

The Bishop Estate Association, Inc.
P.O. Box 752
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July 22, 2014

To: The Lenox Board of Selectmen

From: Gregory Whitehead, President, Bishop Estate Association, Inc.

Regarding: The Front Yard LLC proposal for Elm Court

As you may know, Bishop Estate, formerly Ananda Hall, a cottage owned by Cortland Field Bishop, is a fully incorporated home owner's association consisting of 19 families, roughly half of whom live here full time. We have the longest road frontage of any other property, including Elm Court. Most of our land is held as conservation commons, under the collective stewardship of the association. We take our location within the former estate zone seriously, and have invested over \$100,000 toward restoring the original landscape plan of Beatrix Ferrand, who also designed The Mount, Dumbarton Oaks and many other historic estates. We believe our restoration work has contributed significantly to the aesthetic beauty of both the Kemble Street 7a gateway and the Old Stockbridge Road route into town. We are passionate about Lenox, about the Berkshires, and about the special qualities of our historic neighborhood.

In 2004, Robert Berle proposed to the Bishop Estate Association that Elm Court connect to our private infrastructure. He offered to post a \$25,000 bond to cover possible problems. When we asked how that would apply should he sell the property to a large corporate entity for development, he assured us the property would remain in family hands "for generations". Fortunately, we rejected his proposal.

At that time, Mr. Berle indicated that the Town had also declined the idea of extending the town sewage line south to Elm Court. Such extension is not part of any town infrastructure master plan that we know of. Major sewer line construction may also damage or destroy significant historic features along the roadway, such as the former stone wall for Ananda Hall and a number of legacy trees, not to mention the construction nightmare that would be inflicted on the entire neighborhood.

We are not taking a “Nimby” stand on Elm Court. We have a long track record of engaging productively with our neighbors and with the Town on development proposals. Recently, we supported the Canyon Ranch condominium proposal because we considered it far superior to their previous permitted plan, to drop condo villas into historic open space on the edge of a sensitive wetland. Like most of our neighbors, we would welcome an intelligently conceived and properly scaled use for Elm Court that would be in harmony with the qualities of the road and neighborhood. We believe such proposals should conform to planning tools that unfortunately do not yet exist for our location; for example, a southern Gateway and Green Belt study, and at least a Town of Stockbridge Master Plan.

With regards to big picture planning aspects for Elm Court, it may be useful to make a comparison to the recently permitted Springlawn proposal that we decided not to oppose, for the following reasons: that plan will be implemented incrementally, giving the opportunity to assess both the economics and neighborhood impacts at each stage; the owner-developers understand the special qualities of Lenox and the Berkshires; the entrance is on 7a, a state road with clear sight lines and sidewalks; and the property is located on the edge of the commercial center, so guests will be able to walk and not drive to many locations. We may have our doubts about its long-term sustainability, and also about stresses on town infrastructure -- but at least there is some logic and planning integrity to the proposal.

None of the above conditions apply to Elm Court. Front Yard LLC is proposing a separate four-story Annex which will expand guest room capacity from 19 to 112 rooms in one giant leap, meaning that there is no chance to evaluate impacts along the way; where the owner is an out-of-state real estate investment fund that specializes in developing and then flipping properties in a strategy they describe on their own website as “cradle to grave”; where the location is on a quiet, historic residential, former carriage path that has numerous blind spots, hills, difficult curves, etc.; and where access to town (whether Lenox or Stockbridge) will be exclusively by car. From a planning point of view, the project makes no sense.

The applicant has commissioned traffic studies that claim there will be little impact on the road -- yet applicant-financed studies are designed to give only one answer, and we question whether the simplistic quantitative methodology used by the applicant’s consultant has any merit whatsoever regarding such an unusual and historic byway.

Our own traffic consultant, who has extensive experience throughout the Commonwealth, including other towns in the Berkshires, will propose an alternative analysis based on a more holistic methodology that would underscore the qualitative nature of the roadway as a residentially oriented, low volume scenic roadway, with geometric and alignment characteristics that are in his view inconsistent with the proposed scale of resort use. He will also propose more advanced tools for assessing the real impacts of increased stress to critical intersections such as the top of the hill, and in particular the impact of a large percentage increase in heavy commercial traffic on a road where such traffic is intended to be prohibited.

However, the best source of information regarding Old Stockbridge Road remains the people who actually live there; and anybody who lives there will tell you that in recent years we have come to a tipping point, with pedestrian and bicycle use already dangerous. Posted speed limits of 25 and 35 miles per hour are routinely ignored, and truck use seems to increase every year, despite the signed prohibition of commercial traffic. It defies all common sense to argue that a 112 room resort, with a 60 seat restaurant and public spa will not have a major impact, pushing us past the tipping point. Lenox will lose one of its priceless historic assets -- a pedestrian-friendly and compellingly beautiful former Gilded Age carriage path.

Despite the emotional scare tactic used by the applicant in stating that either this huge hotel is permitted or the mansion will collapse, Wheatleigh, Blantyre and Oronoque offer successful models for low-impact commercial uses within residential neighborhoods. As the real estate market continues to strengthen, there will be other prospective buyers, and if their ideas make sense for the neighborhood, for Lenox, and for the Berkshires, you can be sure of our enthusiastic support. In the meantime, at our annual meeting held this past Saturday, the assembled members of the Bishop Estate Association unanimously endorsed the following resolution, addressed to both Stockbridge and Lenox Selectmen and planning officials:

The Bishop Estate Association hereby expresses our deep concern that the large-scale resort development proposed for Elm Court will have significant detrimental impacts upon the present and future character of the existing neighborhood. We also submit to you from our own daily experience that existing traffic levels on Old Stockbridge Road already pose major safety risks, and that a large increase in traffic as a result of the proposed development will diminish the ability of pedestrians and bicyclists to enjoy our historic landscape. We therefore respectfully request that you reject the present

proposal, and invite the applicant to submit an alternative plan, more in harmony with the history and character of our quiet, residential neighborhood.

We look forward to working with you in a constructive and thoughtful way, as this process unfolds.

Gregory Whitehead

President, Bishop Estate Association, Inc.