

**Lenox Zoning Board of Appeals**  
**Minutes**  
**April 3, 2019**  
**Land Use Meeting Room**

**Members present:** Robert Fuster (RF), Robert Fuster Jr. (RFJr), Cliff Snyder (CS), Ned Douglas (ND), Clayton Hambrick (CH), Al Harper (AH)

**Absent with notification:** Shawn Leary Considine (SLC)

**Staff Present:** Land Use Assistant, Jessica Cote (JC)

**Others Present:** Clarence Fanto (*The Berkshire Eagle*),

**6:00 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 20<sup>th</sup>, 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.

- RF called meeting to order at 6:14pm. Continued hearing of application of MEC Lenox Associates. AH listened to recording on Friday March 29<sup>th</sup> and again on April 3<sup>rd</sup>. The meeting was recorded.
- Jeff Curley (JC), Amelia Aboff (AA) and Nick Dellacava (ND) presenting from WS Development.
- JC states that WS Development has nothing further to put on the record.
- AH has concerns about the speed within the current parking lot and wants to know about more cars in and out and how will the speed be controlled. JC stated that there will be the introduction of landscaped islands that will have the effect of channelizing traffic to reduce speed.
- RFJr encourages them to really look at the landscaping and grooming of parking lot for concern of speed within parking lot especially if there will be more traffic.
- AH questioned if the existing entry to the Verizon building will it stay the same? JC stated it will stay the same.
- The board confirmed with JC there are signed leases. JC confirms there are signed leases but not able to state who they are at this time.
- RF motions to close formal meeting and RFJr seconds. All in favor (5-0)
- No further correspondence in regards to this petition have been received.
- JC asks if there is ability to work on Saturdays. Board discussing how to incorporate that into the special permit. No board member has an objection to working on Saturday.
- RFJr suggests shortened hours on Saturdays (9am-5pm) and only as needed to hit a deadline.
- AH question on scope of permit in regards to buildings that are not going to be built unless there is a tenant. Since this is a new site plan, if approved MEC Lenox Associates/WS Management would not need to come back to the ZBA, they would only need to get a building permit.
- RFJr questioned the addition to the current Verizon building. JC stated that the building be up to 5,000 sq feet of space that could house one large tenant or two small tenants.
- AH moves to grant special permits to MEC Lenox Associates to accomplish renovation of the Lenox Center including site plan approval. RFJr seconds. All in favor 5-0.
- **RF to write decision.**

**7:00 PM 305 Walker Street (Map 4, Parcel 12),** extension of a special permit to allow for the construction of a single-family home on a non-conforming lot.

- CS opened the meeting at 7:00pm. Sitting on this hearing are AH, CS, CH, RFJr and ND. RF was unable to sit on this hearing due to conflict with petitioner.
- CH stated the petition for the extension of the special permit.
- Jeffrey Lynch (JL) present to represent Bob Romeo they petitioner.
- JL originally represented Dacey (previous owner of property) in 2013 when the first petition was submitted.
- In 2012 Dacey purchased property to build a second home on lot. Existing house was razed on lot. House was not built during the time frame. Zoning bylaw had changed and made lot non-conforming in terms of frontage. Frontage and lot width is the issue. Board granted relief to keep it non-conforming building lot. JL has been back in 2013 and 2015 for extension. Bob Romeo is looking to put project back on table and construct house in 2019.
- Planning on 2200 square foot cape style house to keep in the same sense of homes on Walker Street.
- Need to extend permit to keep classification of a building lot with intent to build this year.
- Bob Romeo bought property on January 2<sup>nd</sup> 2019.
- CS asked if wetlands will be any issue on site of property. JL believes it should not be a problem, JL stated there is a sewer easement running through the property right now. Engineer is reviewing that sewer line that serves 4 current homes.
- JL states that if the Special Permit extension is granted the next step will be working with Conservation Commission in regards to the wetlands in the area, if applicable.
- No correspondence received regarding this petition.
- RFJr moves to close meeting and CH seconds.
- Comments amongst board in regards to extending Special Permit – the board doesn't see problem with another extension. RFJr moves to grant special permit extension. CS seconds. All in favor (5-0)
- **CS to write decision.**

**7:00 PM 115 East New Lenox Road (Map 34, Parcel 1),** report to the Board as to how exercise of the 2016 Special Permit has progressed in harmony with the purpose and intent of the Lenox Zoning Bylaw.

- RF opened meeting at 7:14 to hear the report from EPRI, Inc.
- Robert Dewees Jr (RD) from Nixon Peabody representing EPRI, Inc.
- Mark Messana (MM) and Martin Hughes (MH) from EPRI, Inc. present as well.
- RD reviewed the report provided to the town.
- RD noted that EPRI brings many individuals from all over the country and world to the area who then put money back into Lenox.
- RFJr believes they are still in compliance of the 2016 Special Permit.
- CS moved to close meeting. RFJr seconds. All in favor 5-0
- RFJr motions to accept report and excuse from any other report in the future. CH seconds. Board votes to accept the report 5-0 with no requirement for any other report in the future.
- **RF to write the decision.**

**7:30 PM 60 Willow Creek Road (Map 9, Parcels 5 & 6),** demolish and remove an existing non-conforming building (a former sawmill) located approximately 14.5 feet from the street line, and seeks to construct a new garage which will be approximately 15 feet from the property line.

- RF opened the public meeting at 7:30.
- Matthew Puntin SK Design presenting on behalf of Thomas Garrity, co-owner of Valley Mill.
- MP states that the current non-conforming building will be razed and a new garage will partially be built over part of the old footprint of the current garage.
- Matt gave an overview of the property and states that the use of the new garage will be for a storage space and service for Valley Roll Off and the Waste Transfer Facility.
- No correspondence were received in regards to this petition.
- CS moves to close meeting. RFJr seconds. All in favor 5-0.
- CS moves to grant the special permit and RFJr seconds. All in favor 5-0.
- **RFJr to write the decision.**

**RFJr moves to close the meeting. AH seconds. All in favor 5-0. Meeting closed at 7:45pm.**

**Approve Minutes:**

March 20, 2019 – Approved by consensus