

Lenox Zoning Board of Appeals
Minutes
May 1, 2019
Land Use Meeting Room

Members present: Robert Fuster (RF), Robert Fuster Jr. (RFJr), Cliff Snyder (CS), Ned Douglas (ND), Al Harper (AH), Shawn Leary (SL)

Absent with notification:

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

Other Members of Public: Clarence Fanto, Ashley Paduano, Sue Merritt,

7:00PM 52 Delafield Drive (Map 8, Parcel 114), allow the existing in-law space to add a stove and allow for an Accessory Dwelling Unit. Continuation from April 17, 2019.

- RF opened the meeting at 7:01pm which is a continuation of the April 17, 2019 meeting.
- Members sitting were RF, RFJr, CS, ND & SL
- Richard Goudey provided an affidavit that he and his wife will continue to reside at the property as well as explicit information of what the unit looks like.
- RFJr asked for more information in regards to the drawing of the unit.
- Board discussed changing the variance to a Special Permit.
- RG stated that the building department told him to submit a petition for a variance.
- 9.2.3
- RFJr moved to close meeting and CS second at 7:10pm.
- RFJr special permit for converting in-law apt into ADU. SL seconds. ND states they meet all requirements for ADU. RFjr agrees that all requirements are met for a Special Permit. CS agrees as well and that is should be deed as a Special Permit and not a variance. SL also agrees. RF states that the petitioner meets all requirements within bylaw 9.2.3.
- ND motions to approval special permit for ADU at 52 Delafield Drive. RFJr seconds. All in favor 5-0.
- **RF to write decision.**

7:00 PM 90 Pittsfield Road (Map 22, Parcel 39) 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.

- RF opened the meeting to order at 7:15pm
- Members sitting were RF, RFJr, AH, ND & SL
- SL stated that her law office has represented Sue Merritt and her business in the past but feels she can be fair for this decision. No objections from the board with SL staying on for the petition.
- AH raised concerns in regards to hearing this petition based on the letter the Planning Board submitted.
- RFJr agreed that in the future, food trucks should be a Board of Selectman (BOS) issue.
- Ashley Paduano stated that the BOS sent her to the ZBA for a special permit.
- RF asked Ashley if this is a same food truck. Ashley stated it is the same food truck from a previous petition submitted.
- Same trailer will move between North's and 90 Pittsfield Road, Lenox Fit.
- RF suggests waive Site Plan approval as this will be moved each night and that it should be a Special Permit with a time limit, with a one year limit.

- RF & AH will go to the BOS and point this out and what their intentions will be in regards to food trucks moving forward.
- SL asked Ashley if she would be at the place during the dark. Ashley stated that she would not be there during the dark and will not need extra lighting.
- Operations from May 1 to November 1.
- AH moves to waive site plan approval and SL seconds. All in favor 5-0.
- AH moves to have special condition that permit lasts from one year from day granted and then petitioner needs to come back for additional consideration. SL seconds. 5-0 all in favor.
- SL moves to close hearing and RFJr seconds. All in favor 5-0.
- **SL to write decision.**

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

Approve Minutes:

April 17, 2019 – Approved by consensus