

**Lenox Zoning Board of Appeals**  
**Minutes**  
**December 5, 2018**  
**Land Use Meeting Room**

**Members present:** Acting Chair Robert Fuster (RF); Robert Fuster (RFjr); Al Harper, (AH); Clifford Snyder, (CS); Ned Douglas, (ND)

**Absent with notification:** Shawn Leary Considine

**Christian Selke, 33 Main, (Map 43, Parcel 21),** modification to an existing Special Permit under Section 8.8.2 “Bed and Breakfast Inn” of the Lenox Zoning Bylaw to host between 10-15 indoor and outdoor events at the existing inn. Due to a lack of a quorum, this meeting was rescheduled from Oct. 17th to November 7, 2018. At that meeting, a site visit was scheduled for November 16<sup>th</sup> and the hearing continued to December 5<sup>th</sup>.

The inn, “33 Main”, is located at the corner of Sunset and Main Streets.

Presenting the Petition was Rebecca Willey, General Manager of 33 Main. Sarah Canfield accompanied her.

There were two abutters present; Frank Newton of 17 Main Street and Mike Schiffer of 11 Sunset.

RF read emails from Fire Chief Chris O’Brien and Police Chief O’Brien. Both expressed concern for parking availability.

Mr. Newton stated that he feels that this application ignores the requirements of the zoning bylaw and also commented that enforcement is impossible when alcohol and a disc jockey are permitted. With regards to the zoning, the Board responded that the B&B had already been given a Special Permit for this use, so the Board could not address that, but they could address alcohol and noise.

Ms. Willey responded that she understood Mr. Newton’s concerns, but there are other events on Main Street, including the Library who has had events which permitted music and alcohol. She said that whenever 33 Main would have an event, she would notify abutters by mail.

Mr. Schiffer said that 33 Main are good neighbors and he is glad to see cars in the lot on weekends and week days, but he is concerned about the number of events and having music until 11 PM. This, he feels, is not appropriate for a small residential neighborhood.

RF said that he was concerned about parking for the events and stated that parking is a premium in town, especially during the summer. He cited Section 8.8.2 of the bylaw in which it states that parking shall be off street, on premises, with one space per room rented and one per owner. For some events the Applicant has proposed that their off street parking would primarily be taken up by a tent. Ms. Willey felt that people could be shuttled in from other locations and she would be willing get agreements in writing.

AH said that if the Board were to approve, he would insist on several stringent conditions. Among them would be limiting the number of events to 8, and during the summer months no more than one event

per month; there would be no amplified music and limit the noise level at the property lines to 65 decibels; parking would be off site; only one tent would be allowed versus two; and outside lighting would be shielded. He added that he wanted to preserve the quality and character of the neighborhood and preserve the Applicant's business interests which he said are extremely important to him.

The consensus of the Board was that while the Applicant's intentions are good they have several concerns which included:

The location for the described events is too small.

This would set a precedent in town.

Traffic, parking, safety issues

Imposition to others

Detrimental to the neighborhood

Proposed use is not conducive to the space

Change of venue from a B&B

Concept of a shuttle is not feasible

In closing their discussion, the Board stated that they are very pleased with 33 Main and want to see this business continue to succeed.

RF explained to Ms. Willey options that are available to her. For the Petition to be approved, four of the five members would have to vote in favor. If the Board denied the Petition, 33 Main would not be able to apply again for two years unless the application was substantially different. If Ms. Willey wanted some time to think about how to proceed, the hearing could be continued until the next meeting date. A final option would be for her to withdraw the Petition without prejudice. In the case of the latter, she could re-apply at any time.

Ms. Willey chose to withdraw the Petition.

RFjr made a motion to permit the withdrawal of the Petition. AH seconded the motion and the Board voted to agree 5-0.

Respectfully submitted,  
Peggy Ammendola