall have rights of access to said parcel for passive recreational use. For the purposes of this section, "Neighbors" is defined as owners of lots located on Schermerhorn Parkway and Beecher's Lane, and owners of four parcels of land located on Walker Street as shown on Assessor's Map 41 as Lot 8 (owned by Jordan), Lot 6 (owned by Jouen), Lot 9 (owned by Kirby) and Lot 10 (owned by Kirby, Jr.). These rights will run to the benefit of the present owners, their heirs and assigns, and are referenced in Condition No. 7 below.

d. The Petition will not create undue traffic congestion nor impair pedestrian safety. The six foot wide path from the subdivision to the petitioner's premises will allow for a secondary access by the six lot owners, which will lessen traffic congestion and have no impact on pedestrian safety. There will be no traffic impact concerning the deeded rights.

e. The Petition will not overload any public water, drainage or sewer systems, or any other municipal facility. The proposed uses will not have any impact on any water, drainage or sewer systems. Robert Hoogs of Foresight Land Services, Engineers, testified that there will be no impact on any municipal services.

The Board imposes the following Conditions on the Special Permit:

1. The petitioner shall erect a sign at the point where the path from the adjoining subdivision land to the north enters the petitioner's property to restrict guests of the Canyon Ranch in the Berkshires resort from exiting the Canyon Ranch property onto the subdivision property.
2. The subdivision road that is being proposed to be constructed to service the six building lots as shown on the plan submitted to the Zoning Board of Appeals shall be a private road, and either a gate or signs will be constructed restricting the public from access to the private road, and a sign will be erected at the beginning of the path where it intersects with the end of the private road restricting the public from use of the path.

Crescent Decision
Page 4

3. The petitioner agrees that the Deeded Rights that are offered to the subdivision lot owners shall not run to any tenant of a lot owner if the tenancy is less than one year. This restriction shall be incorporated into the deed to the subdivision lot owners.
4. The petitioner agrees that it will decrease by six the number of condominium units approved by the Zoning Board of Appeals, but not yet built.
5. The petitioner agrees that the Deeded Rights to the Canyon Ranch in the Berkshires resort shall be limited to the six building lots as presented in its petition, and shall not make any future request for any additional property to contain said deeded rights.
6. The path shall be unlit, unpaved, and no more than six feet in width and closed to motorized vehicles except for small golf-cart type vehicles.
7. The Neighbors as defined in paragraph c above, shall have granted rights of access to the 22.5 acre open space parcel, contiguous to the petitioner's property as shown on the site plan filed with the Board, which access shall be for passive recreational use, and said granted rights of access for the Neighbors' property shall be indexed by Assessors Maps and Lot Numbers, and by Book and Page deed references in the Berkshire Middle District Registry of Deeds.
8. The 22.5 acre open space parcel as shown on the site plan submitted to the Board shall be for passive recreational use as represented in the petition.

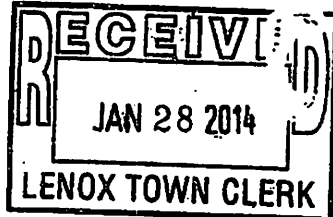
The petition was filed with the Town Clerk on January 31, 2002. Notices of Public Hearing were published in The Berkshire Eagle on March 12, 2002 and March 19, 2002; the

Any appeal from this Decision must be made pursuant to M.G.L. Chapter 40A, Section 17 as amended, and must be filed within twenty (20) days after the filing of this Decision with the Lenox Town Clerk. The petitioner is hereby notified that it must obtain all necessary permits from the Lenox Building Inspector. Pursuant to the requirements of Section 11.4 of the zoning bylaw, Notice of this Decision, if favorable, shall be recorded in the Berkshire Middle District Registry of Deeds.

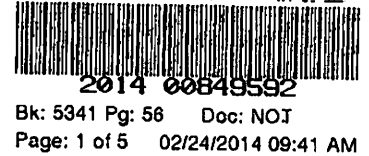
Filed this 9th day of December, 2002, with the Lenox Town Clerk and the Lenox Planning Board and Zoning Board of Appeals.



Shawn Leary Considine
Clerk, Zoning Board of Appeals



TOWN OF LENOX
ZONING BOARD OF APPEALS



NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that Memo of Special Permit, Site Plan Approval & Height Waiver has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Lenox Zoning Board of Appeals to:

PETITIONER: CR Resorts, LLC
LAND OWNER: CR Resorts, LLC
PREMISES: 165 KEMBLE ST.
MAP AND PARCEL: 7-43

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 28th day of JANUARY 2014

Peggy Ammendola
Zoning Board of Appeals

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has been filed and denied in the case.

10/05/2002
02/29/2004
03/29/2011
08/02/2011

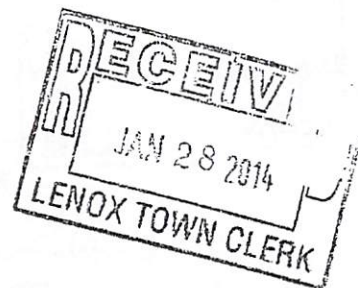


Town Clerk
Jennifer D. Picard

February 20, 2014

**TOWN OF LENOX
ZONING BOARD OF APPEALS**

DECISION



On January 22, 2014 the Lenox Zoning Board of Appeals held a public hearing to consider the petition of CR Resorts, LLC for property located at 165 Kemble Street, Lenox, Massachusetts (Map 7, Parcel 43). The property is located in the R-1A zone. The petitioner sought the following:

1. Modification of Special Permit dated December 6, 1999 to allow for: (a) the construction of a 26' x 16', 440 square-foot addition onto the north end of the spa building on the Canyon Ranch resort property, to be used for consultation rooms; (b) the elimination of three existing maintenance buildings totaling 8,500 square feet, and (c) the construction of a new 5,040 square-foot indoor maintenance and storage building with office space in the northwest area of the Canyon Ranch resort.
2. Approval of site plans, elevations and Updated Municipal Impact Report for the construction of 19 condominium apartments in one building approximately 275' x 70' to be connected to the inn west wing of the resort by an enclosed 110' x 88', 880 square-foot walkway. The condominium apartment building will be located on a dedicated 5.9 acre parcel of land with 250 feet of frontage on Kemble Street. Access to the building will be through the existing entrance to the Canyon Ranch resort, and there will be no additional curb cut on Kemble Street. The approval of the condominium apartment building on a dedicated parcel of land will reduce the resort acreage from 119 acres to 113.10 acres, and the frontage of the resort from 3,300 feet to 3,050 feet.
3. Waiver of the height requirement under Section 4.1.1, Footnote (3), to permit the condominium apartment structure to be 3 stories and 44.3 feet in height from average ground plane to the ridge.

Members of the Zoning Board of Appeals present were: Ethan Berg, Clifford Snyder, Ned Douglas, Robert Fuster, Sr. and Robert Fuster, Jr. After hearing the Board voted to grant the petitioner's requests by the following votes:

1. Modification of Special Permit dated December 6, 1999 under Section 6.10, as referred to in paragraph #1 above: Five (5) in favor, zero (0) opposed.
2. Approval of site plans, elevations and Updated Municipal Impact Report for the construction of 19 condominium apartments in one building on a dedicated 5.9 acre parcel of land with 250 feet of frontage, to be connected to the inn west wing of the resort by a 110' x 88' enclosed walkway, as referred to in paragraph #2 above: Five (5) in favor, zero (0) opposed.

3. Waiver of height requirement to permit the condominium apartment building to be 3 stories and 44.3 feet in height from the average ground plane to the ridge as referred to in paragraph #3 above: Five (5) in favor, zero (0) opposed.

The Board in granting the petitioner's requests made the following findings:

The Canyon Ranch resort was approved by the Zoning Board of Appeals under the Estate Preservation Area bylaw by Decision dated April 19, 1985, which allowed up to 37 condominium units plus a staff house. From 1987 to 2007 the number of condominium units approved by the Zoning Board of Appeals has been reduced to 19 condominium units, which are being reallocated to the condominium apartment building from several previously approved areas: 10 condominium units not built which were to be located in the lower meadow, 8 apartment units in a "Guest Room Addition" building that was not built, and the use of a staff house, which will remain for storage only. The overall municipal impacts on water supply, fire protection approved by the Lenox Fire Chief, sewer and storm water drainage, traffic and parking have been evaluated and approved in previous special permits, and are incorporated by reference. See also the Updated Municipal Impact Report filed with the zoning petition. The existing and approved building coverage on the site is 4.2%, which is below the 20% coverage allowed. The proposal will actually reduce the building coverage to 3.8% with a more compact site plan and smaller building footprint. The condominium apartment building will be built on the footprint of the existing maintenance buildings that will be eliminated.

The new buildings will have the following setbacks:

New condominium apartment building

North: > 600' South: >2,000' East: >1,100' West (front): >500'

Maintenance and storage building

North: > 290' South: >3,000' East: >1,000' West (front): >240'

The density requirements for the resort and the 19 condominium apartments have been met. In addition, all setback requirements under Section 6.10.5, Division, and 6.10.8(2), Multifamily Uses, of the Estate Preservation Area bylaw, including the 110' x 88', 880 square-foot enclosed walkway connecting the condominium apartment building to the west wing of the resort, and Section 6.6.1(2) concerning the resort buffer area have been met. The condominium apartment building will be located on a dedicated 5.9 acre parcel of land with 250 feet of frontage on Kemble Street, thereby reducing the total acreage of Canyon Ranch resort from 119 acres to 113.10 acres and the resort frontage on Kemble Street from 3,300 feet to 3,050 feet.

The owners of the 19 condominium apartments will have access to and use of the Canyon Ranch resort and will, at their option, be allowed to place the condominium apartments into a rental pool of condominium apartments that will be administered by the Canyon Ranch resort pursuant to Section 6.10.9, Combined Uses, of the zoning bylaw.

The Board found that the location of the condominium apartment building is in conformity with Section 6.10.8, Multifamily Uses, of the Estate Preservation Area bylaw. The

Board further found that the 26' x 16', 440 square-foot addition onto the spa building, the elimination of the three existing maintenance buildings, and the construction of the new maintenance building are in conformity with Section 9.4.2, Special Permit Criteria of the zoning bylaw as follows:

1. Community needs served by the proposal. Section 6.10.1, Purpose, of the Estate Preservation Area bylaw provides that the purpose of this zoning bylaw is to encourage the preservation and restoration of historic buildings on the site. The construction of the 19 condominium apartments, the small addition onto the spa building, the elimination of existing maintenance buildings, and the construction of a new maintenance and storage building containing 5,040 square feet are consistent with community needs. Additionally, the 19 condominium apartments are consistent with drawing people to Lenox as a tourist destination.
2. Traffic flow and safety, including parking and loading. As part of the project, the existing driveway that leads from the main driveway to the parking area is to be relocated as indicated in the site plans filed with the petition. The plan proposes 38 parking spaces, with 19 of the parking spaces underground and 19 above-ground spaces in the existing paved parking lot. The proposed 19 condominium apartments will result in a very small increase in peak traffic compared to present conditions, and can be easily accommodated without causing any congestion. Based upon the traffic analysis, the 19 condominium apartments will generate an increase of 15 vehicles during the weekday afternoon peak hour. The small increase in traffic of one additional car every four minutes during peak hours will not create traffic congestion on Kemble Street.
3. Adequacy of utilities and other public services. The Canyon Ranch resort is already serviced by municipal water and sewer systems. The internal water and sewer facilities were designed and permitted to include capacity for the original 37 condominiums and other uses on the property. The existing sewer pump serving the resort was replaced in 2012-13 and has ample capacity to handle the increase in flows. The town water and sewer systems have adequate capacity to handle any expected increases on site. The project incorporates low impact design techniques and maintains the natural drainage path patterns. The proposed sewer connection fee for the 19 condominium apartments will amount to \$108,900 under the town's current fee schedule. The great lawn between the historic Bellefontaine mansion and its frontage on Kemble Street will remain undisturbed, and the historic character of the Bellefontaine estate will be enhanced and preserved. This Decision incorporates the Updated Municipal Impact Report prepared by Foresight Land Services dated December, 2013.
4. Neighborhood character and social structure. The new condominium building has been designed to be architecturally consistent with the other buildings on the resort property. The elevations and floor plans prepared by the architect, Robert Harrison, were presented at the hearing. The proposed setback of the new structure from Kemble Street is in excess of 500 feet, and with the proposed landscaping will be adequately screened from Kemble Street. The new maintenance building will be set back 290 feet from the north sideline of the property and constructed to minimize noise impact on abutters. Its size of 5,040 square feet is a reduction of 3,460 square feet from the current maintenance buildings.
5. Impacts on the natural environment. Based upon the Updated Municipal Impact

Report of Foresight Land Services, there will be no adverse impact on the natural environment.

6. Economic and fiscal impact on the town, including impact on town services tax rate an appointment. The 19 condominium apartments will be marketed and sold through the Canyon Ranch Realty offices at the resort. The sale prices are expected to range from \$985,000-\$3,000,000. The total real estate and expected assessed value of the 19 condominium apartments is expected to be approximately \$22 million and will provide tax revenue to the town of approximately \$290,000. In addition, if a condominium unit is placed in a rental pool for the Canyon Ranch resort, additional revenue from room tax will be generated for the town. Is anticipated that approximately 15 new job positions in various departments throughout the Canyon Ranch property will be added as a result of this project.


Pursuant to Section 4.1.1, Footnote (3), waiver of height requirements, the board approved the three stories and height of the condominium apartment building at 44.3 feet from the average ground plane around the building to the ridge. The Board noted: a) the existing historic mansion is 48 feet in height; b) the spa building has been approved to have a maximum height of 46 feet; c) the aquatic center has been approved for 39 feet; and d) the previously approved but not built 8 apartment unit building at 40 feet. The increase in height of the condominium apartment building is consistent with the height of other buildings on the property.

All site plans, landscaping plans, architect's elevations and floor plans, Updated Municipal Impact Report and other reports filed with the Zoning Board of Appeals by the petitioner are incorporated herein by reference.

The petition was filed with the Lenox Town Clerk on December 30, 2013. Notice of the public hearing was published in *The Berkshire Eagle* on January 3, 2014 and January 10, 2014. The public hearing was held on January 22, 2014.

Any appeal from this Decision must be made pursuant to M.G.L. Chapter 40A, Section 17 as amended, and must be filed within twenty (20) days after the filing of this Decision with the Lenox Town Clerk. The petitioner is hereby notified that all necessary permits must be obtained from the Lenox Building Inspector. Notice of this Decision, if favorable, shall be recorded in the Berkshire Middle District Registry of Deeds.

Filed this 28 day of January, 2014 with the Lenox Town Clerk, Building Inspector, Planning Board and Zoning Board of Appeals.


Ned Douglas

Lenox Zoning Board of Appeals