

Zoning Board of Appeals Minutes, 10/04/2017

**Town of Lenox
Zoning Board of Appeals**

MINUTES

October 4, 2017

Public Hearing: Miraval Special Permit Modification

Board members in attendance: Shawn Leary Considine, Robert Fuster, Sr., Albert Harper, Ned Douglas, Cliff Snyder

Staff in attendance: Town Planner Gwen Miller

Members of the public: Joel Wolk, Linda Miller, Carl Mazink, Adam Davis Soule, Beth Tracy Gamble

The public hearing opened at 7:30 p.m. Robert Fuster Sr. read the notice for the public hearing. Mr. Syd Smithers, Attorney at Cain Hibbard Smith represented the petitioners, Miraval, and summarized the changes to the site plan:

Arrival and registration activity would be moved from the mansion to Olmstead. Footprints of buildings have been reduced, and slightly shifted. Parking spaces have been redistributed and the number increased. Lodging rooms will be removed from Olmstead and instead placed into Cottage A. Instead of one building on the West parcel, there will be two smaller buildings. At the main entrance, there will be the access for guests and a different "bypass" for Fairwynds residents.

The Zoning Board of Appeals asked the following questions in response to Mr. Smithers' presentation:

AH wondered if they were taking rooms away from Olmstead, and putting them into Guest Cottage A, how Guest Cottage A was not being made larger. Chevis Hosea of Miraval explained that the cottages will be slightly different in lay out.

Following Mr. Smithers' presentation, Steve Mack of Foresight Land Services gave a presentation summarizing how the proposed site plan amendments relate to municipal impacts. He noted parking will spaces will be added, including to the west of the mansion. There will be two (2) access ways for fire. He stated there will no increase in run-off from 100 –year storm events. The stormwater management plan has been updated to reflect site plan changes, and in some cases the stormwater management components have been relocated. He stated there would no activity in buffer zone, no increase in utility usage and no increases to traffic.

The Zoning Board of Appeals asked the following questions:

SLC asked about the viewshed from Route 20. She noted the view of the historic mansion is diminished by the last Fairwynd condominium, and she noted there had been a condition put into the last Special permit requiring the condominium to be screened by coniferous trees. Attorney Smithers noted this was part of the last Special Permit, and the screening would be installed as part of the project.

Satisfied with the presentation and responses to their questions, Shawn Leary Considine opened the floor to members of the public.

One piece of correspondence was received: Attorney John Gobel wrote a letter representing Fairwynds and Fairwynds II noting changes in the site plan made in response to their concerns, and expressing support for the amendments.

Linda Miller of Cliffden Court and the Birchwood Condo Association voiced support for the amended site plan, saying it improved the project. She did say she was worried about the number of trees that would be removed. Steve Mack responded and said that Miraval would try to replace as many trees as possible that must come down during construction. He noted that diverting registration and arrival activity to Olmstead actually retained specimen trees by the mansion, and that the site plan called for an orchard in one area.

Joel Wolk, speaking for the Coldbrooke South condominium Trust, expressed support for the project amendments.

David Klausmyer, of Schemerhorn Drive, applauded the sensitivity of changes to the site plan, though did ask whether the new orchard would block hole 9A of the current gold course. Chevis Josea of Miraval said there would be a slight change, and DK hoped they would revise the golf plan. He continued to ask if the tunnel under Route 20 would be pedestrian friendly. Chevis said yes.

SLC closed the Public Hearing.

Robert Fuster, Ser. Moved to approve the Special Permit modification as presented. ND said he didn't sit at the first hearing, but felt the revised plan minimizes the scale of the project and enumerates the positive. Cliff Snyder agreed w/ Ned, he found the modifications improve the project and he supports it. Al Harper found it to be a better proposal and that it would better serve community and retain the mansion's historic characteristics. Robert Fuster stated the project met the Special Permit criteria of the Zoning Bylaw, and was in the spirit of the Estate Preservation Area Zoning Bylaw. SLC also said she found the modifications to be sensitive to the Estate Preservation Area Zoning Bylaw, and that the modifications reflect community desire.

All five Board members vote in favor of the proposed modifications to the Miraval Special Permit, clarifying that conditions from the October 2016 Special Permit would be retained.

