

**Town of Lenox  
Zoning Board of Appeals  
Meeting Minutes  
Wednesday January 3, 2024  
Town Hall Land Use Room  
7:00 PM**

**Members Present:** Robert Fuster Jr- Chair, Al Harper, Arthur Oliver, Shawn Leary-Considine

**Others Present:** Jeff Lynch, Dan Pignatelli, Rachel Filkins, John Simons

**Staff:** Neena Martino

Meeting called to order by RF at 7:01pm

**1. 65 Taconic Avenue**

John Simons recused himself due to a conflict of interest with the applicant. Attorney Lynch presented the board with drawings of the house and a letter that was sent to neighbors detailing the project, signed with unanimous support. JL explained the project and showed where the new curb cut and driveway will be located. AH asked about whether they would abandon the current curb cut in favor of the new one. It was confirmed that they are willing to abandon the original cut and turn that area into greenspace.

The lot is non-conforming as to frontage and the side yard setback is too small. The northeast corner currently sits 7' from the property line. The addition would bring the setback down to +/- 5'. JL explained that there is really no way to avoid this decrease without doing some funky construction. The adjacent neighbor does not have a problem with it, as the new addition will actually create more privacy for them due to the direction the windows will be facing.

They are creating a new non-conformity with the addition, but they do not believe it will be detrimental to the neighborhood. It will actually be beneficial to the house in the long run, as it is an older home that has been in the family for generations and could use the improvements. They will not be adding any new utilities and it will benefit the town with the additional tax revenue.

The board questioned the interpretation of the Section 5.3.5 of the Zoning bylaw and whether this case actually called for a variance instead of a special permit but it was determined that this situation did fall into the category for a special permit.

Correspondence in favor of the project was read aloud and John Simons, as an abutter, voiced his support.

Motion to close hearing was made by SLC and seconded by AH. All were in favor

Motion to grant the petition was made by SLC and seconded by AO. All were in favor

## **2. Other Business**

The board discussed the on-going situation with the proposed solar farm at 383 Housatonic Street. An update was given on the current state of the requested hydrology and noise studies. The noise study is set to be conducted in the coming days and a report will be generated for the board prior to the scheduled hearing on January 24<sup>th</sup>. The board was advised by a hydrogeologist to request the petitioner's engineer to submit a signed statement explaining the lack of harmful material in the components of the panels, to satisfy the public concern as there is no measurable way to test the potential contaminants to the abutter's well water. The board agreed this would be the best course of action and asked Town Staff to request this document from the applicant prior to the next hearing.

Motion made to adjourn was made by AH and seconded by JS. All were in favor

The meeting was adjourned at 7:55