

**Lenox Zoning Board of Appeals
Minutes
March 20, 2019
Land Use Meeting Room**

Members present: Robert Fuster (RF) Acting Chair, Cliff Snyder (CS), Robert Fuster Jr (RFJr), Clayton Hambrick (CH),

Absent with notification: Shawn Leary Considine (SLC) & Ned Douglas (ND)

Absent: Albert Harper (AH)

Staff Present: Land Use Director/Town Planner: Gwen Miller (GM) & Land Use Assistant Jessica Cote (JC)

Others Present: Clarence Fanto (*Berkshire Eagle*), Sue Merritt (*Lenox Fit*)

RF called meeting to order at 7:08. AH was unable to attend at the last minute. RF stated that there are only 4 members present and that any decisions tonight would need all 4 members to vote “aye” in order to pass a decision. RF letting Ashely know that she can go ahead with 4 members or allow 5th member to listen to hearing and then they will vote on April 3rd. Also let her know that if she goes ahead today and only gets three votes she can’t come back for two years without a significant change to her plan. Ashley decided to present tonight. Ashely opted to go ahead with 4 members and.

7:00 PM North’s Services, 515 Pittsfield Road, (Map 33, Parcel 5). The petitioner seeks Site Plan Approval (Section 3.5 of the Lenox Zoning Bylaw), to allow for the temporary location of a mobile eating establishment for non-alcoholic beverages and snacks on the subject property.

- Ashley Paduano (AP) presented her petition for Site Plan review for the vacant lot the left of North’s Services which will have a free standing trailer not a food truck on the property. Truck will be serving specialty coffee drinks, smoothies, hot teas and iced teas, and acai bowls. Hours of operation from 6:30am -2:30pm from May to October, six days a week (Monday through Friday and occasional Saturdays).
- RF asked if she had done any food service prior and Ashley stated she has been in the food service industry since she started working.
- AP will only have a sign on trailer. There will not be a free standing sign on the property.
- RFJr reminded Ashley she will need to also go through her next steps with the Board of Health
- RF asked if there was any lighting that she will be adding. AP replied no since it would be open only during the day.
- CS asked about noise pollution from the generator for the food trailer. AP stated that the generator is at 68 decibels. At which she gave examples that general conversation is at 60 decibels and a vacuum is at 70 decibels. AP also stated that the motorcycles on the North’s Services lot run at 90 decibels.
- CS asked where the generator would be to which AP replied that they would be on the side of the trailer facing the wooded area behind North’s Services. It would not be visible to the street.
- AP stated there would be a sign to direct customers to park on the side of the North’s Services building.
- RFjr asked if there will be any land changes where the trailer would be. AP stated that the trailer would be on the grass next to the concrete and that the size of the trailer measures 11’x7’.

- AP was reminded that she would need all 4 board members to vote in favor tonight or she would need to wait 2 years or come back with significant changes to her plan. AP decided to move forward with the 4 members present.
- RF asked if there were any public comments.
- **Public Comment:** Mr. Merritt made public comment in favor of AP's food trailer on the North's property and that it would be an asset to the area.
- RF closed the public meeting. The board then discussed among themselves. RF moved to waive the site plan review as there are no modifications to the existing building and AP's food trailer is temporary and will be moved each night after the trailer closes for business. CS seconded the motion. 4-0 in favor.
- GM will assist in drafting decision for the ZBA members to review. Decision will then be filed with the Town Clerk within 14 days.

7:30 PM MEC Lenox Associates Limited Partnership, by property manager WS Management, 489 Pittsfield Road ("The Center at Lenox"), Map 33, Parcel 4 – Continued from March 6th, 2019. Petitioner seeks to modify existing Special Permits and site plan to improve the Center at Lenox by creating additional building space and additional parking, and seeks an additional Special Permit to expand an existing, non-conforming building.

- Jeff Curley (JC), Amelia Aboff (AA) and Nick Dellacava (ND) presenting from WS Development.
- RF reminded that JC that today's hearing has only 4 board members. JC stated he would like to present and have AH listen to the recording with a continuance until April 3rd.
- AH will review the tape and then continue the meeting to April 3rd at 6:00pm if applicable.
- JC reviewed Site Plans from 2010 and 2011 for the location at 489 Pittsfield Road.
- JC stated that there are currently two signed leases for the building on the property (old Price Chopper building) and that WS Development is looking to make some changes to façade of building.
- New element seeking Special Permit to expand current Verizon building and get Site Plan approval and modify special permit to modify parking.
- Snyder asked if there are tenants and Jeff stated that there are two current signed leases. Jeff not allowed to state who the tenants are.
- The renovations of the property are very similar to the 2010 site plan.
- Special permit to modify
- JC stated there will be no change to signage or the entrance/exit.
- Mr. Patel, of the Wagon Wheel Inn which is across from "The Center at Lenox", submitted a letter asking if construction on the property could be between 8am – 7pm. JC stated that 8am would be difficult however he agreed to the timeframe of 7am – 7pm. There will also be no blasting with construction so noise pollution will be at a minimum.

- Public Comment: Sue Merritt who owns Lenox Fit at 90 Pittsfield Road asked JC how they determine who should lease spaces within the development. JC replied that it is the customer/tenant that approaches WS Development proves through market research if the property is the right fit for their business. Sue had concerns that because Lenox is such a small community that the market can become diluted very quickly.
- JC requested to keep the public hearing open and continue until April 3rd at 6:00PM.
- RF motioned to continue to the hearing until April 3rd, 2019 at 6:00pm. CS second. All voted 4-0 to continue hearing until April 3rd, 2019 at 6:00pm.
- Meeting adjourned @ 8:13pm

Approve Minutes:

December 5, 2019 – Approved by consensus

February 13, 2019 – Approved by consensus

March 6, 2019 – Approved by Robert Fuster, Sr.