

**Town of Lenox  
Zoning Board of Appeals  
October 14, 2020  
7:00 p.m. via Zoom**

**Members Present:** Robert Fuster Jr (RFJ); Albert Harper (AH), Kimberly Duval (KD), Shawn Leary Considine (SLC); Ned Douglas (ND); Clayton Hambrick (CH)

**Staff:** Gwen Miller, Town Planner; Jessica Cote, Land Use Assistant

RFJ opened the meeting at 7:02pm.

**1. 114 Main Street – Special Permit Request...continued from October 7, 2020.**

- Bill Martin, attorney for the petitioner, stated that there has been a settlement with two of the three plaintiffs.
- Case remanded to ZBA with two purposes, attempt to resolve issues between applicant, Mr. Winstanley, and the Mr. Merritt and Ms. Griffin with respect to entryway at the intersection of Franklin Street and Church Street. Entered into agreement with Mr. Merritt and Ms. Griffin with a landscape redesign that allows Mr. Merritt's tenants to enter their driveway through the entrance of Mr. Winstanley's proposed project through a granted easement.
- Attorney Martin shared the updated landscape plan with the Board to show the new entrance/exit for the Merritt property as well as updated landscaping along the fence line that abuts the Merritt property and Griffin property.
- KD has concerns about the traffic flow at the Franklin/Church Street corner and would like to see a sidewalk at the Franklin Street entrance of the proposed project.
- AH asked about the original traffic study. Jim Scalise, SK Design, looked at background traffic for when the original traffic study was completed and then compared to 2018/2019 traffic studies available for the Town and the growth rate was about 1%.
- Peter Puciloski, attorney for the plaintiff, Mr. Harwood, as well as other interested parties that are concerned about the project, reviewed the remand order with the ZBA members and stated that the dimensional, density, and parking requirements are before the Board. Mr. Puciloski would like to methodically go through each one of these and how they are violated by this proposed plan and a detriment to the abutters and the Town.
- AH stated that he requested an itemized list of the plaintiff's concerns for the Board to review prior to the hearing. That list was not supplied to the Board.
- RFJr moves that the hearing be continued for approx. a month to give both parties to submit briefs to the Board no less than one week before the next hearing. AH seconds. All in favor 5-0.
- Mr. Puciloski will submit brief by November 4, 2020. Mr. Martin to submit his brief by November 11, 2020.
- ND moves to continue hearing until November 18, 2020 at 7:00pm via Zoom. KD seconds. All in favor 5-0.

**2. 439 Pittsfield Road – Site Plan Approval...continued from October 7, 2020.**

- Eric Taylor, owner of 439 Pittsfield Road, briefly presented the site plan for the new tenant at the property, Berkshire Dogs Unleashed.

- Berkshire Dogs Unleashed will be occupy 2,700 sq/ft of the building. There is a wooded area behind the building that will be fenced and lined with black plastic so that the public will not be able to see within the area where the dogs will have outdoor time.
- Lee Kholenberger, the tenant and owner of Berkshire Dogs Unleashed, stated that the business is for grooming and boarding of dogs. Want to offer people who come to STRs can bring their “furry” friends with them when they rent a STR and leave their dogs at Berkshire Dogs Unleashed at night for daycare. Outdoor play time will be supervised.
- The Board asked about the cleanup of the dogs in the outdoor space and how to clean for urine within the outdoor play area because the property abuts some conservation land.
- Lee Kholenberger replied that they will install an erosion control setup as well as hose down the outdoor area with an all-natural bio enzyme to breakdown ammonia in the urine.
- AH moves to adjourn public hearing for this petition. KD seconds. All in favor 5-0.
- AH moves to grant Special Permit as presented. SLC seconds. All in favor 5-0.

**3. 51 Church Street – Special Permit Request...continued from October 7, 2020.**

- AH stated he has a conflict as an abutter. CH will be sitting for this hearing.
- Drew Davis, the applicant, stated why he is requesting a Special Permit for an addition of 35 days for a short-term rental. Recently purchased the property and is looking to convert to short term rental.
- The extra 35 days helps to get vacation renters in town throughout the year in Lenox. No additional parking required for the rental unit. It has adequate parking. No change with public services from the Town.
- The Board asked the applicant questions about parking and events. No events will be held at the properties.
- CH asked if the unit is currently rented. The unit is currently vacant and historically have not been used as short-term rentals.
- Two pieces of correspondence.
- ND moves to adjourn public hearing for this petition. CH seconds. All in favor 5-0.
- SLC moves to grant Special Permit as presented. KD seconds. All in favor 5-0.

**4. 52 Main Street – Special Permit Request...continued from October 7, 2020**

- Drew Davis, the applicant, stated why he is requesting a Special Permit for an addition of 35 days for a short-term rental. Recently purchased the property and is looking to convert to short-term rental.
- The extra 35 days helps to get vacation renters in town throughout the year in Lenox. No additional parking required for the rental unit. It has adequate parking. No change with public services from the Town.
- The Board asked the applicant questions about parking and events. No events will be held at the properties.
- Board asked if the unit is currently rented. There was a renter in the unit until May 2020. The units are currently vacant.
- Two pieces of correspondence.
- ND moves to adjourn public hearing for this petition. KD seconds. All in favor 5-0.
- SLC moves to grant Special Permit as presented. KD seconds. All in favor 5-0.

CS moves to adjourn at 8:05pm. SLC seconds. All in favor 5-0.