

**Town of Lenox**  
**Zoning Board of Appeals**

**July 20, 2020**

**7:00 p.m.**

**Public Hearing**

**Lilac Park**

**Members Present:** Albert Harper (AH), Robert Fuster (RF), Cliff Snyder (CS), Shawn Leary Considine (SLC), Clayton Hambrick (CH)

**Staff:** Gwen Miller, Land Use Director

**Continuation of 16 Blantyre Road (from March 4, 2020)**

RJ explained that the hearing was continued from March. He noted there was interest in the petition and asked that if those in attendance had already submitted letters, and were not abutters, that they let direct abutters speak first when they get to comments.

Attorney Sydney Smithers represented Blantyre.

Linda Law, Blantyre owner explained that a lot of time has past since they initially filed and they are in great need of an approval. They are challenged to obtain lending for the project.

Syd provided a packet to each ZBA member, and addressed a specific question regarding height:

Ann McCalum said one of the buildings is 55' though the ZBL sets a 50' height. Anne explained the highest point from the mean grade is 55', and the mean height is below 50'.

AH had questions in response. He understood how they calculated that mean height. AH interprets the definition of building height from Section 4 of the ZBL.

AL asks if they have legal authority to calculate the mean height from several different buildings that way. He noted there could be absurd manifestations of that interpretation.

SS notes that a fair reading of the height definition requires that you read the height from all four sides of the building. AM has measured the mean height on the drawings.

AH agrees that it is with the language of the ZBL but not the spirit and it skirts the purpose of the ZBL to keep buildings from exceeding 50'.

AM said she went around the whole perimeter of the proposed building and measured from the mean grade to the highest point of the proposed building. She described how many stories the existing buildings are and how much the proposed one would be.

AH accepted the rationale from AM but suggested that the PB address the language. RF asked why not reduce the height by 5'. AM said they had designed the new building to obtain a height that is desirable to hospitality.

SS re: Gainsborough Hall, it will be on the site where once a museum hall stood (constructed by Patterson). It had a physical connection to the Blantyre mansion. The new annex will have sufficient space for a ballroom. Petitioner feels they are able to request that, noting it has happened @ Canyon Ranch (Bellefontaine). SS asks that they specifically authorize the construction of Gainsborough Hall in their findings and decision. He notes they are able to construct this new building so close to the mansion because they will be doing so on the location of a previously standing building (the museum).

RF asked what the difference is between the former museum hall and the proposed Gainsborough Hall. The original footprint was 4080 and the new building will be 4180.

AH states the new hall would be extra 50% larger than the museum hall. He asks what the judicial authority is to permit the new hall. SS said he was aware of no judicial authority because there has been no legal challenge to the ZBA's previous approval such as at Bellefontaine. SS is not aware of communities with a similar Estate Preservation Area bylaw.

SLC asked why they requested a waiver from the completion bond. SS said he had not seen one done for any other EPA SPs. SLC said Elm Court had provided one; SS said they were requesting to NOT provide one and believed the Bylaw allows them to request that.

AH said the purpose of the bond is to ensure that the Town is not stuck with a damaged or incomplete project.

SLC asked what part of the EPA ZBL allows the Board to grant a waiver. SS says they are allowed to.

RF asked whether they would invalidate the entire bylaw if they did granted waivers from every requirement.

SLC asked why they would not ask for a variance from the ZBL.

SLC asked for clarification regarding the proposed condition to provide constructed affordable housing units or a payment to the Housing Trust in lieu. SS shared the language Blantyre proposed:

Cash payments in lieu, payable as building permits are drawn; as one building permit is drawn; the petitioner would pay 1/34 (for 34 proposed units).

AH notes Section 9.2 (b). He asks what is the justification to allow the petitioner to deviate from the formula.

AH says they should take the equivalent value of construction and off-site improvement values. AH asks what that value is.

SLC says her concern is that the value of the land is not incorporated into the building permit. SS said they were using data from MLS and that home prices incorporate land and buildings.

AH had some comments regarding the application:

Questioned STR use of townhouse units; Linda Law explained that would not be the case.

SS noted conditions agreed to w/ John Gobel representing.... also noted that Fairwynds II @ Cranwell wanted the same agreement.

CS noted he has travelled a great deal over the past few years and has seen the different way resorts use these.

LL said she has to be traditional in how individual units treat their shared units, they would lose their standards such as Relais & Chateau.

GM explained that the bond for Elm Court was for public infrastructure improvements that EC needed to tie into the Town's systems and a new sidewalk. SM said they would be replacing the water main; SS said they would agree to the bond for that.

AH says his questions have been answered.

RF said that during the site visit...he noted the new building design was substantially complete but not entirely complete. He asked how much final design they could get agreed to from the Board. Anne McCallum explained the colors were from the rendering but the shape and massing were a different plan sheet.

#### Public Comments:

Scott Short, Owner of Kemble Inn—prevail upon Board to unanimously approve petition; concerned by dialogue from ZBA. Concerned by language that implies communal ownership of Great Estates. Scott points out they are very difficult to operate and takes a special owner and operator to make them work financially even without the current environment. Scott encourages the Board to not take property owners for granted.

Mindi Morin, 80 Pine Knoll Road; also Managing Director of Canyon Ranch—feels that they should vote for this project. To bring more people to Lenox, and to create more affordable housing, and to shine a brighter light on Lenox and the Berkshires.

Linda Messina, Elite Property Management: Representing Coldbrooke South; the Board and owners are all in favor of project; are very concerned with intersection Blantyre Road/Route 20 and Plunkett Street. Linda has spoken to Representative Pignatelli about installing a traffic light. In the winter a traffic signal wouldn't work because of the topography; large, heavy trucks would slide down the hill. But a seasonal traffic signal could be installed. RF agrees

Lucy Kennedy, 35 Tucker Street:

1. Size of hotel addition and proximity to mansion; site visit further emphasized this question. Spirit of the law is to preserve sense of estate.
2. Gainsborough Hall seems to have been well thought out and the Sec of State's Rehabilitation standards are cited in the bylaw and that includes matching windows from original mansion in new construction

Anne McCallum responded: they were thinking of appropriate scale. That is why the new building is in two blocks. One block will be screened by existing trees. AM says the rule doesn't call for a slavish copy of the original building. The new construction should be in harmony with

the historic structures. A historic preservation consultant said the new construction will be in harmony and appropriate with the historical nature of the property.

Marybeth Mitts, 20 Dunmore Court: the affordable housing intent of the inclusionary development bylaw is on the books to create new units. It is very important that this requirement not be waived. But the units need to be built to house the 160 people estimated to work at Blantyre; the 400 at Miraval and the 200 at Canyon Ranch be able to live in Lenox. It is very important that the petitioner donate enough to build three (3) units of affordable housing.

Seth Nash, Undermountain Road; in favor of the project. So many beautiful mansions in Lenox. How do you keep them thriving into the future? Some struggle and some go forward. He believes there is a lot of capital behind this and the property is large enough to accommodate what they are proposing. IT will enhance the area and believes the ZBA should approve it.

Sebastien Piekutowsky, 322 West Street;  
If LL says there is no financing available; where will project funding come from?

LL says they have asked for no public financing. LL says the banks can't finance right now bc they can't set a price. She has had private equity partners through who they will obtain a loan. She would want the municipality to participate but municipalities are broke.

SP asked about affordable housing payment: a median price of a house is \$380,000;  
Why wouldn't they pay the total cost of an affordable housing unit?

GM clarified the \$290,000 is a cap created by the Affordable Housing Trust.

LL says that Blantyre is the first petitioner to offer this; and that their payment would allow for a first-time home buyer to bridge the gap to create.

As a former employee of Blantyre and resident of Lenox...understands tension between beautiful estate and working families. As part of a working family; did work for Blantyre; in his experience w/ Blantyre, ownership and management was from out of state; much of the staff were on 6-month working visa; had to pay for Blantyre lodging; what exactly will this project do for larger community if majority of staff don't live in Lenox and if most guests are not from the local area either.

David Pupo responded to SP's comments: saying salary is livable.  
Discussion ensued from SP

Linda Shafiroff from Lenox Dale said that it is a gift from Blantyre to help an income qualified household buy a home in Lenox. While they are not building units; they are helping three families get into a home in Lenox. She believes Blantyre will bring jobs to build it, to work there and maintain it. This is a big risk. Who will take the properties on? WE are lucky to have the

Trustees; but we should welcome Blantyre and thank Linda for helping the community and affordable housing.

MG from Nobb Hill in Great Barrington and Jane Atkinson Gill, Nob Hill in GB: in favor of project

Rick Pyser from Newton: loves the Berkshires; loves the 13 estates left in the Berkshires; is a real estate professor and planning professor from Harvard. As a professor of real estate development....says these are perilous times (and he does have a small investment in the project); the delays threaten every project; though this one is well capitalized speed is of the essence.

Jan Chague, 65 East Street: loves history, notes that Old East Street used to be where St. Andrews Court is now. It used to connect to Patterson Road. She would like to see Blantyre have a dedication to old East Street. The two Thompson farms and Sedgewick School were there. They were important to local history. They will use part of that old road.

AH had additional questions. Under Great Estate Inn; there are three criteria which require a Special Permit:

- live events
- amplified entertainment
- restaurant open to public

AH asks about fine restaurant continuing at Blantyre; wants to include it in SP.

At 8:32 p.m., public hearing adjourned.

Chuck Vogel; 14 Fairway Drive, abutting Blantyre on East Side of property—have addressed issues related to other things but not on fireworks.

Continued until Wednesday but Wednesday will meet via Zoom because of weather forecast (4-1)

ZBA meeting adjourned at 8:45 p.m.