

**Town of Lenox
Zoning Board of Appeals
Meeting Minutes
Wednesday April 10th 2024
Town Hall Selectboard Room
7:00 PM**

APPROVED APRIL 17TH 2024

Members Present: Robert Fuster Jr- Chair (RF), Kimberly Duval (KD), Cliff Snyder (CS), John Simons (JS), Arthur Oliver (AO)

Members Absent with Notification: Al Harper, Shawn Leary Considine

Others Present: Jeff Lynch, Jim Harwood, Georgianne Valli Harwood, Dan Jarvie, Kristie Prew, Jess Cote, Deb Cote, Deb Prew, Sherri Miller, Martha Joyner, Jared Weber, Kate McNulty-Vaughan, Marlene Macfarlane, Jean-Claude Attuomo

Staff: Neena Martino

Meeting called to order by RF at 7:05 pm

1. **10 Catherine Street-** special permit for the conversion of a garage to a second dwelling under sections 5.2 and 6.2.1 and permission for a second curb cut along an unimproved way known as El Dorado Avenue

The notice of public hearing was read for the record. Jeff Lynch and Jim Harwood presented the application. JL explained the current conditions of the property and detailed their intended alterations, which includes converting the garage into living space in order to house two families on the property. They also propose that a second driveway be constructed along El Dorado avenue to add parking for the two living spaces. JL referenced the Master Plan of Lenox and explained how this project fits within many of its goals. He then went through the criteria for special permits in section 3.4.2 and how this proposal meets all the requirements. JL and JH went over the submitted the drawings and clarified questions for the Board as they came up.

JH explained that because El Dorado is an unaccepted way and a paper street, that technically the neighboring properties own to the center point of the defined avenue, so they are not asking to build this driveway upon someone else's property- it is an ownership right.

The Board discussed whether or not a breezeway would be sufficient enough to turn the two structures into one; Town Counsel opined that it is not, but that it is likely the decision of the building commissioner. JH said that it has been sufficient enough in the past on previous projects he's worked on. KD had similar experience with the situation and said that it is a grey area and she has seen it go both ways. JL said that the concern is how it is interpreted, as everyone has differing opinions. He said they don't want to do it in a way that swallows up the project and what his clients are trying to achieve, which is to provide moderately priced housing for families without creating much more density.

RF pointed out that the original special permit was for a one-story garage but what was actually built was a two-story garage; it is unclear how it was built out of compliance but Town Counsel advised that it is no longer a considering factor at this point in time.

AO questioned what the price point for “Affordable Housing” will be; JH answered that it should actually be referred to as “reasonably priced housing” and that he will consider market value when pricing it. AO expressed his concerns over the prospect of this property becoming a short-term rental. JL cautioned putting restrictions on the property that would go against the zoning ordinance.

RF turned the meeting over to the members of the public. Kristie Prew of 14 Patterson Street voiced her concerns over what the future of this property could look like if the petition was granted. RF told her that if someone down the line tries to do more than they are currently approving, they would have to come back before the Board. Jess Cote of 41 Lawton Street spoke of the second curb cut; she fears approving the driveway would allow for others to attempt to use El Dorado Ave in unfavorable ways. She also stated that Catherine Street is already very congested throughout the day due to school traffic and adding another driveway to the mix does not seem logical. She went on to speak about the current conditions of the driveway at the property and how it is more than sufficient to hold four cars, as the previous owner often had cars, bikes, trailers and RVs parked there at various times.

Kristie Prew spoke again, this time about the water lines. She explained that the town recently put new lines in and the ones that service her house are directly beneath the proposed driveway so she is concerned what will happen to them if the driveway is built. She explained that the lines are normally installed 5 feet down but because there is a lot of ledge in the area, these are only three feet deep. JH answered that the driveway would be positioned between the water lines, so it would not adversely affect them.

CS asked if it would be possible to enlarge the current driveway to make more room and not have the second driveway at all; JH answered that it could work but it would not be ideal, as it would take a significant amount of work. Marlene Macfarlane, a 42 year resident of 17A/17B Lawton Street, said that the construction of homes in the area drastically altered the water table and has caused much more flooding in recent years, so she is concerned that the second driveway would make it even worse. JH stated that he would prefer to do a pervious surface to hopefully minimize this issue.

Dan Jarvie of 5 Patterson Road was concerned that allowing the garage to be converted to another dwelling, regardless of necessary setbacks, would open it up to other people down the line to want the same thing. RJ reiterated that anyone who wanted to do something similar would need to come before the Board with an application as well.

Jean-Claude Attuomo of 27 Lawton Street questioned the cost difference between expanding the current driveway and adding the new one. JH answered that it is likely twice as expensive to expand the current one and he believes it would be considerably more impactful, in a negative way.

A motion was made by KD to close the public hearing, CS seconded. All were in favor.

After some discussion, the applicant decided to withdraw the portion of application regarding the second driveway, without prejudice, and will reconfigure and resubmit at a later date.

A motion was made by KD to grant the special permit to turn the garage into a second dwelling, CS seconded. All were in favor.