

Special Permit Application

Prepared for

EPRI

For a

Proposed Building

Located At

115 East New Lenox Road
Lenox, Massachusetts

Prepared by:

SK DESIGN GROUP, INC.



DESIGN GROUP, INC.

CIVIL ENGINEERS - SURVEYORS - CONSULTANTS

2 FEDERICO DR., PITTSFIELD, MA 01201 (413) 443-3537

June 2020



June 9, 2020

Zoning Board of Appeals
Town Hall – 6 Walker Street
Lenox, MA 01240

RE: Special Permit Application
EPRI
115 East New Lenox Road (Map 34, Lot 1)
Lenox, MA

Dear Board Members;

Enclosed for your review please find seven (7) copies of a Special Permit Application prepared for the Electric Power Research Institute (EPRI) for property located at 115 East New Lenox Road in Lenox, MA.

The property is a developed site which includes numerous structures over several acres. The property is used for electrical research for various projects. A portion of the site falls within the 100-year floodplain of the Housatonic River.

The Town of Lenox regulates work within the floodplain per Section 10.1 Floodplain Overlay District from the Lenox Zoning Bylaws. Section 10.1.5 specifies that no structure or building shall be erected unless a special permit is granted by the Zoning Board of Appeals.

This application is for the construction of a new 20'x27' (540 s.f.) building to house equipment. The building will be located within the floodplain. The building will be constructed with flood vents which will allow potential flood water to enter the building, thus reducing the compensation required. Additionally, several concrete slabs will be removed from the floodplain to provide additional compensation.

The property received a special permit in 2016 for the facility to operate as a Planned Research Center which was followed up with a report in 2019. The ZBA voted that the 2016 Special Permit was in in harmony with the bylaws.

Please see the attached application, narrative and plans for a detailed explanation of the project. If you should have any questions or concerns, or require additional information, please don't hesitate to contact the office.

Sincerely,
SK DESIGN GROUP, INC.

Matthew D. Puntin, P.E.
Project Manager

Enclosures

Cc: EPRI
File

G:\SK DESIGN GROUP\2020\200047 EPRI - 115 East New Lenox Road, Lenox - Permitting for new building\Documents\Word\Special Permit\02 SP Cover Letter.docx

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EPRI

115 East New Lenox Road

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The Commonwealth of Massachusetts
TOWN OF LENOX

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

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

X A Special Permit for exception under the provisions of Section 10.1.5 of the Town of Lenox Zoning By-Law.

☐ A Variance from the following provisions of Section _____ of the Town of Lenox Zoning By-Law.

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

Construction of a new 20'x27' (540 s.f.) building within the floodplain.

For premises:

Owner of Record **Electric Power Research Institute**

Address **115 East New Lenox Road**

Map and Parcel **Map 34, Lot 1**

Zoned as **Residential R-1A**

Deed Reference Book **1135** Page **110**

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

Petitioner **Mark Messana (MDP)**

Mark Messana

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

Address (Mailing Address) **115 East New Lenox Road, Lenox, MA**

Telephone Number **413-445-3756**

Email address **MMessana@epri.com**

Date **June 10, 2020**

Copy of Check

S-K DESIGN GROUP, INC 2 FEDERICO DR. 413-443-3537 PITTSFIELD, MA 01201		BERKSHIRE BANK	7191
			53-7169/2118 1113 CHECK ARMOR ELECTRONIC DEPOSIT
			6/9/2020
PAY TO THE ORDER OF	TOWN OF LENOX	\$	**150.00
One Hundred Fifty and 00/100*****		DOLLARS	
TOWN OF LENOX			

SPECIAL PERMIT NARRATIVE

SPECIAL PERMIT NARRATIVE

EPRI

115 East New Lenox Road

Map 34, Lot 1

Lenox, Massachusetts

1.0 PROJECT DESCRIPTION

Existing Conditions

The property is located at 115 East New Lenox Road and consist of approximately 38 acres and has been used by the Electric Power Research Institute (EPRI) since the 1980s. The site is located within the R-1A Residential District.

The property is bordered to the west by The Housatonic River to the West, the Pittsfield town line to the north, East New Lenox Road to the east, and Commonwealth of Massachusetts land to the south.

The property consists of a combination of previously developed and undeveloped areas. The subject project is within a previously developed area which consists of a gravel surface with various pieces of equipment and concrete slabs. A portion of the property, including the proposed building, falls within the 100-year floodplain.

The property received a special permit in 2016 for the facility to operate as a Planned Research Center which was followed up with a report in 2019. The ZBA voted that the 2016 Special Permit was in in harmony with the bylaws (See Attachment E).

Proposed Conditions

The proposed project includes the construction of a new 20'x27' building which will house equipment used as part of the research facility.

The building will be constructed within in a previously developed area. The building will be approximately 200 feet from the nearest property line.

The areas immediately surrounding the building will be kept as a gravel or stone. The remainder of the property will continue to be used as it currently is.

There are currently no stormwater management features on the property. The site is sloped from east to west and stormwater generally sheet flows towards the Housatonic River. When complete the grades around the building will remain similar, with a similar sheet flow of stormwater.

2.0 **ZONING REGULATIONS**

The following section describes the project in regard to several specific sections of the Zoning Bylaw.

SECTION 6. DIMENSIONAL REQUIREMENTS

6.1 GENERAL REQUIREMENTS

6.1.1 Table of Dimensional Requirements

Per Table 6.1.1 – *Table of Dimensional Requirements*, there are several requirements for a lot and building in R-1A Residential zone. The requirements, existing dimensions, and proposed dimensions are as follows:

Description	Requirement	Existing	Proposed
1. Minimum lot size	1 acre	38 acre	38 acre
2. Minimum lot frontage	150'	1062'±	1062'±
3. Minimum lot width at building setback line	150'	1062'±	1062'±
4. Minimum setbacks:			
A. Building or structure			
- Street Line	35'	n/a	950'±
- Lot Line	25'	n/a	200'±
- District boundary Line	25'	n/a	>1000'
5. Maximum Building or structure			
Height stories	2	n/a	1
Height feet	35	n/a	27±
6. Maximum building coverage	20%	1%±	1%±

6.1.3 Multiple Buildings

If more than one building (other than a one-, two-, or three-car garage, a tool shed, a greenhouse or a cabana) is lawfully placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than 20 feet.

The proposed building will be greater than 20 feet from the nearest building on the property.

SECTION 7. GENERAL REGULATIONS

7.1 OFF-STREET PARKING AND LOADING REQUIREMENTS

7.1.1 General

There is adequate parking available on site. The proposed building will not change the parking requirements.

7.1.2 Location

The required off-street parking is provided on the same lot.

7.1.3 Parking Space Dimensions

There is adequate room adjacent to the building for the company vehicles.

7.1.4 Multiple Uses

The proposed use does not include multiple use.

7.1.5 Required Number of Spaces

There is adequate parking on site for the vehicles.

7.1.6 Shared Parking

There is no proposed shared parking.

7.1.7 Reduction of Parking Requirements

There is no request for a reduction in parking.

7.1.8 Parking Design Standards

The existing parking is approximately 600' from the road and will remain unchanged.

7.1.9 Driveways

The proposed facility will continue to use the existing paved driveway, which is approximately 25' wide.

7.1.10 Layout of Off-Street Parking

The proposed building is not an open parking facility, thus this does not apply.

7.1.11 Drainage, Surfacing and Maintenance

There are no proposed changes to parking.

7.1.12 Maintenance

The facility will be maintained by the applicant.

7.1.13 Snow Storage

There is adequate room for snow storage at the property.

7.1.14 Lighting

There is no changes to the lighting.

7.1.15 Screening

The proposed facility will not have 35 or more spaces, thus this does not apply.

7.1.16 Landscaping

The majority of the site is currently developed with structures or gravel areas. There is some existing vegetation along the front of the property at the road side and at the rear of the property. This landscaping will remain unchanged.

7.1.17 Bicycles

The use of the facility does not warrant the need for designated bicycle parking spaces.

7.1.18 Loading Bays

The use of the facility does not warrant the need for loading bays.

7.1.19 Loading Standards

Adequate off-street loading facilities and spaces will be provided for the larger, commercial vehicles.

7.1.20 Commercial "C" Zoning District Exemptions

The property is not located

SECTION 7.2 SIGNS

There are no proposed signs on this building.

SECTION 7.3 LIGHTING

There are no proposed lights on the building.

SECTION 7.4 DRAINAGE AND EROSION CONTROL

The proposed use does not meet the criteria of this section. Additionally, this project will be reviewed by the Lenox Conservation Commission.

SECTION 10.1. FLOODPLAIN OVERLAY DISTRICT

The proposed building is located within Zone A6 as shown on the Lenox FIRM map, and thus this section of the Lenox Zoning Bylaws applies.

10.1.5 Special Permit

No structure or building shall be erected, constructed, substantially improved or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Board of Appeals. Said Board may issue a special permit hereunder (subject to other applicable provisions of this bylaw) if the application is complaint with the following provisions:

1. The proposed use shall comply in all respects with the provisions of the underlying District, and

The entire property has a special permit for the current use (See Attachment E).

2. Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Building Commissioner, and Board of Public Works. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed, and

The proposed project also will require a permit from the Conservation Commission, which is being applied for concurrently with this special permit application.

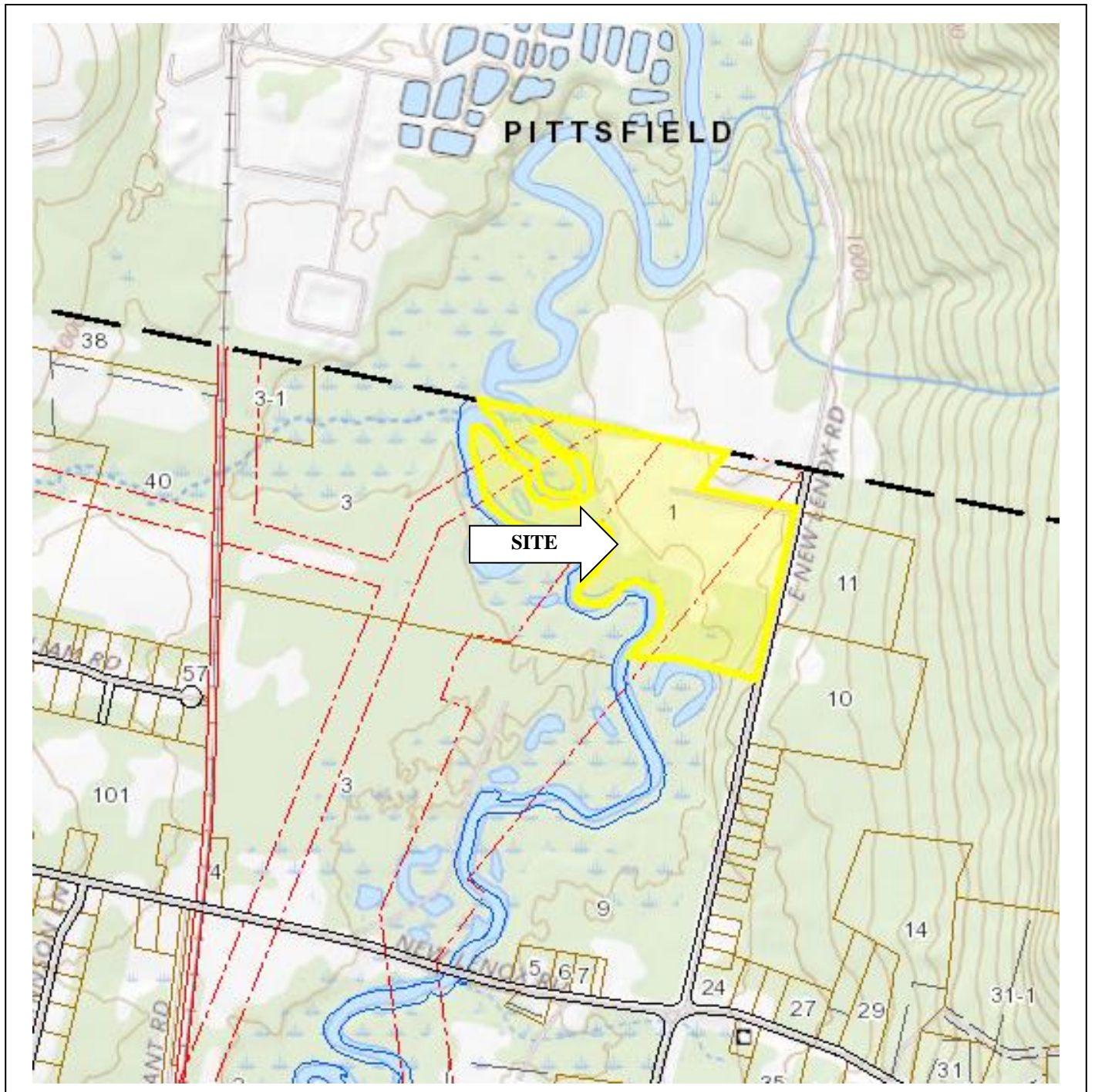
3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless there is certification by a registered professional engineer provided by the applicant demonstrating the such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood, and

The proposed building will be located within the 100 year floodplain. The building will be constructed with flood vents, which will allow flood water to enter and exit the building and thus the building itself will disperse a relatively small volume of water. The proposed foundation will disperse approximately 22 cubic feet of water. Within the work area there are several slabs of concrete which have a total volume of approximately 54 c.f. The net compensation is $54 - 22 = 32$ c.f.

4. The Board may specify such additional and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

The applicant is open to reviewing any additional conditions as necessary.

Figures

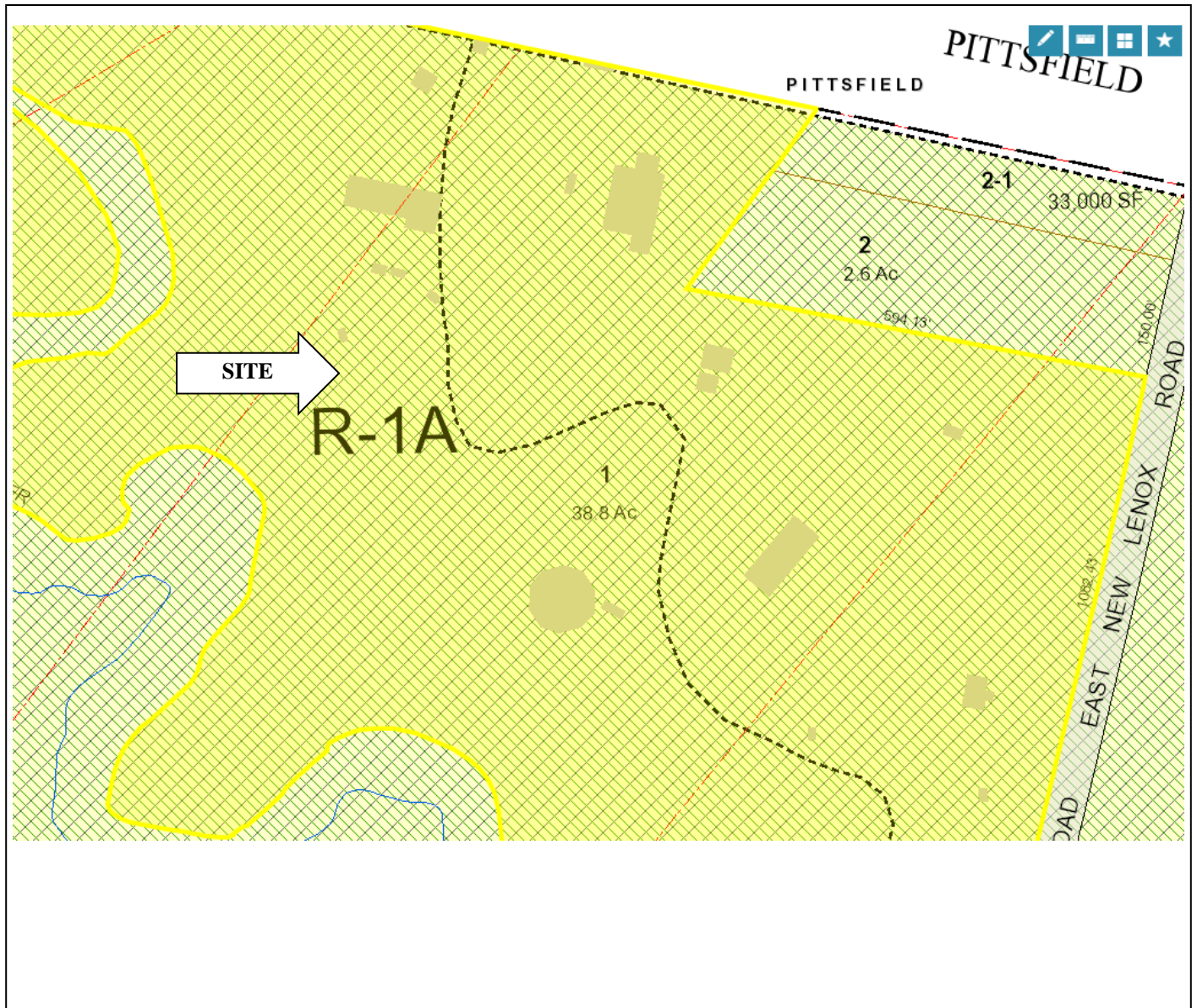


Source: Lenox AxisGIS

FIGURE #1

USGS Map

115 East New Lenox Road
Lenox, Massachusetts



Source: Lenox AxisGIS

FIGURE #2

Assessor's Map

115 East New Lenox Road
Lenox, Massachusetts

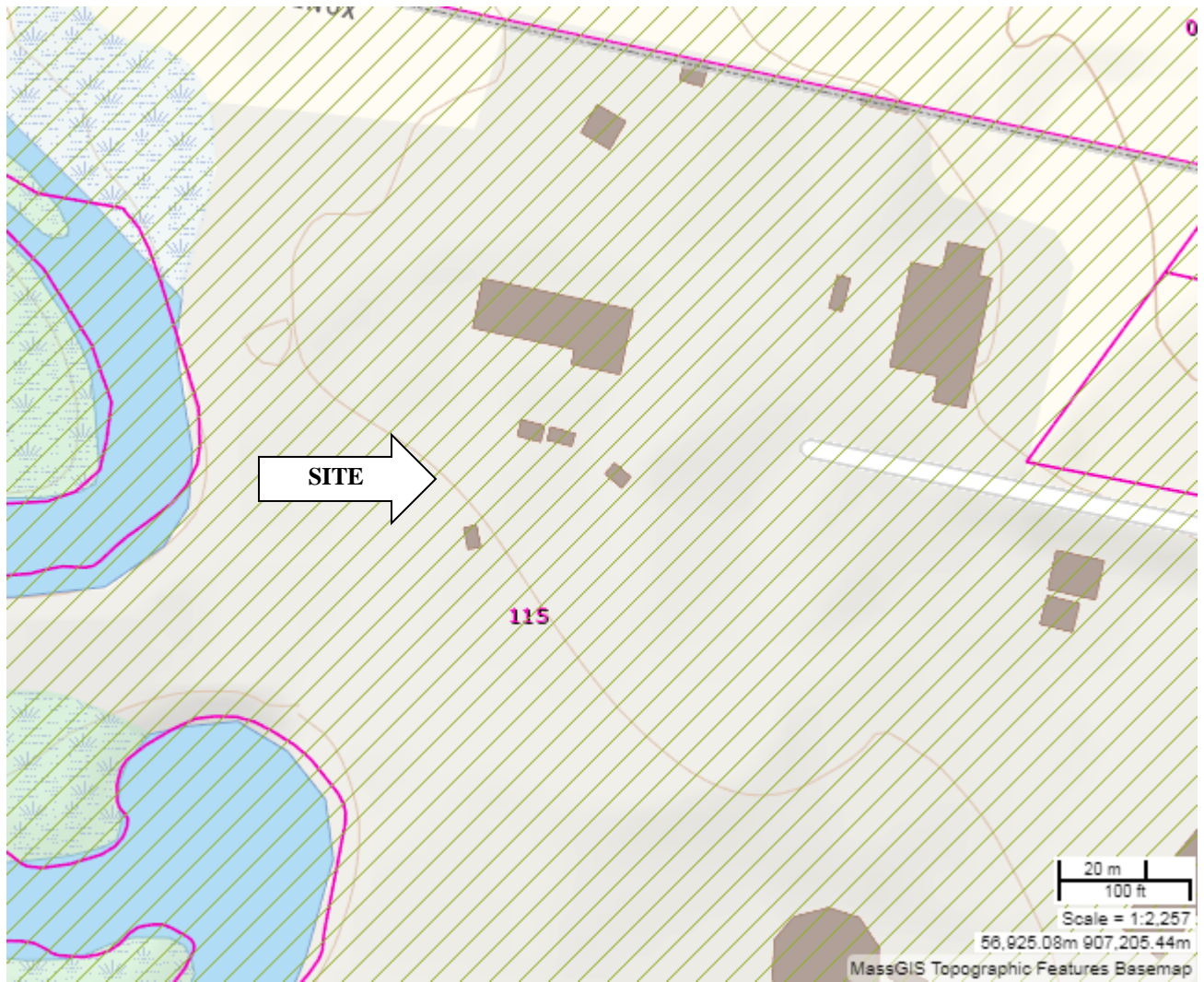


Source: Oliver Mass GIS

FIGURE #3

NHESP Map

*115 East New Lenox Road
Lenox, Massachusetts*



Source: Oliver Mass GIS

FIGURE #4

ACEC Map

*115 East New Lenox Road
Lenox, Massachusetts*

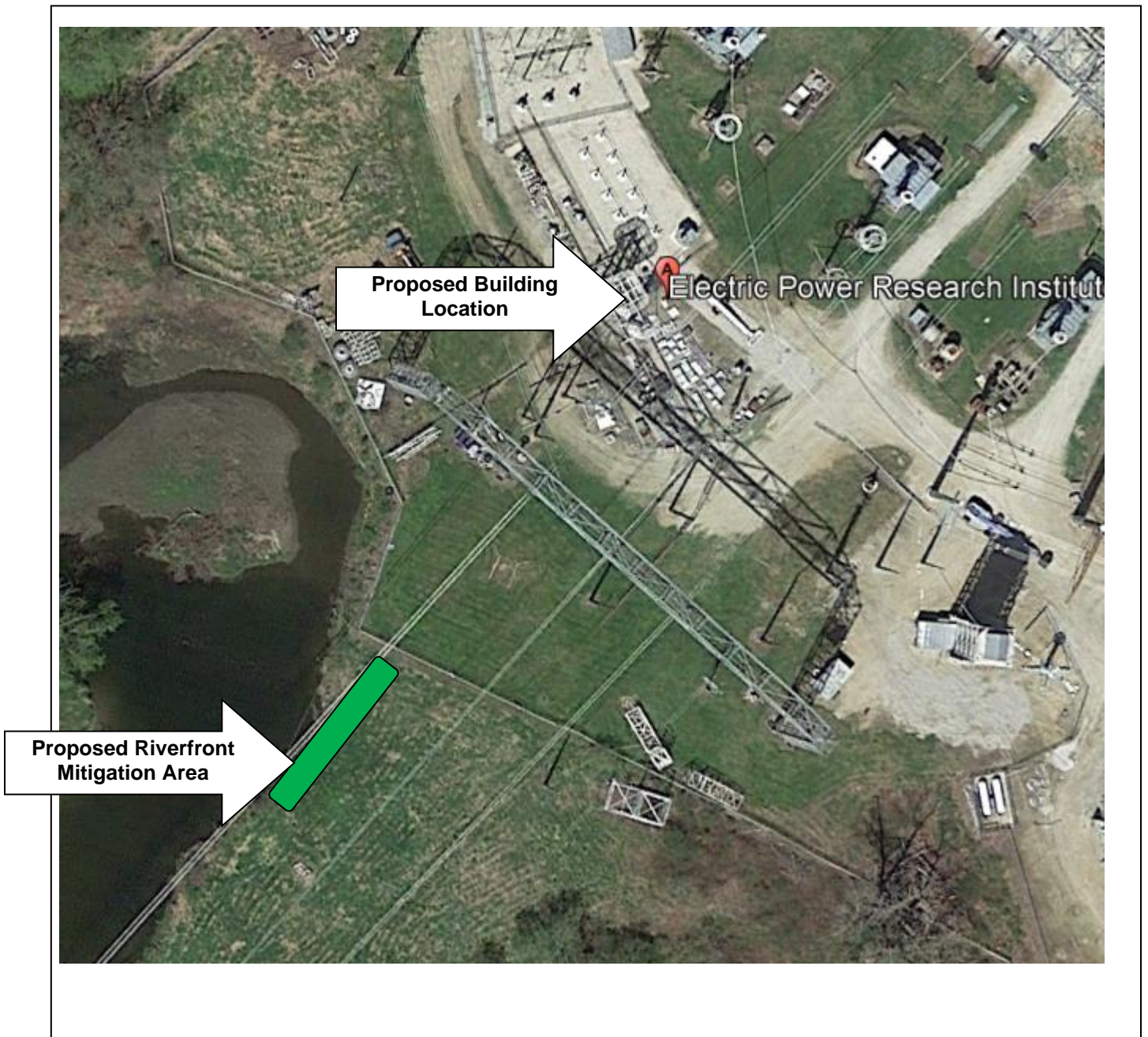


Source: fema.gov

FIGURE #5

Floodplain Map

115 East New Lenox Road
Lenox, Massachusetts



Source: Google Earth 2014

FIGURE #6

Aerial Image

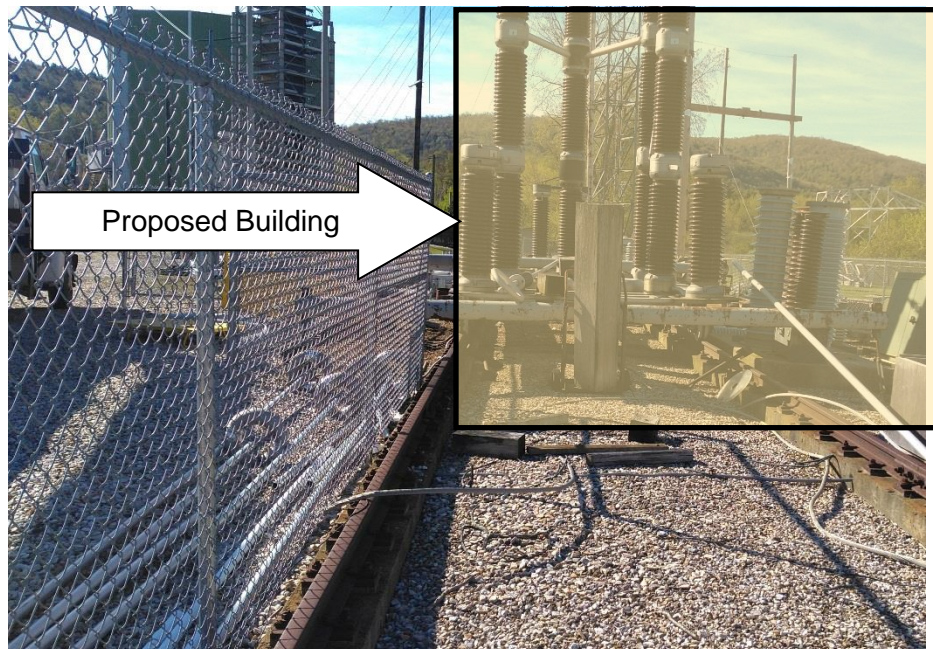
115 East New Lenox Road
Lenox, Massachusetts

Attachment A

Site Photos



Area of Proposed Building – View from South



Area of Proposed Building over Tracks – View from North



Various Concrete Pads to be Removed from Floodplain

Attachment B

Original Deeds

BOOK 1135 PG 110

287787

QUITCLAIM DEED

GENERAL ELECTRIC COMPANY, a corporation duly established under the laws of the State of New York and having a place of business at 100 Woodlawn Avenue, Pittsfield, in Berkshire County, Massachusetts, for no consideration and as a gift, grants to ELECTRIC POWER RESEARCH INSTITUTE, INC., a District of Columbia non-stock, non-profit corporation having its main office and principal place of business at 3412 Hillview Avenue, Palo Alto, California 94303, with quitclaim covenants, a certain parcel of land situated partly in the Town of Lenox and partly in the City of Pittsfield, in the County of Berkshire and the Commonwealth of Massachusetts, shown as Parcel "B" on a plan entitled "Plan of Land in Lenox and Pittsfield, Mass. surveyed for Electric Power Research Institute Inc." dated September 18, 1985 prepared by Brown Associates, Inc. and recorded herewith, more particularly described according to said plan as follows:

Beginning at an iron pipe on the assumed westerly sideline of East New Lenox Road in the Town of Lenox, said iron pipe being 2000'± northerly from the intersection with New Lenox Road;

Thence the following 4 courses along the northerly line of land owned now or formerly by the Commonwealth of Massachusetts Division of Fisheries and Wildlife: N72° 28' 39" W 495.87 feet to an iron pipe, S60° 13' 42" W 19.48 feet to an iron pipe, N82° 09' 55" W 239.03 feet to an iron pipe, and N82° 09' 55" W 42 feet more or less to a point in the centerline of the Housatonic River;

Thence running generally northerly along said centerline of said Housatonic River 1580 feet more or less to a point in said centerline;

Thence the following 3 courses along the easterly boundary of Parcel A: N11° 38' 00" E 38 feet more or less to an iron pipe, N11° 38' 00" E 210.00 feet to an iron pipe, and N11° 38' 00" E 52 feet more or less to a point in the centerline of said Housatonic River;

Grantee's Address and Property Address: East New Lenox Road, Lenox, Mass.
See Plan in Drawer H-90



1985 00350110

Bk: 1135 Pg: 110 Doc:DEED
Page 1 of 4 12/26/1985

Thence running generally northerly along the centerline of said Housatonic River 330 feet more or less to a point in said centerline;

Thence N58° 48' 39" E along the southeasterly sideline of a Western Massachusetts Electric Company right-of-way 514.43 feet to an iron pipe;

Thence the following 3 courses along land owned now or formerly by Wellington D. Butler: S78° 22' 05" E 609.45 feet to an iron pipe, S34° 17' 27" W 478.24 feet to an iron pipe, and S78° 22' 00" E 593.93 feet to an iron pipe in the westerly sideline of East New Lenox Road;

Thence S13° 13' 35" W along East New Lenox Road 1082.43 feet to the point of beginning.

Containing according to said plan 30.6 acres of land, more or less, in Lenox and 2.5 acres, more or less, in Pittsfield.

The above described premises ("the Land") are a portion of the premises conveyed to the grantor herein by deeds of:

(1) Wellington D. Butler dated November 28, 1958 and recorded November 28, 1958 in the Berkshire Middle District Registry of Deeds in Book 682 at page 143;

(2) Donald G. Zink dated April 28, 1959 and recorded May 1, 1959 in the Berkshire Middle District Registry of Deeds in Book 688 at page 212;

(3) By Deeds of Wyatt L. Knight and Rita L. Knight as follows:

(a) Dated May 7, 1958 and recorded May 7, 1958 in the Berkshire Middle District Registry of Deeds in Book 856 at page 21;

(b) Dated February 27, 1969 and recorded February 27, 1969 in the Berkshire Middle District Registry of Deeds in Book 871 at page 169;

(c) Dated March 22, 1969 and recorded March 24, 1969 in the Berkshire Middle District Registry of Deeds in Book 872 at page 125.

The Land is conveyed together with the benefit of the following appurtenant rights:

BOOK 1135 pg 112

(1) Easement as shown on said plan granted to the General Electric Company by Trinity Church, Lenox, by instrument recorded with the Berkshire Middle District Registry of Deeds (the "Registry") in Book 680, Page 260.

(2) Easement as shown on said plan granted by Eddie T. Cyr and Leda Cyr to the General Electric Company by instrument recorded with the Registry in Book 683, Page 283.

(3) Right of Way as shown on said plan granted by James M. Daly, et ux, to the General Electric Company by instrument recorded with the Registry in Book 694, Page 505.

(4) Easement as shown on said plan granted by Edna Leonard to the General Electric Company by instrument recorded with the Registry in Book 882, Page 5 as amended by an Amendment of Certain Easements and Consent executed between the General Electric Company and the Commonwealth Massachusetts Division of Capital Planning and Operations dated 12/17, 1985 and recorded herewith.

(5) Easement as shown on said plan granted by the Commonwealth of Massachusetts to the General Electric Company by instrument recorded with the Registry in Book 901, Page 159 as amended by an Amendment of Certain Easements and Consent executed between the General Electric Company and the Commonwealth of Massachusetts Division of Planning and Operations dated 12/17, 1985 and recorded herewith.

(6) Easement as shown on said plan granted by Charles L. Bayer and Jane F. Bayer to the General Electric Company by instrument recorded with the Registry in Book 956, Page 197.

(7) Easement reserved by the grantor over Parcel A for the benefit of the Land contained in the deed of Parcel A from the grantor to the Commonwealth of Massachusetts dated December 10, 1985 and recorded herewith.

The Land is conveyed subject to a right of way described on said plan and contained in a grant from W. P. Butler to Western Massachusetts Electric Company recorded with the Registry in Book 577, Page 55 insofar as in force and applicable.

The Land is conveyed further subject to all applicable laws and ordinances and to any and all covenants, easements, restrictions, and reservations of record as may be in force and affect said Land or appurtenant rights.

#001135 PG 113

IN WITNESS WHEREOF, the said General Electric Company has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by James Aher, its Manager-Financial Section, Real Estate and Construction Operation hereto duly authorized, this 20th day of December in the year one thousand nine hundred and eighty-five (1985).

Attest:

GENERAL ELECTRIC COMPANY

V. Robert Kiffney
V. Robert Kiffney
Attesting Secretary

By: *James Aher*
James Aher, Manager-Financial
Section, Real Estate and
Construction Operation

STATE OF NEW YORK)
) ss:
COUNTY OF SCHENECTADY)

December 20, 1985

Then personally appeared the above named James Aher, Manager-Financial Section of the Real Estate and Construction Operation of General Electric Company as aforesaid, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the General Electric Company before me.

Lorraine T. Hall
Notary Public

My commission expires *March 30 1987*

LORRAINE T. HALL
Notary Public State of New York
Qualified in Schenectady County
Reg. No. 4776035
Commission Expires March 30 1987

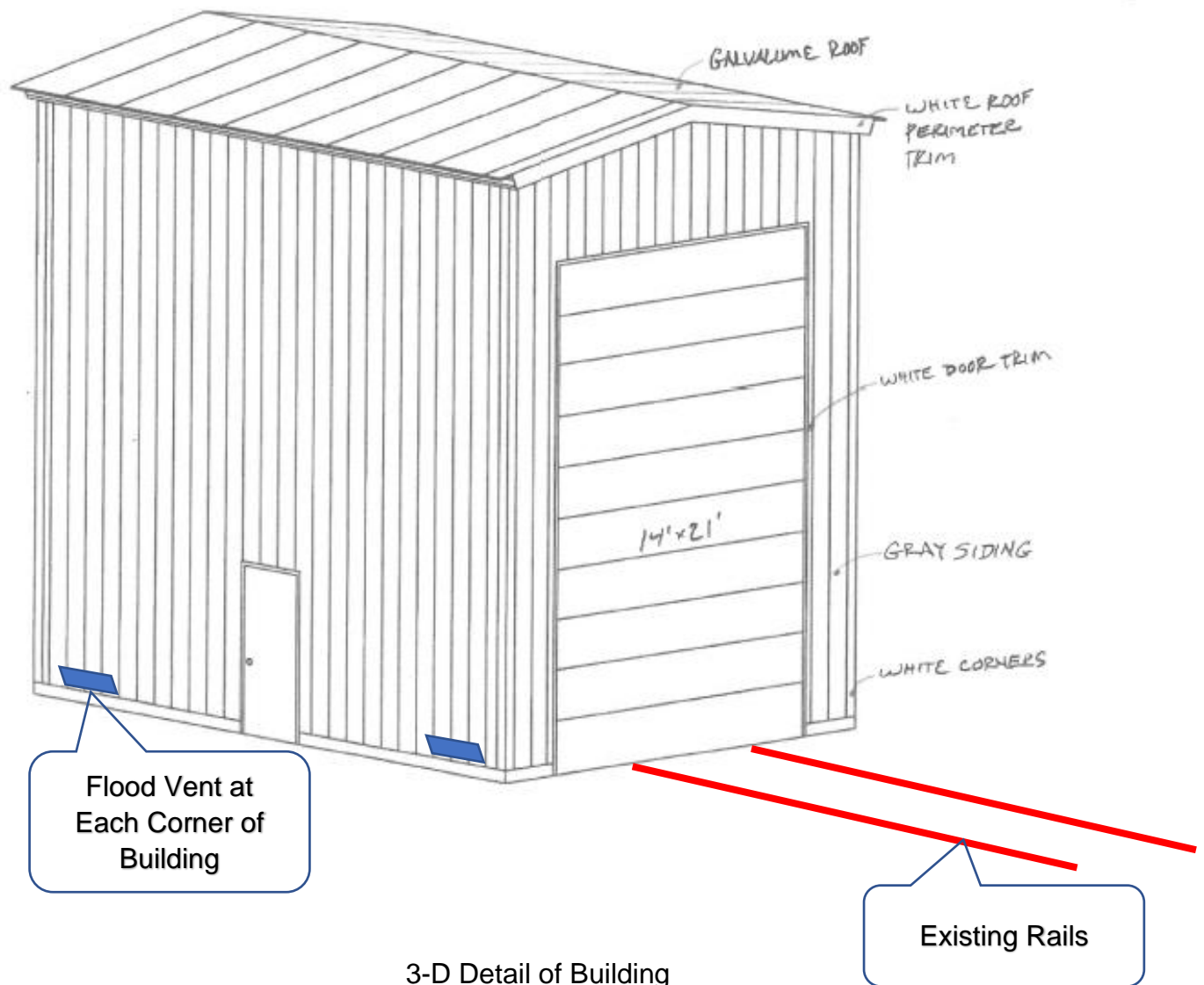
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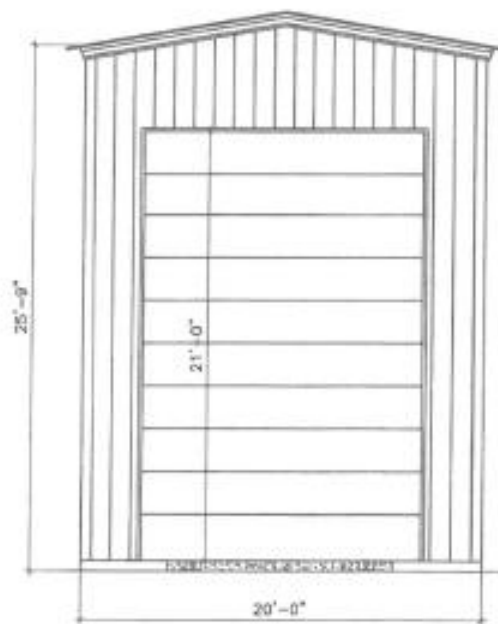
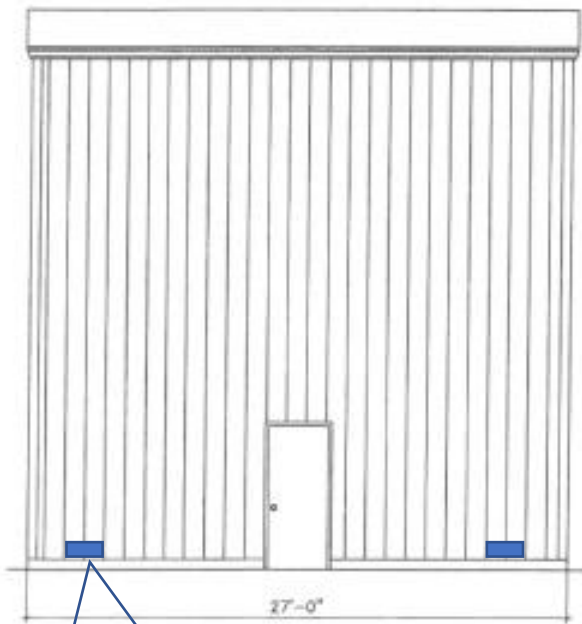
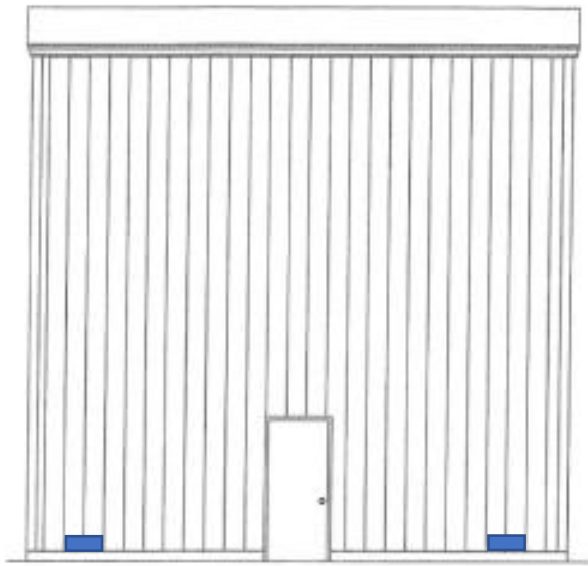
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Attachment C

Building Schematic and Elevation



3-D Detail of Building



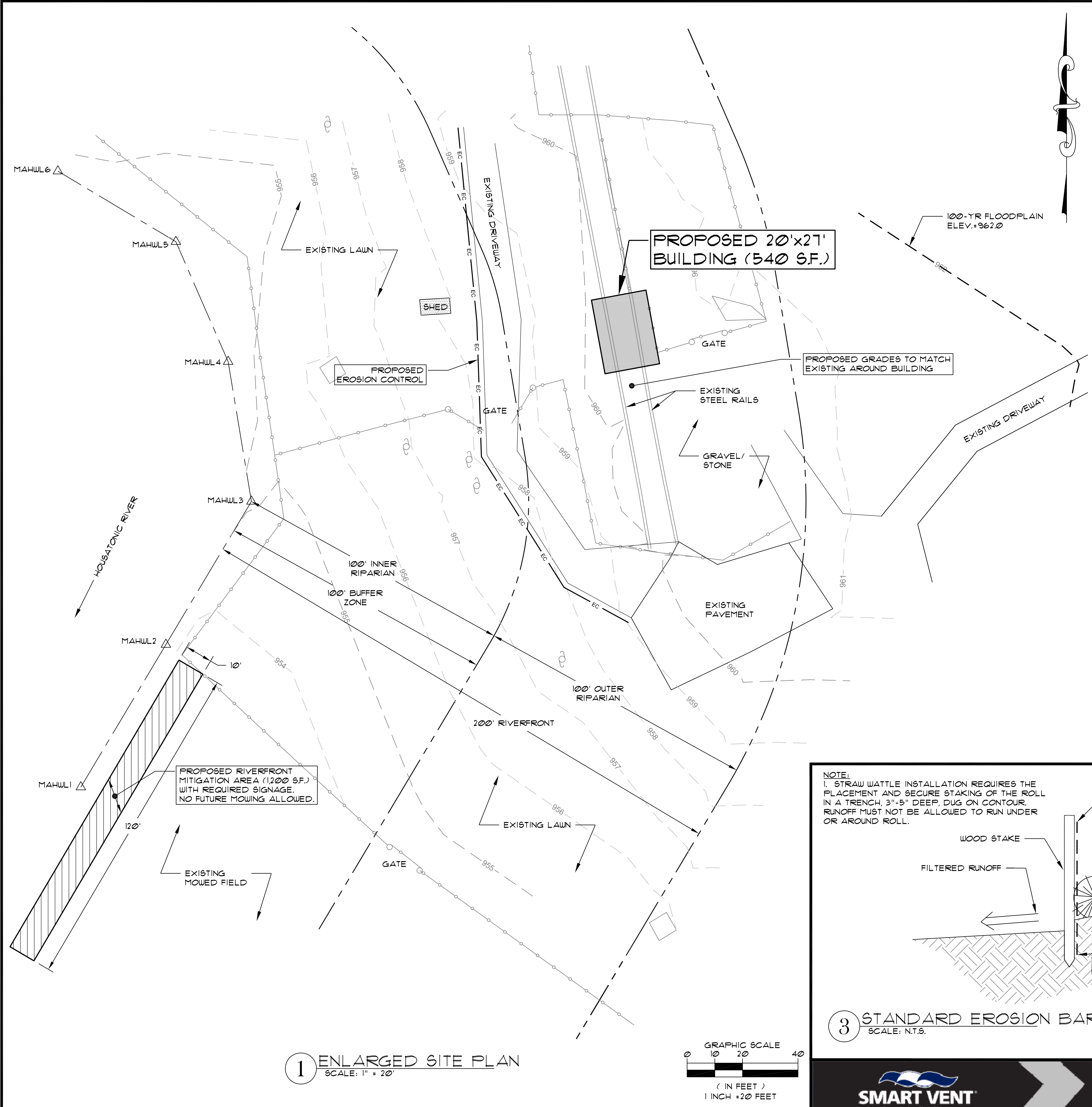
Flood Vent at
Each Corner of
Building

Elevations of Building

Attachment D

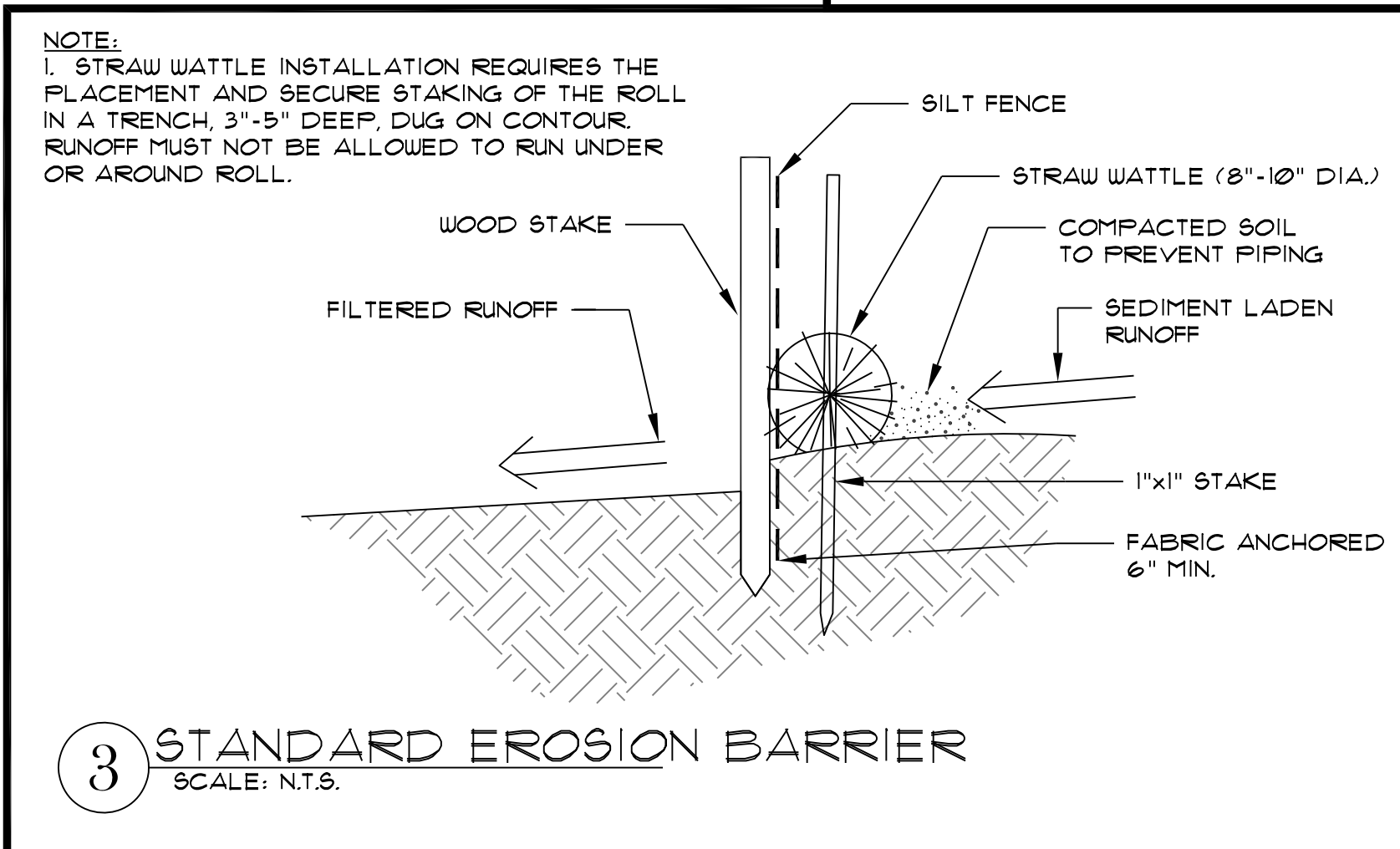
Plans to Accompany Permit Application

G:\SK DESIGN GROUP\2020\200047 EPRI - 115 East New Lenox Road, Lenox - Permitting for new building\Drawings\Special Permit\200047 PERMIT.dwg
User: jason.boyce, Date: 10/20/2020, Time: 8:16am
User Name: asstjboy



LEGEND	
	APPROXIMATE PROPERTY LINE
	MEAN ANNUAL HIGH WATER LINE
	EXISTING CONTOUR
	EXISTING FENCE
	EXISTING UTILITY POLE
	PROPOSED EROSION CONTROL

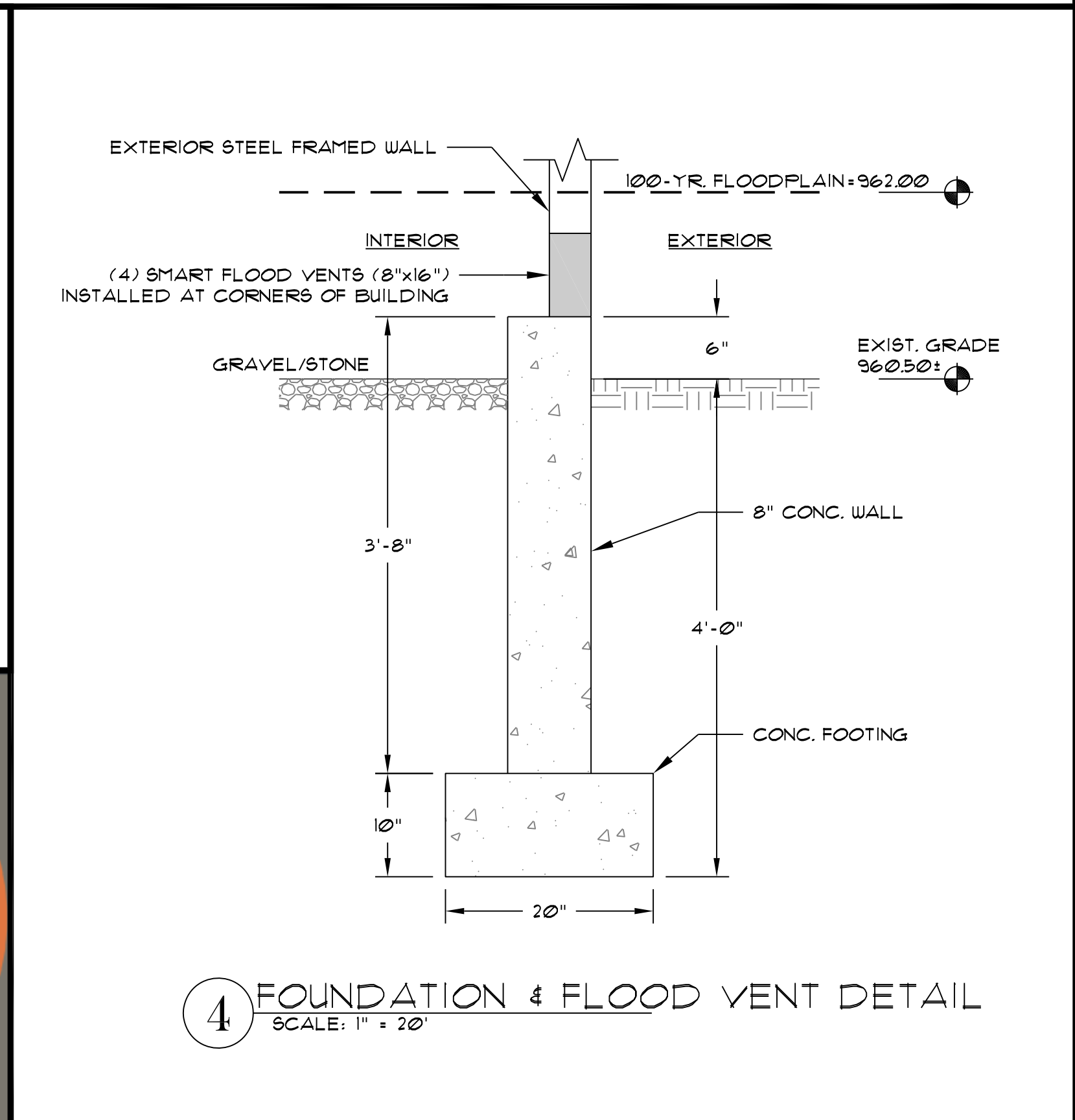
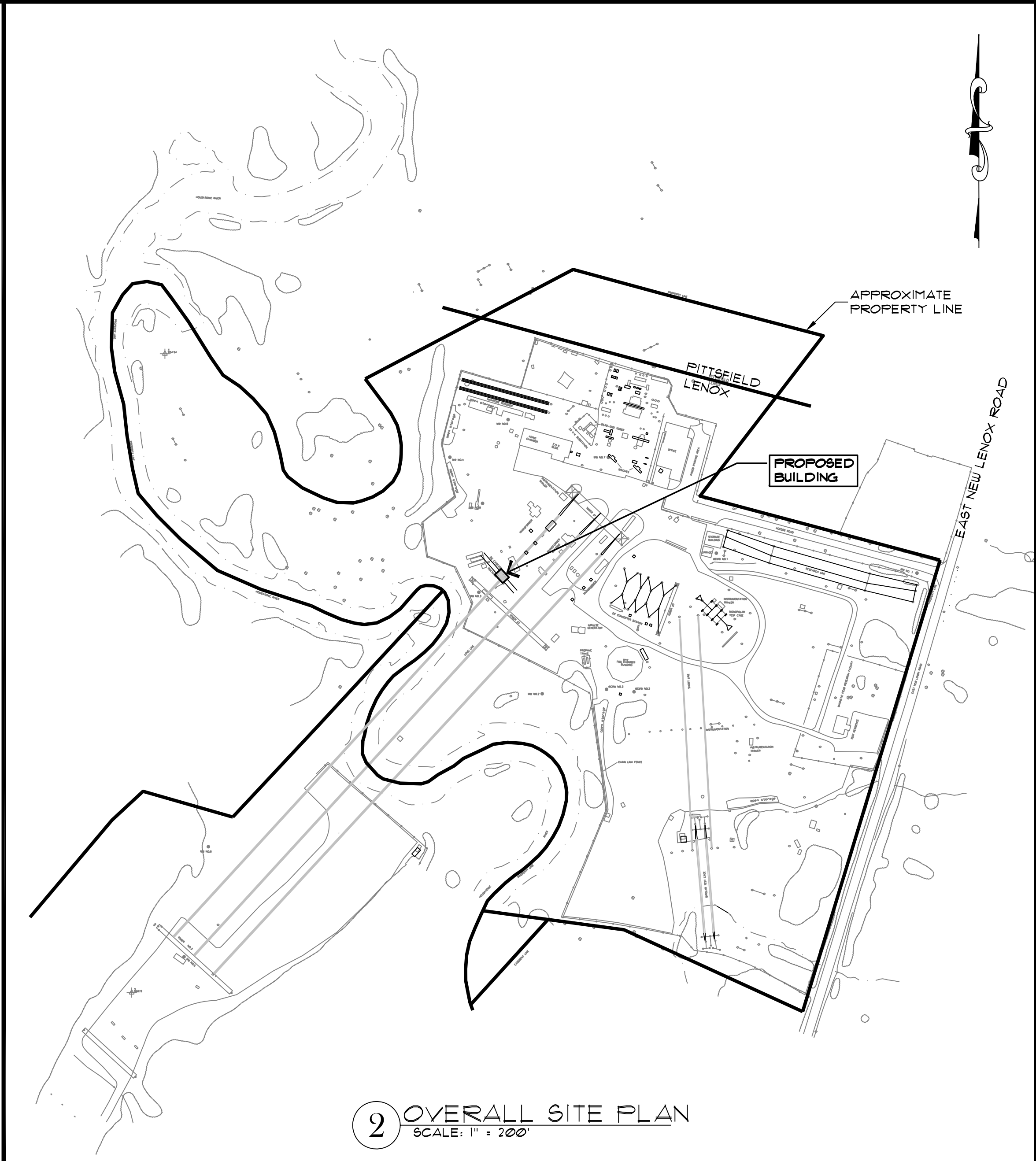
VOLUME COMPS	
PROPOSED FOUNDATION ABOVE GRADE: 8'x6' = 0.33 S.F. x 66 L.F. = 22 C.F.	
EXISTING CONCRETE SLABS TO BE REMOVED: (12) @ 3'x3'x0.5' = 54 C.F.	
NET COMPENSATION: 54 C.F. - 22 C.F. = 32 C.F.	



INSULATED SERIES

This series of vents is ideal for areas requiring flood venting protection but no natural air ventilation.

The flood door contains a 2" insulated core that has an R-value of 8.34 and the vent frame is lined with felt weather stripping, helping to keep the enclosure as insulated from the elements as possible.



PLAN TO ACCOMPANY PERMIT APPLICATIONS

PREPARED FOR:

EPRI

LOCATED AT:

115 EAST NEW LENOX ROAD
LENOX, MASSACHUSETTS

Design Group, Inc.
Civil Engineers * Surveyors * Consultants
2 FERRIS DRIVE * PITTSFIELD, MASSACHUSETTS 01201 * (413) 443-3337

SK DESIGN GROUP PROJECT #:

200047

COMMONWEALTH OF MASSACHUSETTS
MATTHEW D. PUNTIN
CIVIL
NO. 48069
PROFESSIONAL ENGINEER

Matthew D. Puntin
MATTHEW D. PUNTIN
SK DESIGN GROUP
LICENSE #48069
PHONE: 413-443-3337

REVISION:

DRAWN BY:	CAMS	CHECKED BY:	MDP
ORIG. DATE:	MAY 12, 2020	SHEET NO.	1
ISSUED FOR:	PERMIT	OF	1
SCALE:	AS NOTED		

Attachment E

Prior Special Permit

Berkshire Middle District Registry of Deeds

Electronically Recorded Document

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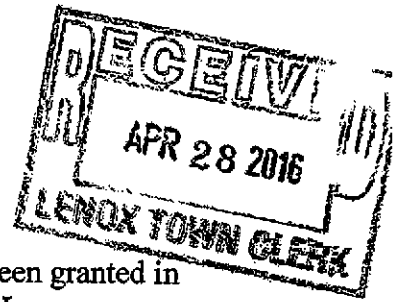
Recording Information

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Document Type	: NOT
Recorded Date	: June 10, 2016
Recorded Time	: 01:58:58 PM
Recorded Book and Page	: 05756 / 191
Number of Pages(including cover sheet)	: 5
Receipt Number	: 119932
Recording Fee	: \$75.00

Berkshire Middle District Registry of Deeds
Patricia M. Harris, Register
44 Bank Row
Pittsfield, MA 01201
413-443-7438
berkshiremiddledeeds.com

**TOWN OF LENOX
ZONING BOARD OF APPEALS**

NOTICE FOR RECORDING IN THE REGISTRY



Notice is hereby given that a Special Permit pursuant to Section 6.5.1 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: Electric Power Research Institute, Inc.

LAND OWNER: Electric Power Research Institute, Inc.

PREMISES: 115 East New Lenox Rd.

MAP AND PARCEL: Map 34 Parcel 1

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

Signed and certified this 28th day of April 2016.

Peggy Ammendola
Zoning Board of Appeals

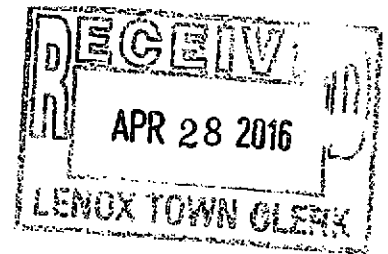
A handwritten signature in cursive script, reading "Peggy Ammendola".

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 handwritten signature in cursive script, reading "Kerry L. Sullivan".
Town Clerk
Kerry L. Sullivan





DECISION

Lenox Zoning Board of Appeals

The Lenox Zoning Board of Appeals heard the petition of the Electric Power Research Institute, Inc. ("EPRI") for property located at 115 East New Lenox Road (Map 34, Parcel 1) on Wednesday, April 20 at 7:30 PM to consider the petitioner's request for Special Permits under the Planned Unit Office or Research Center, Residential District provision and Section 3, Use Regulated of the Lenox Zoning Bylaw. Notice for the public hearing was published in the Berkshire Eagle on April 1, 2016 and April 8, 2016 and posted in Town Hall on April 1 and April 8, 2016. Notice was mailed to abutters on March 30, 2016..

Members of the Board of Appeals sitting at the hearing were Chairman Ethan Berg, Clerk Shawn Leary Considine, Robert Fuster, Sr., Ned Douglas and Clifford Snyder. Land Use Clerk Peggy Ammendola and Land Use Director/Town Planner Gwen Miller were also in attendance. Attorney Robert Dewees of Nixon Peabody represented the petitioner with EPRI staff from the Lenox facility:

The Zoning Board of Appeals voted five (5) to 0 (zero) to grant EPRI the Special Permit to operate as a Planned Research Center in a Residential District under Section 6.5.1 of the Lenox Zoning Bylaw.

In granting the Special Permit, the Board determined:

The existing layout and configuration of the EPRI site and facility fits into the definition of a Planned Research Center: it consists of a group of physically interrelated buildings with the primary functions of processing, compilation, or analysis of records or data and research activity in the physical sciences. No manufacturing takes place on site. The minimum lot size for a Planned Research Center is fifteen (15) acres. The EPRI site exceeds that with nearly thirty-five (35) acres of land area encompassing the site. The maximum percent of building coverage to lot size allowed per Section 6.5.1 is five percent (5%). The petitioner currently has approximately 1.3% of building coverage to lot size.

The Board is tasked with paying particular attention to landscaping provisions and to the adequacy of streets and highways at the locus of the proposed development. In terms of the landscaping provision of the site, the Board of Appeals found there to be adequate landscaping at the site. It was also noted that the property is surrounded by a great deal of conservation land. In terms of the adequacy of streets and highways at the locus of the proposed development, the Board determined the access and egress to and from the site on East New Lenox Road to be suitable.

The petitioner and the Board agreed to the following uses as permitted at the EPRI facility under the Special Permit::

1. Add, test, remove, reconfigure and replace transmission and distribution structures and hardware (including, but not limited to, poles, conductors, insulators, ducts, cables, wires, foundations, anchors, guy wires, capacitors, lattice work structures, and other support structures) up to a height of the tallest existing structure at the site which is 150 feet;
2. Add, test, remove, reconfigure and replace equipment, including but not limited to, typical transmission, substation and distribution equipment such as transformers, rotating machines, reclosers and batteries, together with wires, storage tanks, circulators, breakers, insulators, cables, ducts, capacitors, anchor rods, wiring, and structures, supporting structures and substructures;
3. Add, test, remove, reconfigure and replace underground manhole test chambers and associated control sheds, piping, ducts, cables and wiring;

4. Add, remove, reconfigure and replace safety equipment, including but not limited to, safety barriers, fences, and associated hardware to manage risk, ensure safety, and restrict access in any amount and number of configurations;
5. Erect, build, remodel, modify and demolish existing buildings and test structures, supporting structures and substructures, including but not limited to plumbing, electrical and other hookups, both above and below ground up to an area of 10,000 square feet and a height of 80 feet;
6. Grade, route, re-route and maintain roads, rights of way, easements, driveways and trails; and
7. Landscape to suit buildings, structures, test facilities and roads and rights of way.

Items not encompassed within the foregoing seven categories may require the modification of this Special Permit.

The Board determined the petitioner fulfilled the requirements of a Special Permit per Section 9.4 of the Zoning Bylaws as follows:

1. Community needs served by the proposal include employment provided by EPRI and the continued location of EPRI in Lenox as it attracts researchers from across the nation and the world. It is a type of business compatible with objectives of the 1999 Comprehensive Master Plan. These include the protection and appreciation of businesses now existing in Lenox.
2. There are no expected changes to traffic flow and safety at or around the EPRI site. The existing use will remain essentially the same as it has since the 1950s.
3. There is no anticipated additional impact to public utilities and services.
4. There is no anticipated impact to the neighborhood. EPRI encompasses thirty-five (35) acres directly abutted by conservation land to the west, south, and east. To the north it abuts a single family residence with agricultural activity. To the east it abuts conservation land as well as undeveloped residential property. EPRI sent their own letters to abutters to notify them of their Special Permit application, and abutters were also noticed via the Town. No abutters provided correspondence or attended the public hearing to provide commentary or testimony.
5. Impacts to the natural environment are minimal. The maximum percent of building coverage to lot size is 5% in a Planned Research Center, which limits the area of impermeable surface developable on site. In addition the activity on site is limited by the area of wetland and floodplain along the Housatonic River.
6. There are to be no impacts or costs to town services, the local tax or employment base. The continued operation of EPRI will benefit the employment base.
7. The uses allowed are in harmony with the general purpose and intent of the Zoning Bylaw.

The Board of Appeals voted five (5) to 0 (zero) to include the following condition to the Special Permit:

Within three years of the date of this decision, EPRI will report back to the Board on whether the terms of this Special Permit are still in harmony with the purpose and intent of the Town of Lenox Zoning Bylaw. Absent any action on this report by the Board, the Special Permit will remain in effect.

Any appeal from this Decision must be made pursuant to MGL Chapter 40A, §17, as amended, and must be filed within twenty (20) days of the filing of this Decision with the Lenox Town Clerk. Petitioner is also responsible for the filing, at least twenty (20) days after this Decision is

filed with the Town Clerk, of a certified copy of the Decision with the Berkshire Middle District Registry of Deeds in Pittsfield, if no appeal has been filed within the aforementioned twenty (20) days. Petitioners are responsible for obtaining all necessary permits for this project.

Filed this 25th day of April, 2016, with the Lenox Town Clerk, the Planning Board, the Building Inspector and the Zoning Board of Appeals by electronic transmission.



Robert M. Fuster, Sr.

For the Lenox Zoning Board of Appeals

Berkshire Middle District Registry of Deeds

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Berkshire Middle District Registry of Deeds
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44 Bank Row
Pittsfield, MA 01201
413-443-7438
berkshiremiddledeeds.com

**TOWN OF LENOX
ZONING BOARD OF APPEALS**

NOTICE FOR RECORDING IN THE REGISTRY

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

PETITIONER: Nixon Peabody LLP

LAND OWNER: Electric Power Research Institute, Inc.

PREMISES: 115 East New Lenox Road, Lenox MA 01240

MAP AND PARCEL: Map 34 Parcel 1

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

Signed and certified this 3rd day of the month of May the year of 2019.



Jessica Cote, Land Use Assistant
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.

Kerry L. Sullivan
Kerry Sullivan, Town Clerk
May 3, 2019

TOWN OF LENOX
ZONING BOARD OF APPEALS
DECISION

The Town of Lenox Zoning Board of Appeals held a public hearing on April 3, 2019 to hear a report on the property at 115 East New Lenox Road (Map 34, Parcel 1), located within the Residential "R1A" zoning district. A Special Permit granted in April, 2016, required the Electric Power Research Institute (EPRI) to report to the Board in three years about whether EPRI's exercise of the 2016 Permit was in harmony with the By Laws.

The Petition for review was filed by email on March 15, 2019 and by hand copy on March 18, 2019. Advertisements were duly published on March 20 and March 27, 2019 and abutters were properly noticed.

Members of the Board hearing the presentation were Clifford Snyder, Al Harper, Robert M. Fuster, Jr., Clayton Hambrick and Robert M. Fuster, Sr.

The Board voted (5-0) that the exercise by EPRI of the 2016 Special Permit was in harmony with the By Laws and that said harmony is likely to continue so that no future reviews would be required, absent action by the Town's Building Commissioner.

The Board based its findings on the report submitted and presented by EPRI's counsel, Robert L. Dewees, Jr., of Nixon Peabody, LLP. Said report established to the Board's satisfaction that EPRI's use of the 2016 Permit was in harmony with the By Laws and consistent with the demeanor of the neighborhood.

There was no public comment or communication regarding this proceeding.

The 2016 Special Permit, therefore, will remain in effect.

Any appeal from this Decision must be made pursuant to MGL Chapter 40A, §17, as amended, and must be filed within twenty (20) days of the filing of this Decision with the Lenox Town Clerk. Petitioner is responsible for the filing, at least twenty (20) days after this Decision is filed with the Town Clerk, of a certified copy of this Decision with the Berkshire Middle District Registry of Deeds in Pittsfield, if no appeal has been filed within the aforementioned twenty (20) days. Petitioner is responsible for obtaining all necessary permits for this project.

Filed this 10th day of April, 2019, with the Lenox Town Clerk, the Planning Board, the Building Inspector and the Zoning Board of Appeals.


Robert M. Fuster, Sr.

For the Lenox Zoning Board of Appeals

NOTE DEED 1135/110