

June 23, 2014

Board of Selectmen
Town of Stockbridge
6 Main Street
Stockbridge, MA 01262

***Re: Application for Special Permit by Front Yard LLC
for Elm Court, 310 Old Stockbridge Road, Stockbridge***

Dear Board Members:

I represent Julie and Barney Edmonds, who live at 316 Old Stockbridge Road and are neighbors of Elm Court in Stockbridge. Front Yard LLC (“Front Yard”) seeks a special permit from the Board of Selectmen to redevelop Elm Court as a Resort under the provisions of Section 6.6 of the Stockbridge Zoning Bylaw, adding a 96 room hotel and spa (the “Resort”). With 16 hotel rooms in the main house, the total proposed guest rooms equals 112 rooms, with a restaurant with a 60 person seating capacity. Mr. and Mrs. Edmonds oppose this application.

Elm Court is located in the R-4 residential zone. The proposed Resort would create a dramatically-expanded commercial use in this quiet residential neighborhood and result in a use that would be substantially more detrimental to the neighborhood than the existing or reduced-size development. For the reasons set forth in detail below, Mr. and Mrs. Edmonds respectfully request that you deny the special permit application filed by Front Yard.

I. THE ZONING BYLAW REQUIRES THAT THE BOARD MAKE EXPLICIT FINDINGS OF NO ADVERSE EFFECT

Section 6.6 of the Zoning Bylaw of the Town of Stockbridge permits this Board to exercise its discretion to issue a special permit for a Resort if the project meets the requirements of Section 6.6.3, 6.6.4 and Section 6.3 (general requirements regarding special permits). See Section 6.6.3(a) (incorporating provisions of Section 6.3).

Section 6.6.3(d) allows the Board to authorize a new structure connected to the existing structure by an enclosed connection. Section (d) states: No special permit issued pursuant to this section may authorize an addition or new structure that contains a gross floor area larger than that of the principal structure, as it existed on May 20, 2002.

Section 6.6.4 requires the Board to make 13 explicit findings. The Board of Selectmen may issue a Special Permit pursuant to this section only if it finds that:

- a. The property qualifies as a Cottage Era Estate, as defined in section 2.2;
- b. The Lot on which the proposed use(s) will be located is at least 75 percent of the total combined area of all contiguous land held in common ownership with the Lot on the effective date of this section and has at least 75 percent of the total combined frontage of all contiguous land held in common ownership within the Lot on the effective date of this section;
- c. No new structures will be erected in the area between the two shortest lines beginning at a point on either side of the principal building closest to its respective side lot line and extending to a street upon which the lot has frontage;
- d. The proposed use will alter existing buildings, structures, or grounds to the least extent practicable;
- e. The distinguishing original qualities or character of the principal building will not be destroyed; and the removal or alteration of stylistic features or examples of skilled craftsmanship that characterize a building or structure or the grounds will be treated with sensitivity;
- f. Except as specifically authorized by the Special Permit, no historic material or distinctive architectural features will be removed or altered;
- g. Except as specifically authorized by the Special Permit, deteriorated architectural features will be repaired rather than replaced; and, in the event replacement is authorized, the new material will match the material being replaced in composition, design, color, texture, and other visual qualities;
- h. Repair or replacement of missing architectural features will be based to the extent practicable on accurate duplications of features, substantiated by historic, physical, or pictorial evidence;
- i. All off-street parking will be screened from abutters and adjoining streets;
- j. Unless required by the Building Code, no new detached structures will be erected within two hundred (200) feet of the principal building on the Lot, except for minor accessory structures, the function of which cannot be practicably achieved outside such two hundred (200) foot area;
- k. Outdoor lighting will be kept to the minimum intensity needed. All outdoor lighting fixtures or lamps will be shielded in such a manner that:
 1. The edge of the lamp shield is below the light source;
 2. Direct radiation (glare) from the light source is confined within the boundaries of the property;
 3. Direct radiation is prevented from escaping toward the sky; and
 4. No high intensity discharge lighting will be used;
- l. There shall be no outside broadcasting of amplified sound, including from under tents or other temporary structures; and
- m. The proposed use(s) will meet all applicable standards set forth elsewhere in this Bylaw.

Section 6.3.6 of the Zoning Bylaw also requires that the Board make the following findings. The Board must find that the proposed use:

- a. Is in compliance with all provisions and requirements of this By-law and in harmony with its general intent and purpose;
- b. Is essential or desirable to the public convenience and welfare at the proposed location;
- c. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood;
- d. Will not create undue traffic congestion, or unduly impair pedestrian safety;
- e. Will not overload any public water, drainage, or sewer system or any other municipal facility to such an extent that the proposed use or any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare.

The relevant criteria are reviewed below.

II. THE PROPOSED RESORT WILL BE A SUBSTANTIAL DETRIMENT TO THE NEIGHBORHOOD

A. The Resort Would Not Be In Harmony With the Zoning Bylaw Purposes of Preserving Natural, Scenic And Aesthetic Qualities of The Community

Section 1.3(d) of the Zoning Bylaw mandates that the Board act to preserve the natural, scenic and aesthetic qualities of the Town of Stockbridge. Permitting a 112 room hotel to operate in this quiet, historic, country neighborhood would destroy the natural, scenic and aesthetic qualities of this community. The Cottage Era Adaptive Re-Use bylaw (Section 6.6) did not overwrite the appropriate assessment of whether the proposed development will comply with the overall purposes of the Zoning Bylaw. In fact, as noted above, Section 6.6 expressly incorporates that general special permit provisions, which in turn redirect the Board to examine the general intent and purposes of the Bylaw. This large-scale, year round hotel will inconvenience the neighborhood with a large increase in traffic. It will convert a great estate to a sort of Courtyard by Marriott style hotel. There will be a change in employee shifts late at night, with cars coming and going from the property at all hours. There also will be people who come to use the spa, and take classes and eat at the large restaurant.

B. The Resort Would Not Be In Harmony with the Zoning Bylaw Purpose of Minimizing Adverse Effects of Development on the Town's Unique Environmental and Historic Structures.

Section 1.3(d) of the Zoning Bylaw also mandates that the Board act to minimize adverse

effects of development on the Town's unique historic structures. The proposed hotel addition exceeds the maximum allowed by the Cottage Era Estate Bylaw (Section 6.6), and even if it met the minimum gross floor area requirements, the proposal is too large for this quiet neighborhood. The proposed spa is effectively attached to the historic building and would block forever any view of about one-third of the back of the building. The new Resort would irrevocably alter the existing small-town character of the community. Front Yard could have designed a much less expansive proposal. The Board has authority to deny the Special Permit application because Front Yard has not shown that it has taken steps to minimize the impacts on the historic structure. The Board should require Front Yard to provide it with alternative proposals that reduce the size and impacts of the proposed commercial use on the neighborhood. This special property must be appropriately protected.

C. The Resort Use Is Not Desirable to the Public Convenience or Welfare at the Proposed Location.

Section 6.3.6 (b) requires that the Board must find that the use is "essential or desirable to the public convenience or welfare at the proposed location." The proposed use is not a desirable use at this location. It would change the historic house into a hotel larger in size than Cranwell, Eastover, or the Red Lion Inn. The Resort will be a year-round operation expanding from the current 16 rooms to a total of 112 hotel rooms, with more than 30 employees. There will be four parking areas with more than 160 parking spaces. The intent of the Cottage Era Estate Bylaw was to save historic houses by allowing re-development. The Zoning Bylaw amendment was not intended to change the entire character of the Town into a commercial destination. This proposal is just too big, too intense and too much for this location. The proposed Resort would not be desirable here. This is supported by the petition filed at this hearing by opponents of this proposed Resort who live on Old Stockbridge Road in Stockbridge and Lenox, and other residents of Stockbridge.

D. The Proposed Use Would Be Detrimental to the Established or Future Character of the Neighborhood.

Section 6.3.6 (c) requires the Board to find that the proposed Resort not have a detrimental effect on the residential neighbors. Elm Court last operated with a few guest rooms and seasonal events, like weddings. The neighborhood experienced some disruption during these events but it was occasional. The proposed Resort will operate all year round. In addition to increased traffic, there will be a change in noise generated by the Resort. Neighbors who walk outside will experience the effects of increased vehicle traffic and the presence of hundreds of visitors, every day, all year. The creation of this huge hotel will, as noted above, change forever the type of community from small town to business-focused.

E. The Proposed Use will Create Undue Traffic Congestion

The Resort will bring increased traffic to the residential neighborhood, including hundreds of hotel guests, spa users, delivery trucks with supplies, and staff and employees. The applicant has identified increased traffic to be generated by the Resort at 138 new trips an hour during the mid-day Saturday peak hours of operation. Front Yard's traffic expert says this will traffic will not cause congestion or pose a safety hazard, but this statistical analysis says nothing about the effects of traffic on the neighborhood. In addition, Front Yard's traffic study does not address the most congested intersection in the Town of Lenox: the intersection of Old Stockbridge Road and Walker Street, East Street and Main Street.

Recreational use of this stretch of this scenic road is common. The proposed development will increase the number of vehicles entering and exiting the property. Safety of walkers, bikers and nearby residents will be impaired by the increase in vehicles. Old Stockbridge Road has no paved shoulders.

F. The New Structure Appears to be Greater in Size than Allowed under Section 6.3.3(d)

Section 6.6.3(d) limits the gross floor area in the new structure to not more than the gross floor area of the existing building. Plan Sheet 1 identifies the hotel space as a total of 51,699 square feet. The existing gross floor area is identified as 53,538 square feet. However, the spa area and the connector gross floor area calculations are not clearly identified in this chart and if the square footage of the spa and connector exceed 4,000 square feet, the total would exceed the Bylaw requirements. The spa is shown on Plan sheets P3 and P4 and the size of the drawing does not appear to correspond to the scale shown on these plan sheets. The Board should ask the applicant to clearly define the new structure total gross floor area on the appropriate plan sheets and not just in a summary table.

The proposed Resort would result in dramatic adverse impact to the neighborhood, would not be in keeping with the purposes of the Bylaw, and is not desirable at this location. For all of the reasons set forth above, and in order to ensure compliance with the Zoning Bylaw requirements, this Board must deny Front Yard's application for a special permit.

Very truly yours,

Elisabeth C. Goodman