



# Town of Monterey

## Zoning Board of Appeals Application

For office use only	
Date application was received & filed with the Town Clerk	
Application Number	
Filing fee/expense reimbursement (check #)	
Property Address	
Dates advertised in the Berkshire Eagle	
Hearing Date	
11 copies submitted	

Be sure to supply all required information and sign the form where indicated. Please refer to the Zoning By-Laws of the Town of Monterey adopted by Town Meeting on May 5, 2012, as amended, and, when necessary, refer to specific sections within.

Applicant shall also be required to submit the application and attached documents (and any subsequent submission) electronically to the Administrative Assistant at [admin@montereyma.gov](mailto:admin@montereyma.gov)

**Section A. Please check the action you are seeking (check all that apply):**

- Special Permit Section 5.1.6(2) and 5.1.7
- Variance
- Appeal (to modify a decision of a Town Board)

**Section B. Site/Property Information:**

**Address of property (ex. 123 Main Rd.):** 23 Seven Arts Road

**Assessor's Map #: 23 Assessor's Lot #: 003**

**Zoning District(s):** Lake Shore

**Registry of Deeds Book & Page Number for Applicant's Title:** Condo Deed: Book 2811, Page 67, Unit #3; Master Deed: Book 1751, Page 242

**Section C. Property Ownership Information:**

**Full Name of Owner(s) (this must match the name on your deed referenced in Section B):** 23  
Seven Arts LLC c/o Avishay Nachon

**Mailing Address:** 1755 York Avenue, Apt. 18G, New York, New York, 10128

**Owner's email address and phone number:** avi@campkimama.org; 917.943.8122

**Full name and mailing address of owner's agent or representative:** Kerry Bartini, Berkshire  
Design, Inc. 8 Bank Row, Pittsfield, MA 01201

**Agent or representative's email address and phone number:** kerry@berkshiredesigninc.com  
413.448.8099

**Section D. Project Description (attach additional sheets if necessary):**

**Please provide a brief description of the Relief Sought and/or Proposed Project:**

Interior renovation of existing non-conforming single family dwelling, condominium unit abandoned by previous owners, new entry in footprint of existing deck, new upper stair to existing upper deck, window replacement as needed, structural repair as needed, new finishes/fixtures/equipment. The condominium unit will remain a three season cabin.

**Section E. Variances, if applicable (attach additional sheets if necessary):**

**From which section of the zoning bylaws are you requesting a variance?** Click here to enter text.

**What will the requested variance enable you to do?** Click here to enter text.

**If the variance is not granted, what hardship will you endure?** Click here to enter text.

**What special circumstances relating to soil condition, shape or topography of the land is prompting your request for a variance?** Click here to enter text.

**Explain why your special circumstances are not a result of your own actions?** Click here to enter text.

**Section F. Appeals (attach additional sheets as necessary and a copy of any written determination/action)**

**What action of which Town board is being appealed?** Click here to enter text.

**Date of the action:** Click here to enter text.

**Describe the remedy you seek:** Click here to enter text.

**Section G. Special Permits, if applicable (attach additional sheets if necessary):**

**Describe the need for a Special Permit:** Existing non-conforming single family dwelling, condominium unit abandoned by previous owners needs to be reinstated as nonconforming and approved for renovations and minor additions.

**List all the nonconforming aspects of the property:** Existing non-conforming single family dwelling is located within 40' of the mean high water level of Lake Buel.

**Has a special permit or variance been previously granted to this property which is/are currently active? If yes, please describe and/or attach copies of prior decisions:** No.

Each party signing this Application certifies that the information contained herein is true, accurate, complete and that no material fact or statement has been omitted from this Application which would be relevant to the relief requested hereunder. Signing and submitting this Application constitutes permission for the Board and/or its designees to access and walk the exterior portions of the property for the purpose of site visits in connection with the Application.

**Applicant or Representative's Signature:**



**Owner's Signature:** \_\_\_\_\_



**Date:** 8.10.23



THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS, LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

RECORD OWNER: 23 SEVEN ARTS LLC  
 CONDOMINIUM DEED: BK-2811 PG-67 "UNIT 3"  
 MASTER DEED: BK-1751 PG-242  
 (SEE PLAN IN PLAT FILE DC-B3)

ADDRESS: 23 SEVEN ARTS ROAD  
 ASSESSOR MAP 111, LOT 23

THE WATER SOURCE FOR THIS RESIDENCE IS A WELL THAT LIES OUTSIDE OF THE EXCLUSIVE USE AREA DESIGNATED FOR THIS CONDOMINIUM UNIT AND LIES OUTSIDE OF THE PLOTTABLE AREA OF THIS SITEPLAN.

THERE ARE NO ADJUTING STRUCTURES WITHIN 15' OF THE CONDOMINIUM EXCLUSIVE USE BOUNDARY SPECIFIC TO THIS PROPERTY.

THIS PROJECT INVOLVES MODIFICATIONS TO AN EXISTING STRUCTURE AND WILL NOT ALTER THE EXISTING TOPOGRAPHY OR CHANGE THE CURRENT DRAINAGE PATTERNS FOR THIS PROPERTY.



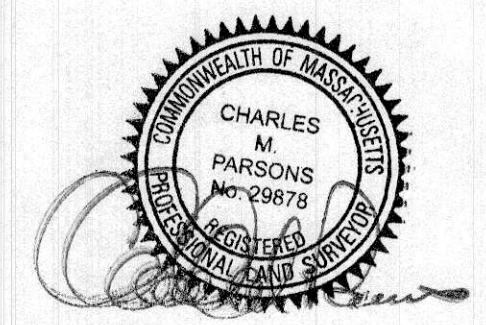
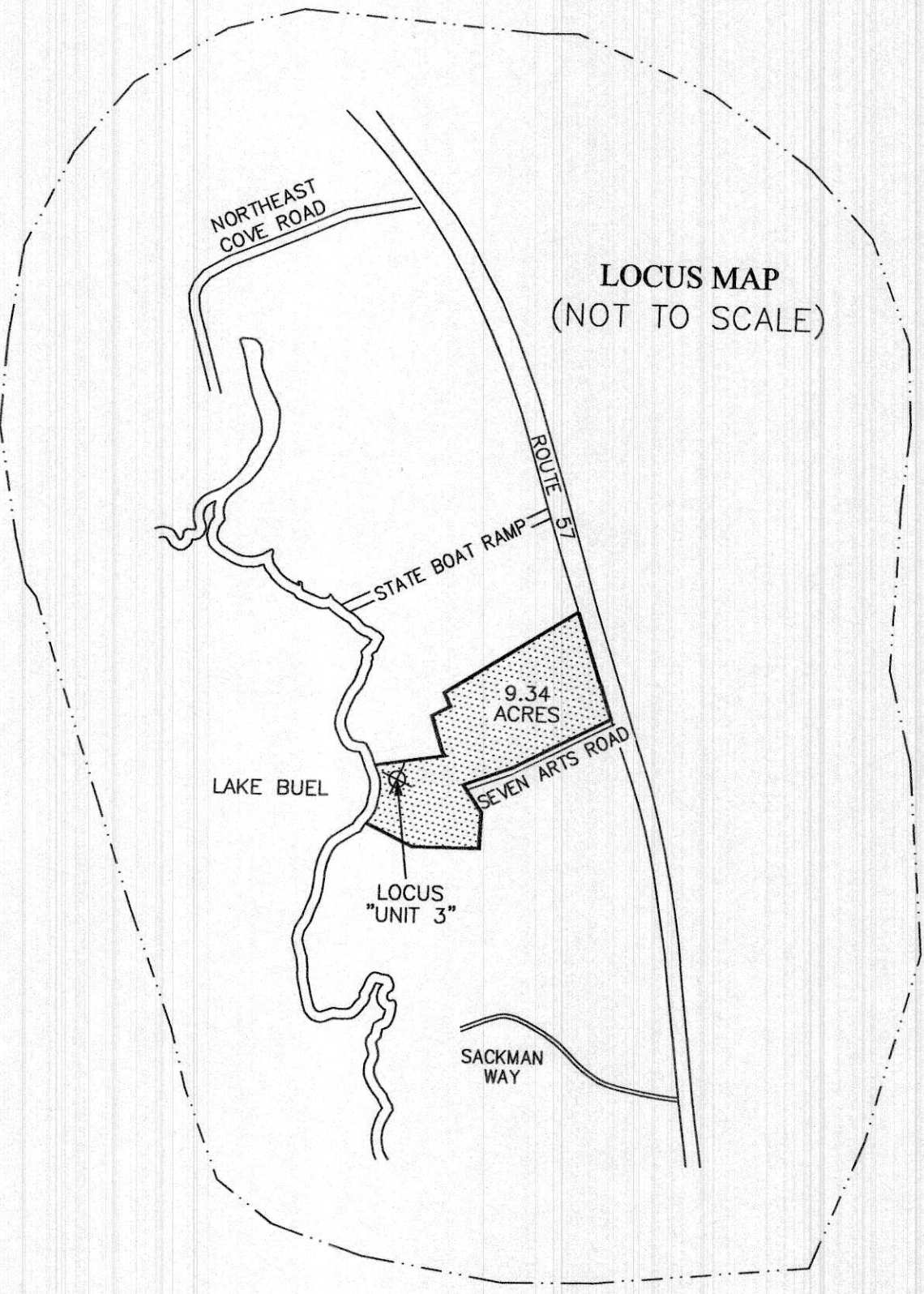
N/F LAND OF  
**SEVEN ARTS MANAGEMENT, LLC**  
 BK - 1944 PG - 248  
 (SEE PLAN IN MAP BOOK #4, PAGE 126)

**TOTAL LAND AREA**  
 9.34 ACRES ±

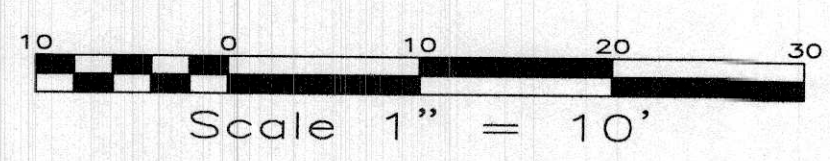
"UNIT #3"  
 LAND OF  
**23 SEVEN ARTS LLC**  
 CONDOMINIUM DEED: BK - 2811 PG - 67  
 MASTER DEED: BK - 1751 PG - 242  
 (SEE PLAN IN PLAT FILE DC-B3)  
 EXCLUSIVE USE AREA: 0.113 ACRES

N/F LAND OF  
**STUDLEY**  
 CONDOMINIUM DEED: BK - 2404 PG - 147  
 MASTER DEED: BK - 1751 PG - 242  
 (SEE PLAN IN PLAT FILE DC-B3)

N/F LAND OF  
**ROSEN FAMILY TRUST**  
 CONDOMINIUM DEED: BK - 2039 PG - 242  
 MASTER DEED: BK - 1751 PG - 242  
 (SEE PLAN IN PLAT FILE DC-B3)

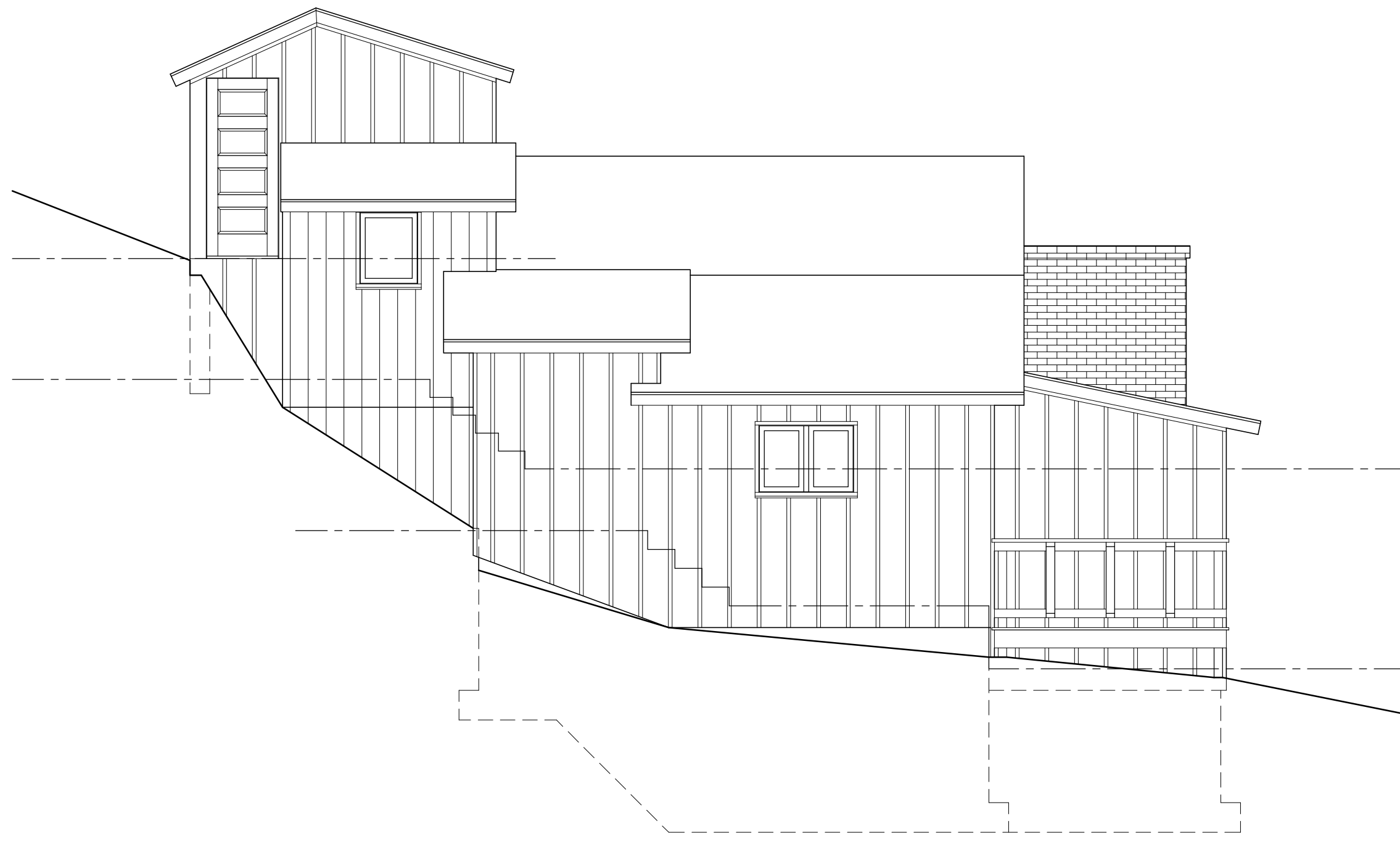


**"BUILDING ALTERATIONS"**  
 SPECIAL PERMIT SITE PLAN PREPARED FOR  
**23 SEVEN ARTS LLC**  
 MONTEREY, MASSACHUSETTS  
 NOVEMBER - 2023 SCALE 1" = 10'  
**KELLY, GRANGER, PARSONS & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS

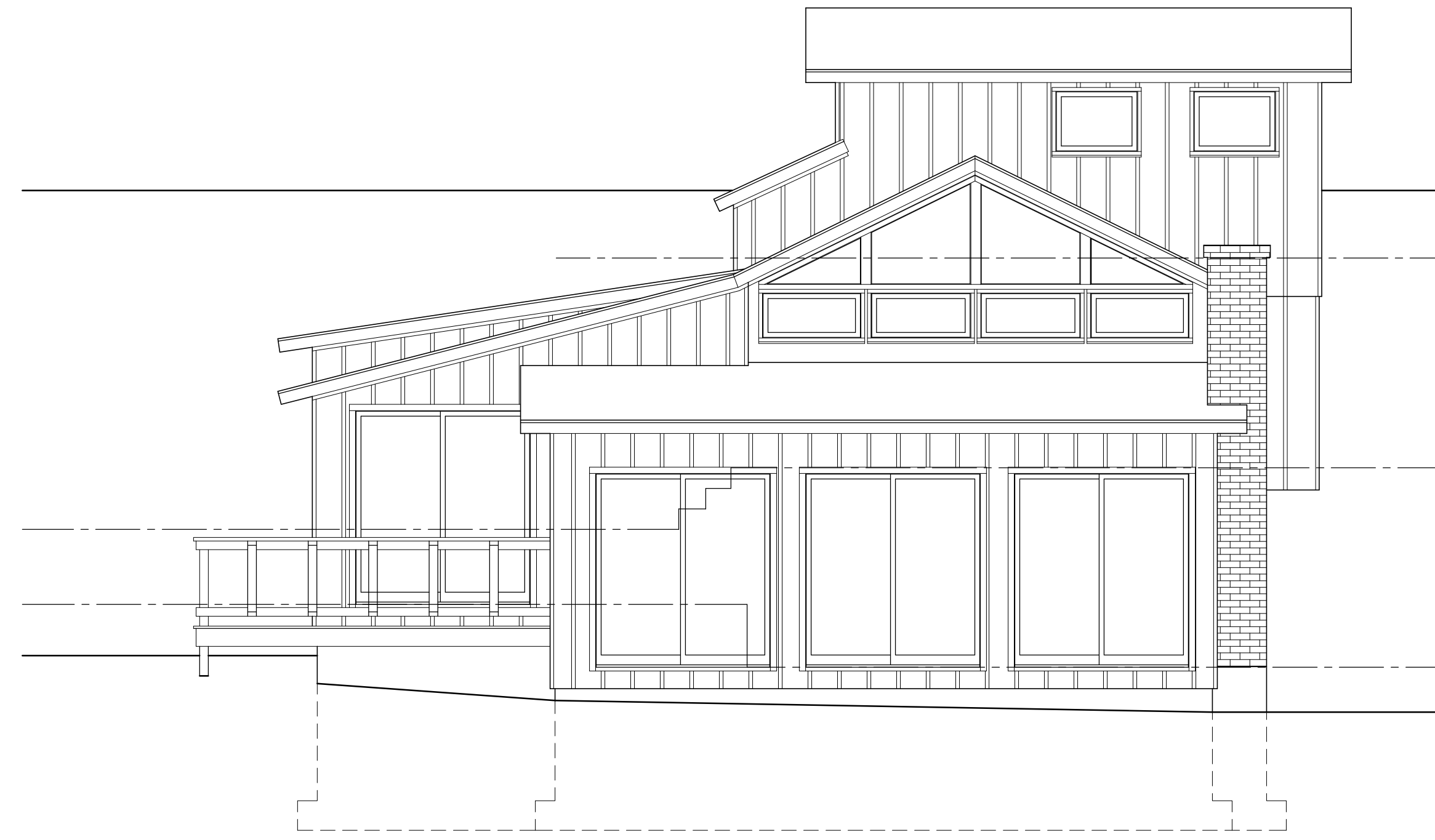




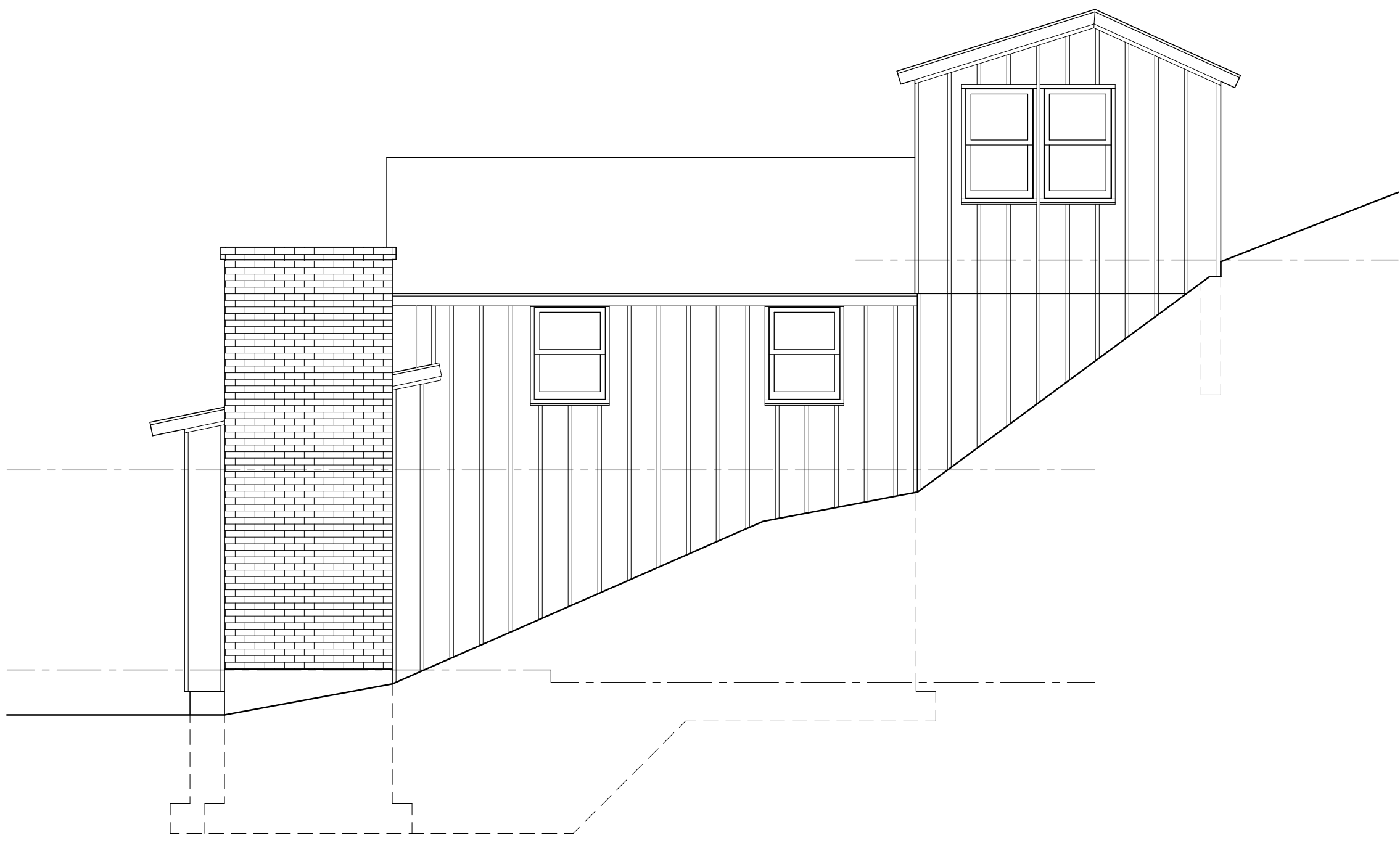




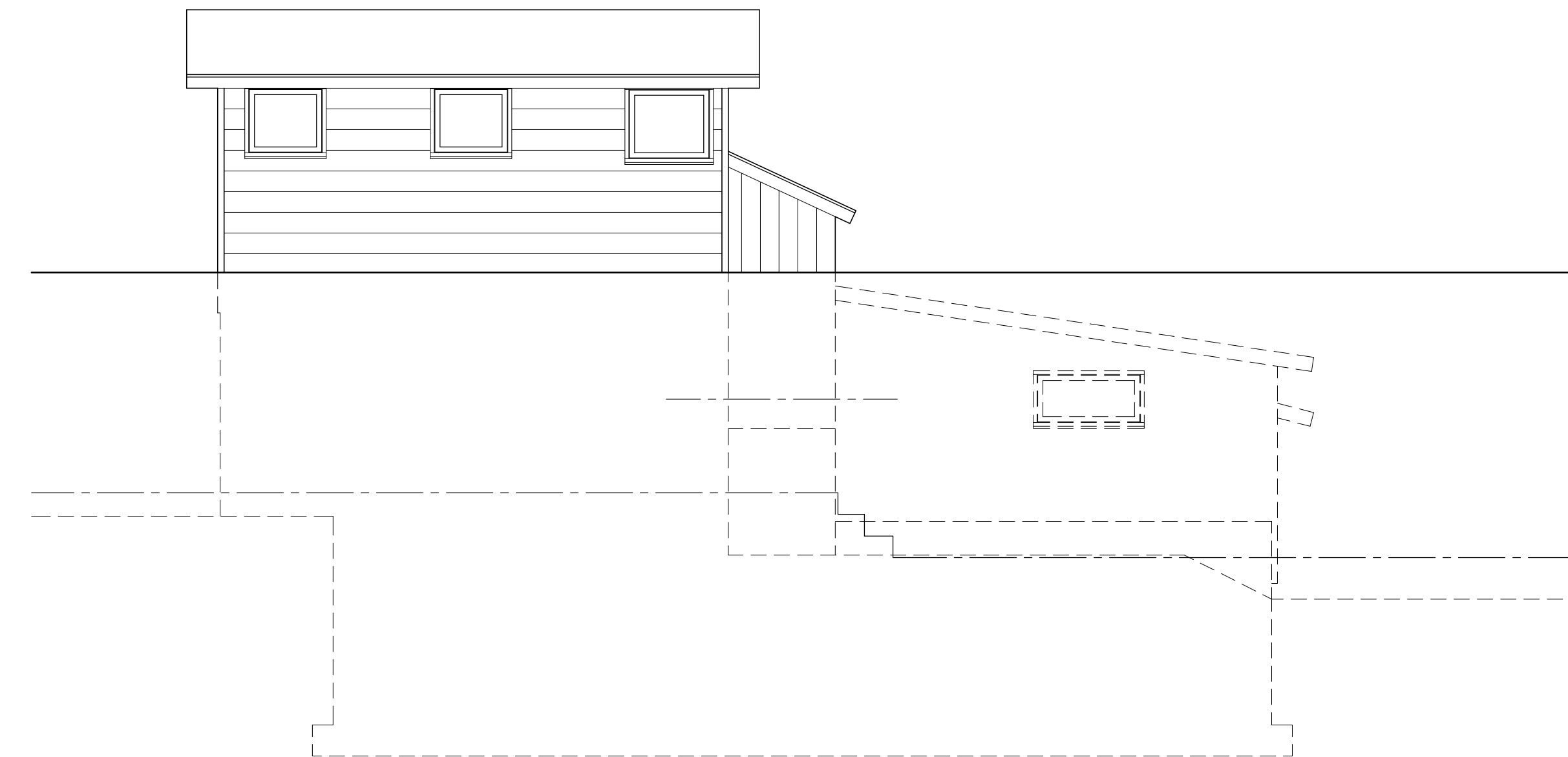
1 **Side Elevation**  
SCALE: 1/4" = 1'-0"



2 **Lakeside Elevation**  
SCALE: 1/4" = 1'-0"



3 **Side Elevation**  
SCALE: 1/4" = 1'-0"



4 **Rear Elevation**  
SCALE: 1/4" = 1'-0"



REVISIONS:		
Number	Date	Note

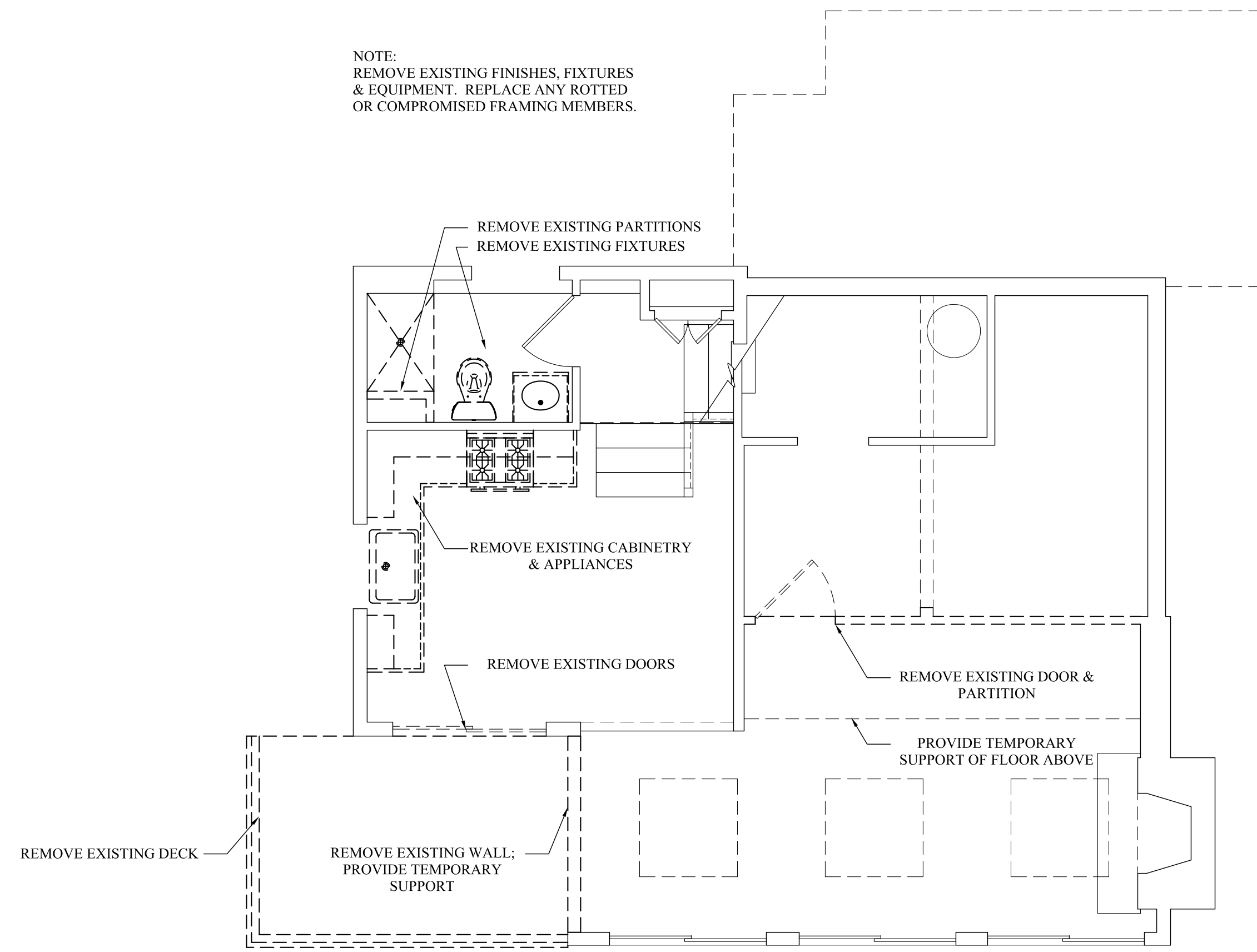
Addition / Renovation  
Nachon Residence  
23 Seven Arts  
Monterey, MA

BERKSHIRE DESIGN INC.  
ARCHITECTS AIA  
8 Bank Row, Pittsfield, MA  
413.448.8099  
www.berkshirebradley.com

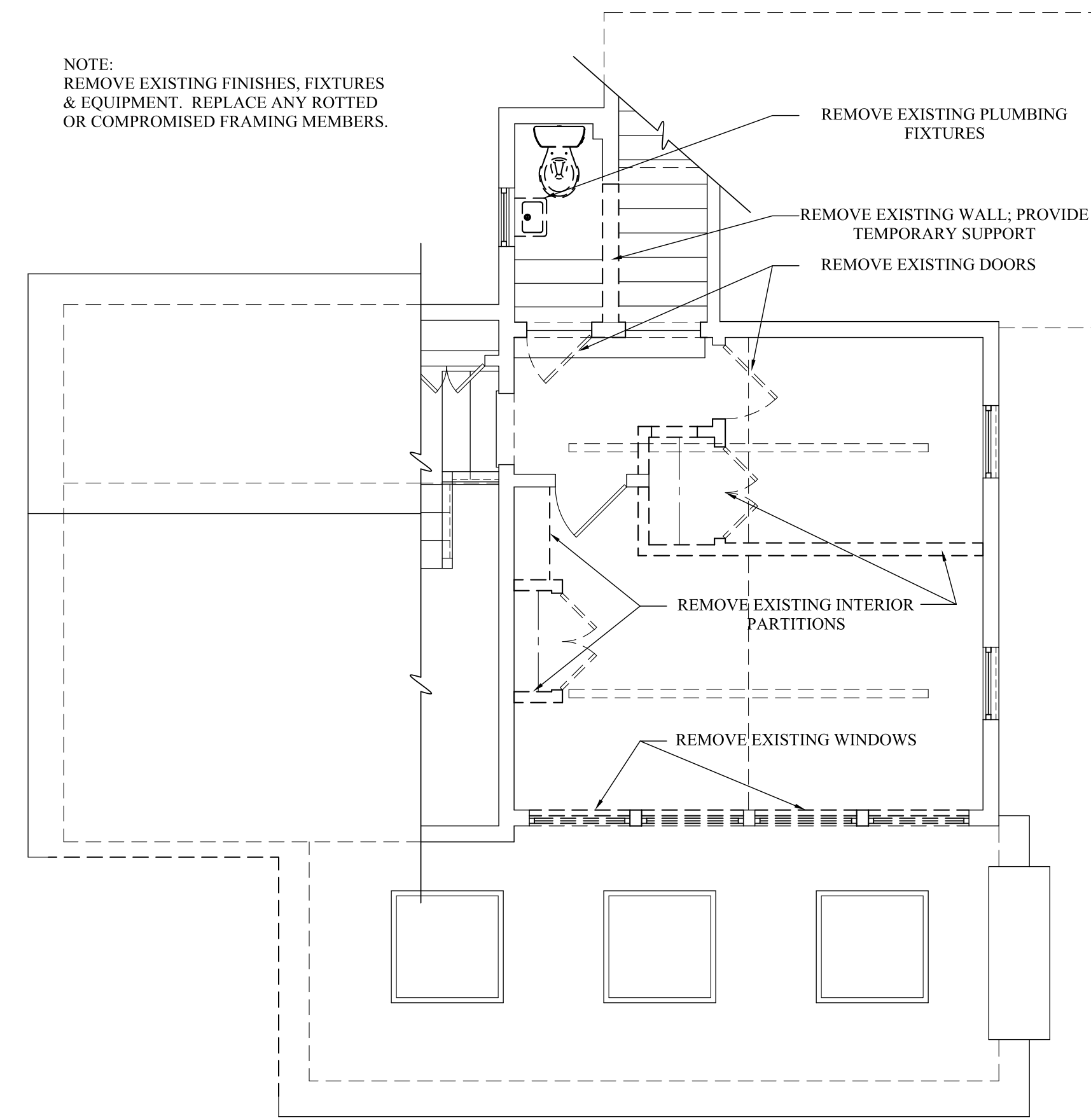
Dwg. Title: Existing Elevations

Date: 6.8.2023	Scale: As Noted	Drawn By: RRV	Checked By: --
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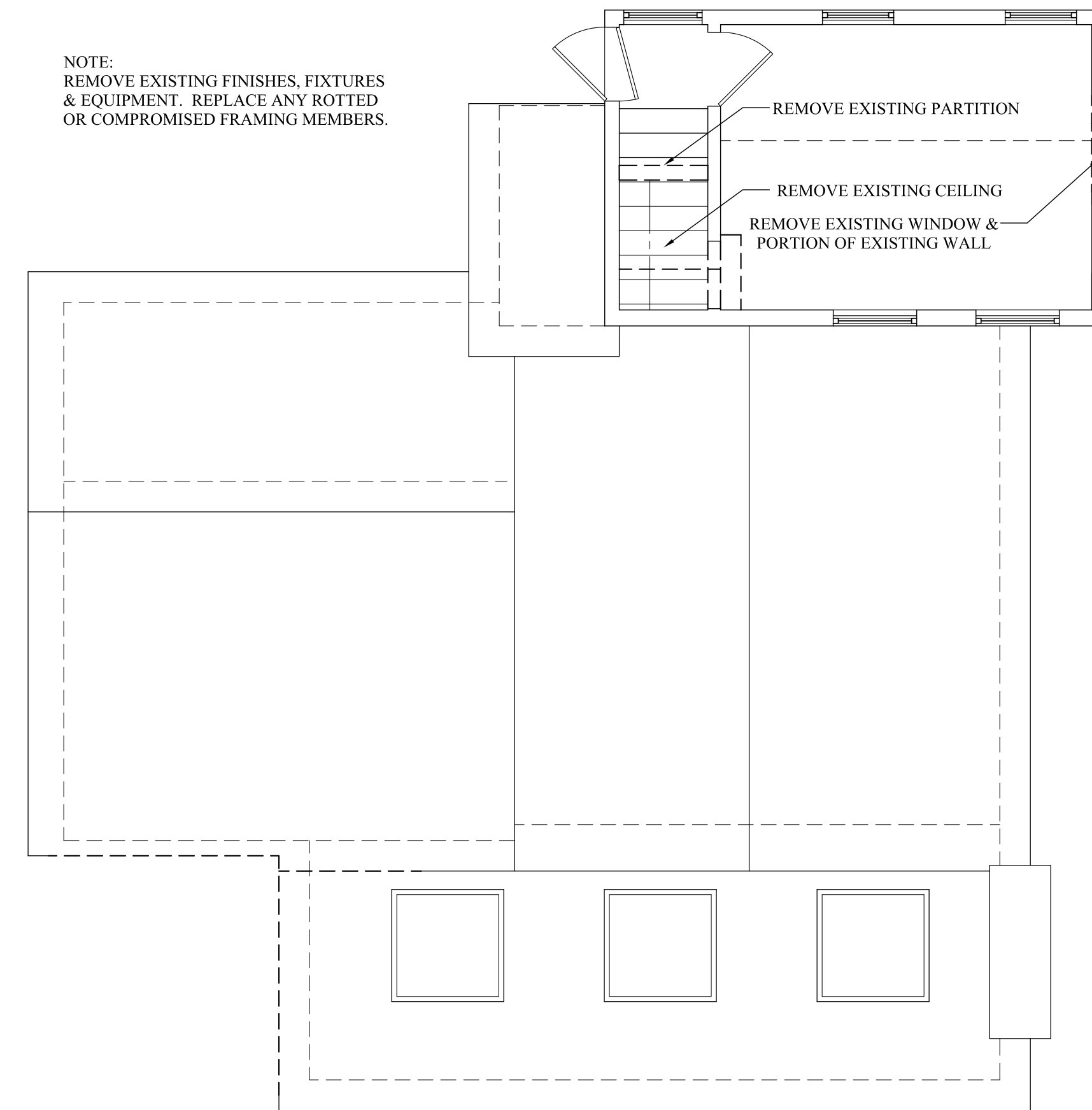
Arch. Stamp  
Dwg. No.  
**Ex2.0**



**1 First Floor Removal Plan**  
SCALE: 1/4" = 1'-0"



**2 Second Floor Removal Plan**  
SCALE: 1/4" = 1'-0"



**3 Third Floor Removal Plan**  
SCALE: 1/4" = 1'-0"



REVISIONS:		
Number	Date	Note

**Addition / Renovation**  
Nachon Residence  
23 Seven Arts  
Monterey, MA

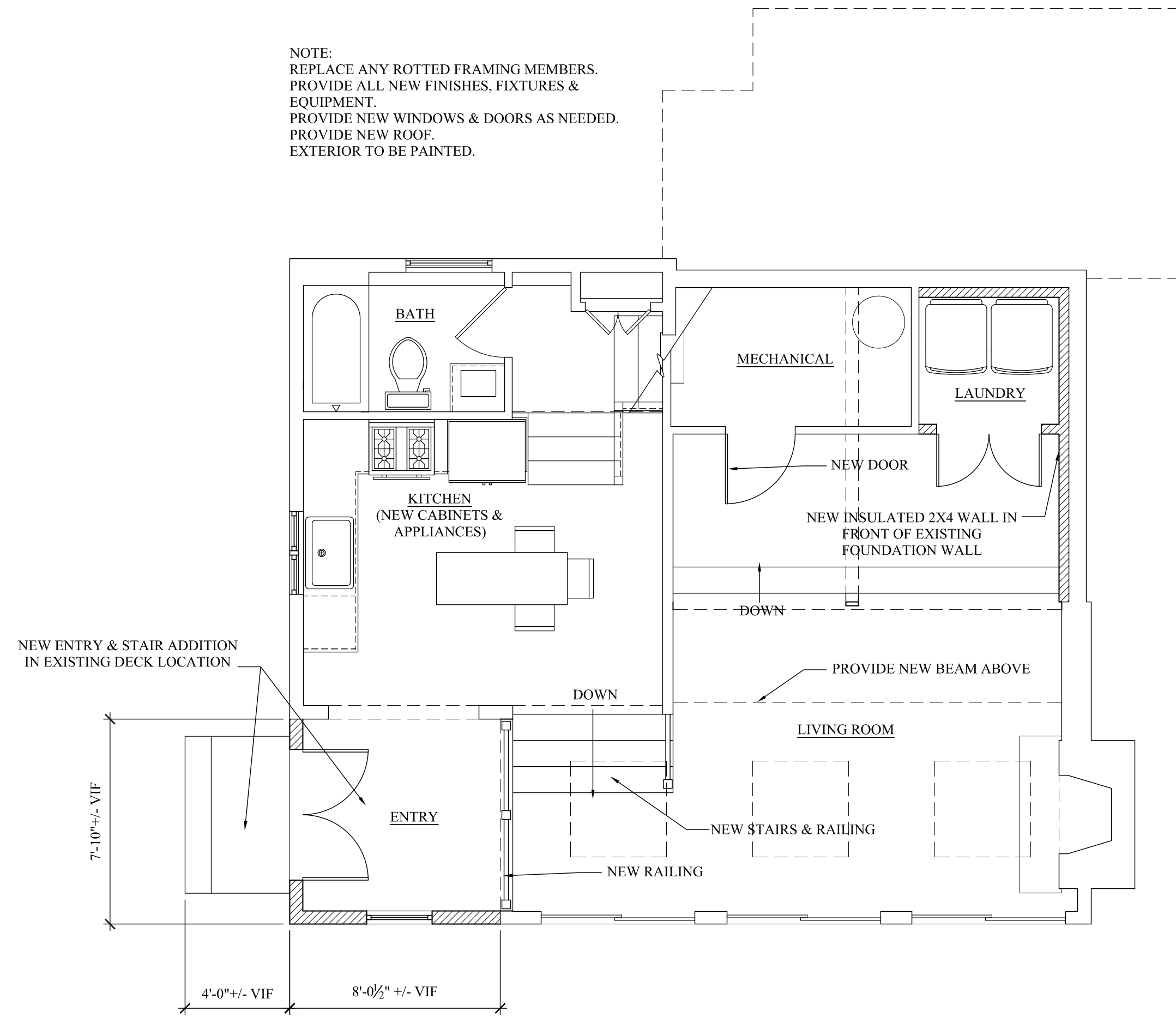
BERKSHIRE DESIGN INC.  
ARCHITECTS AIA  
8 Bank Row, Pittsfield, MA  
413.448.8099  
www.berkshirebradley.com

Dwg. Title:  
**Floor Plans**

Date: 11.3.23	Scale: As Noted	Drawn By: RRV/KB	Checked By:
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Arch. Stamp: <i>PRELIMINARY NOT FOR CONSTRUCTION</i>	Dwg. No. <b>R1.0</b>
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NOTE:  
 REPLACE ANY ROTTED FRAMING MEMBERS.  
 PROVIDE ALL NEW FINISHES, FIXTURES &  
 EQUIPMENT.  
 PROVIDE NEW WINDOWS & DOORS AS NEEDED.  
 PROVIDE NEW ROOF.  
 EXTERIOR TO BE PAINTED.

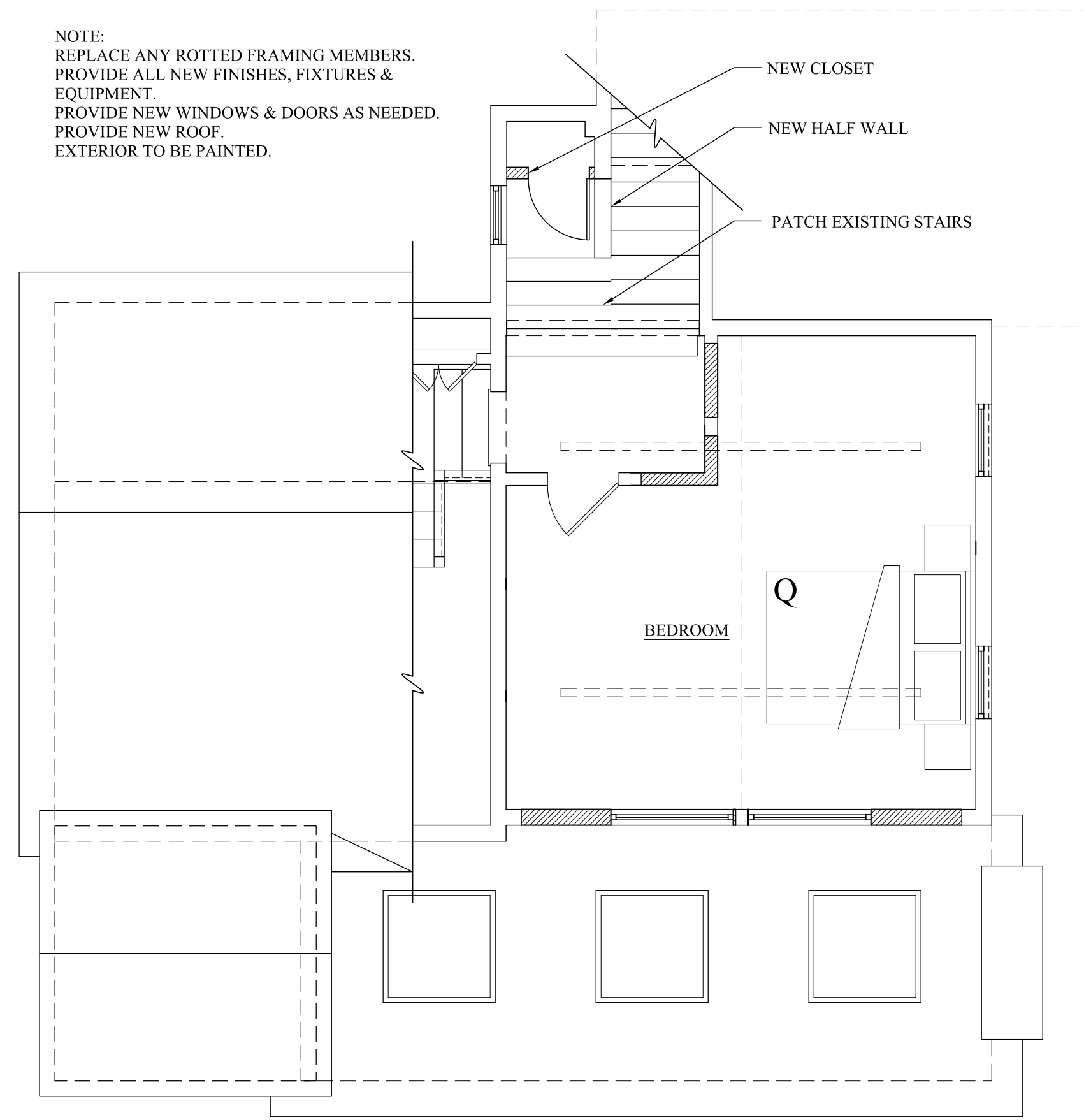


**1 First Floor Plan**  
 SCALE: 1/4" = 1'-0"

TABLE OF SQUARE FOOTAGES		
	EXISTING	PROPOSED
FIRST FLOOR	707 SF	770 SF
SECOND FLOOR	321 SF	321 SF
THIRD FLOOR	170 SF	170 SF
TOTAL HABITABLE AREA	1198 SF	1261 SF
		+63 SF
FOOTPRINT	898 SF	961 SF
HEIGHT*	22'-0" +/-	22'-0" +/-

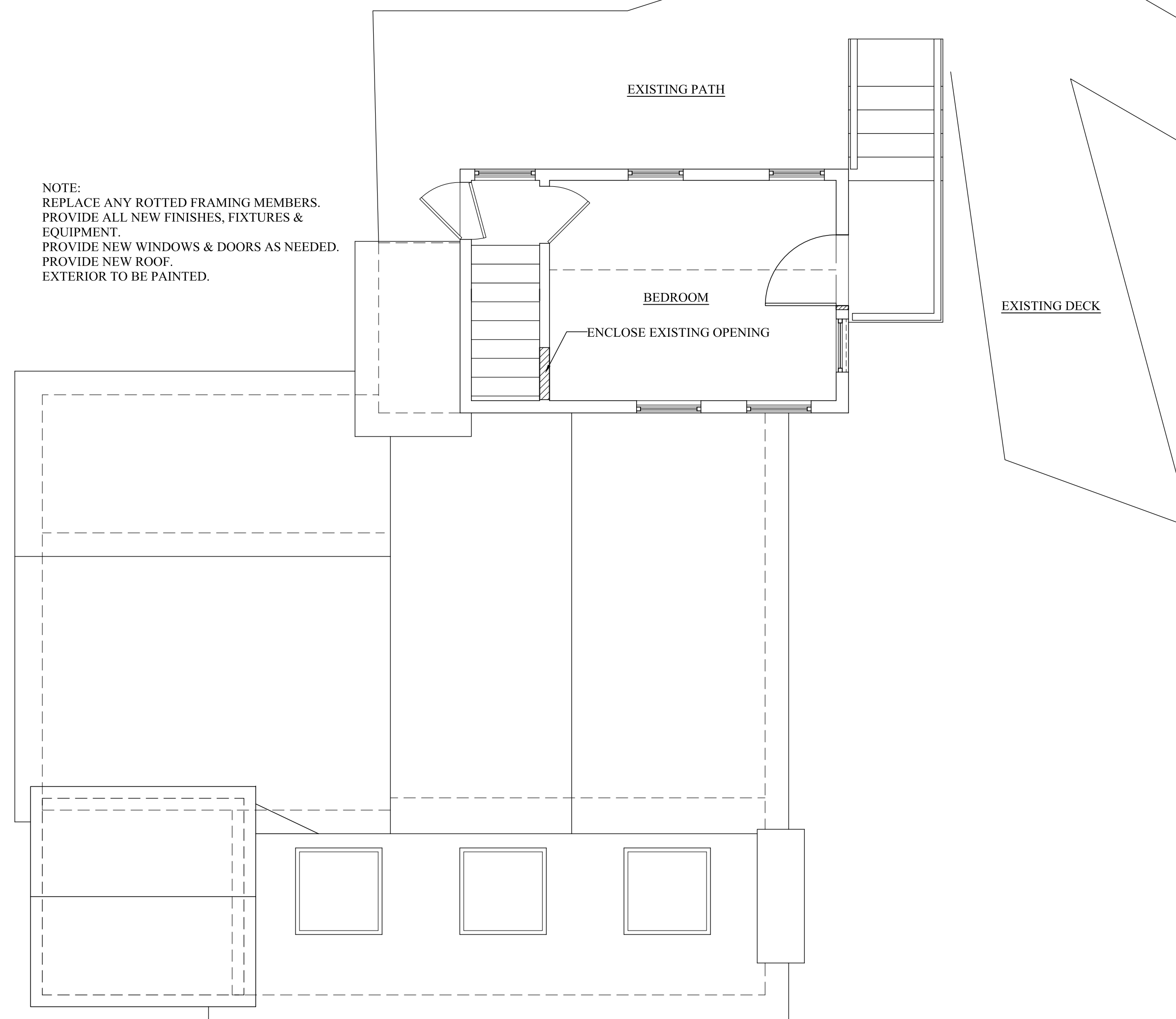
\*TAKEN FROM REAR PEAK

NOTE:  
 REPLACE ANY ROTTED FRAMING MEMBERS.  
 PROVIDE ALL NEW FINISHES, FIXTURES &  
 EQUIPMENT.  
 PROVIDE NEW WINDOWS & DOORS AS NEEDED.  
 PROVIDE NEW ROOF.  
 EXTERIOR TO BE PAINTED.



**2 Second Floor Plan**  
 SCALE: 1/4" = 1'-0"

NOTE:  
 REPLACE ANY ROTTED FRAMING MEMBERS.  
 PROVIDE ALL NEW FINISHES, FIXTURES &  
 EQUIPMENT.  
 PROVIDE NEW WINDOWS & DOORS AS NEEDED.  
 PROVIDE NEW ROOF.  
 EXTERIOR TO BE PAINTED.



**3 Third Floor Plan**  
 SCALE: 1/4" = 1'-0"



REVISIONS:		
Number	Date	Note

**Addition / Renovation**  
 Nachon Residence  
 23 Seven Arts  
 Monterey, MA

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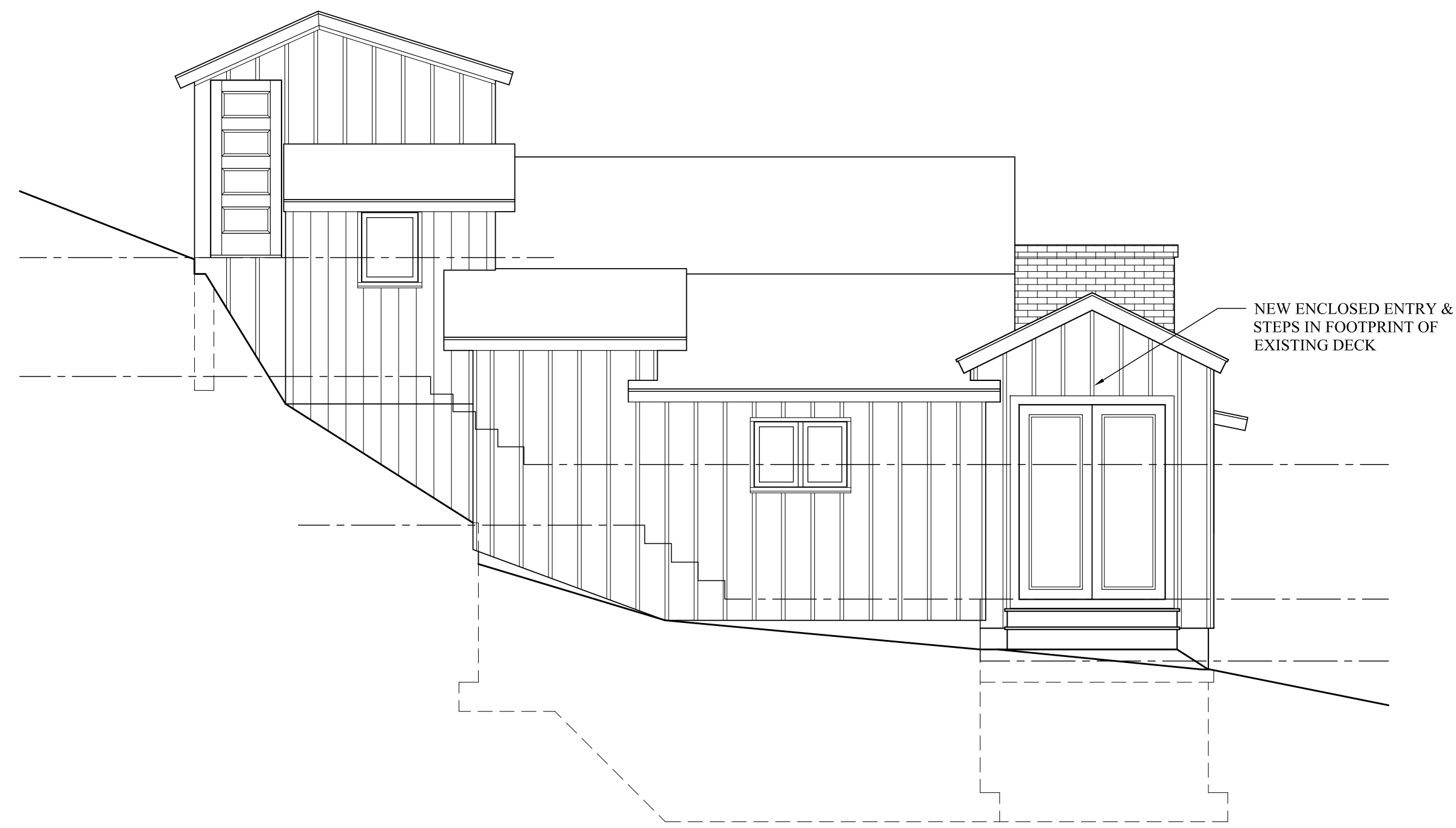
Dwg. Title:  
**Proposed Floor Plans**

Date: 8.9.23	Scale: As Noted	Drawn By: RRV/KB	Checked By:
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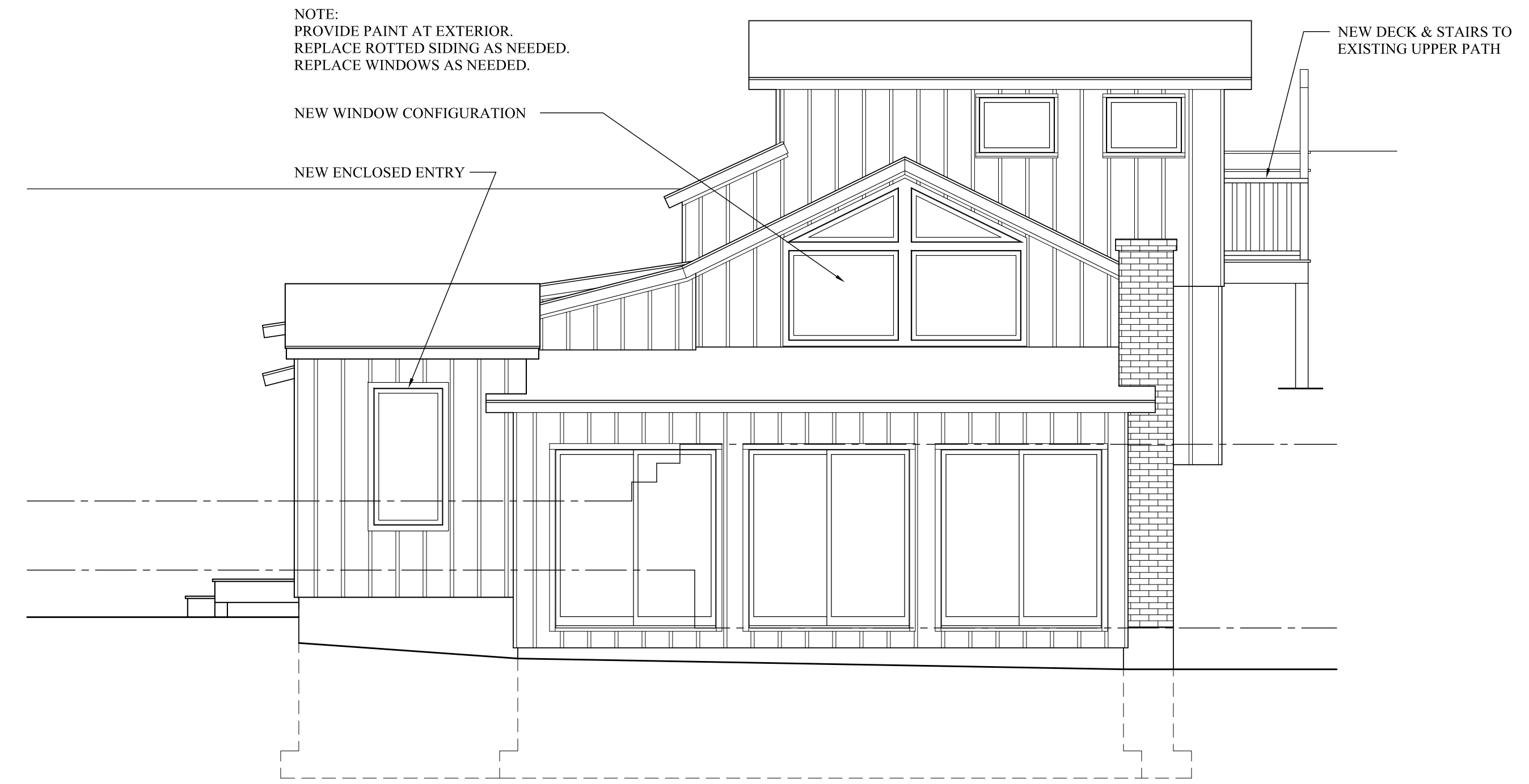
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Dwg. No.  
**A1.0**

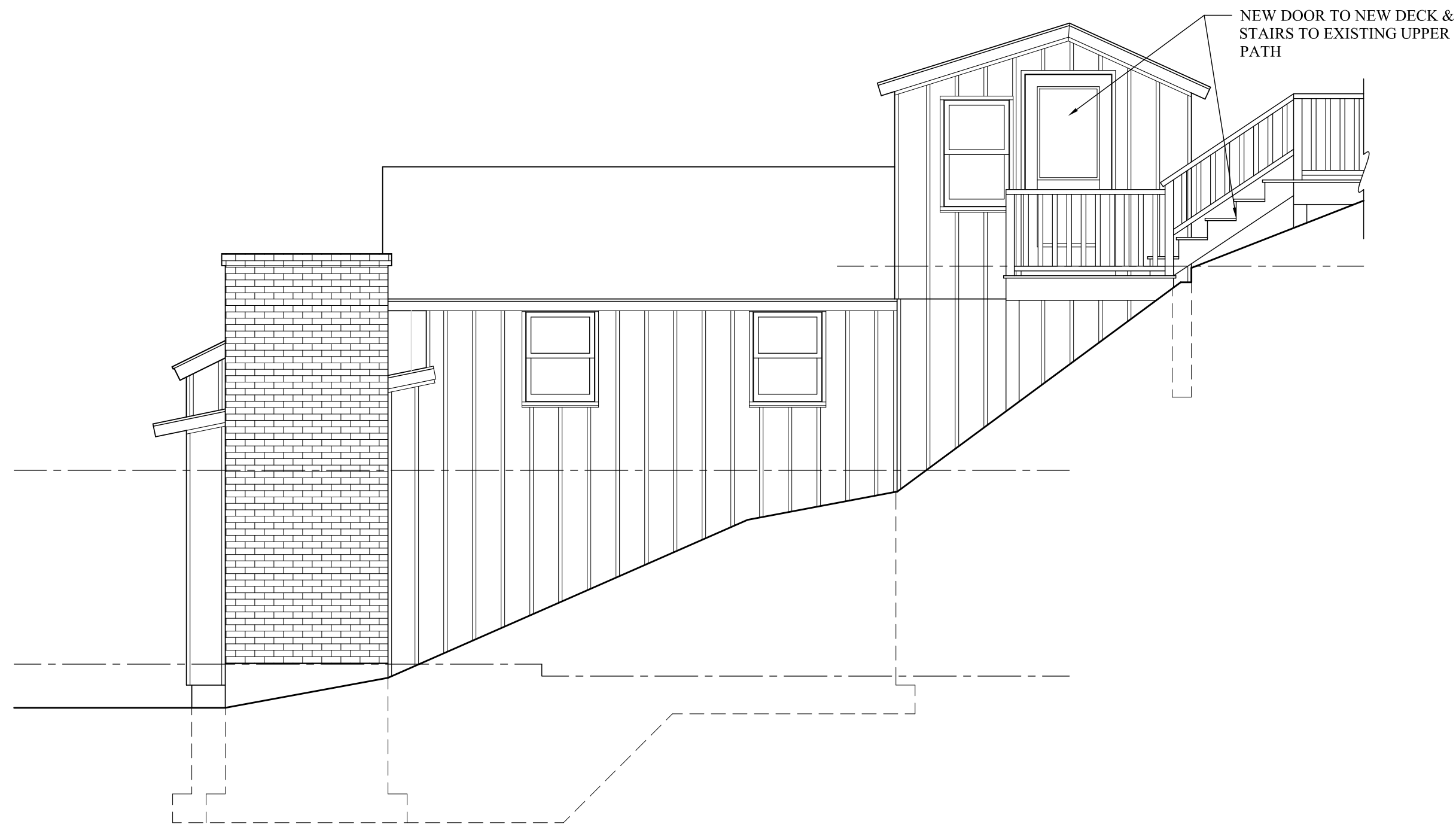




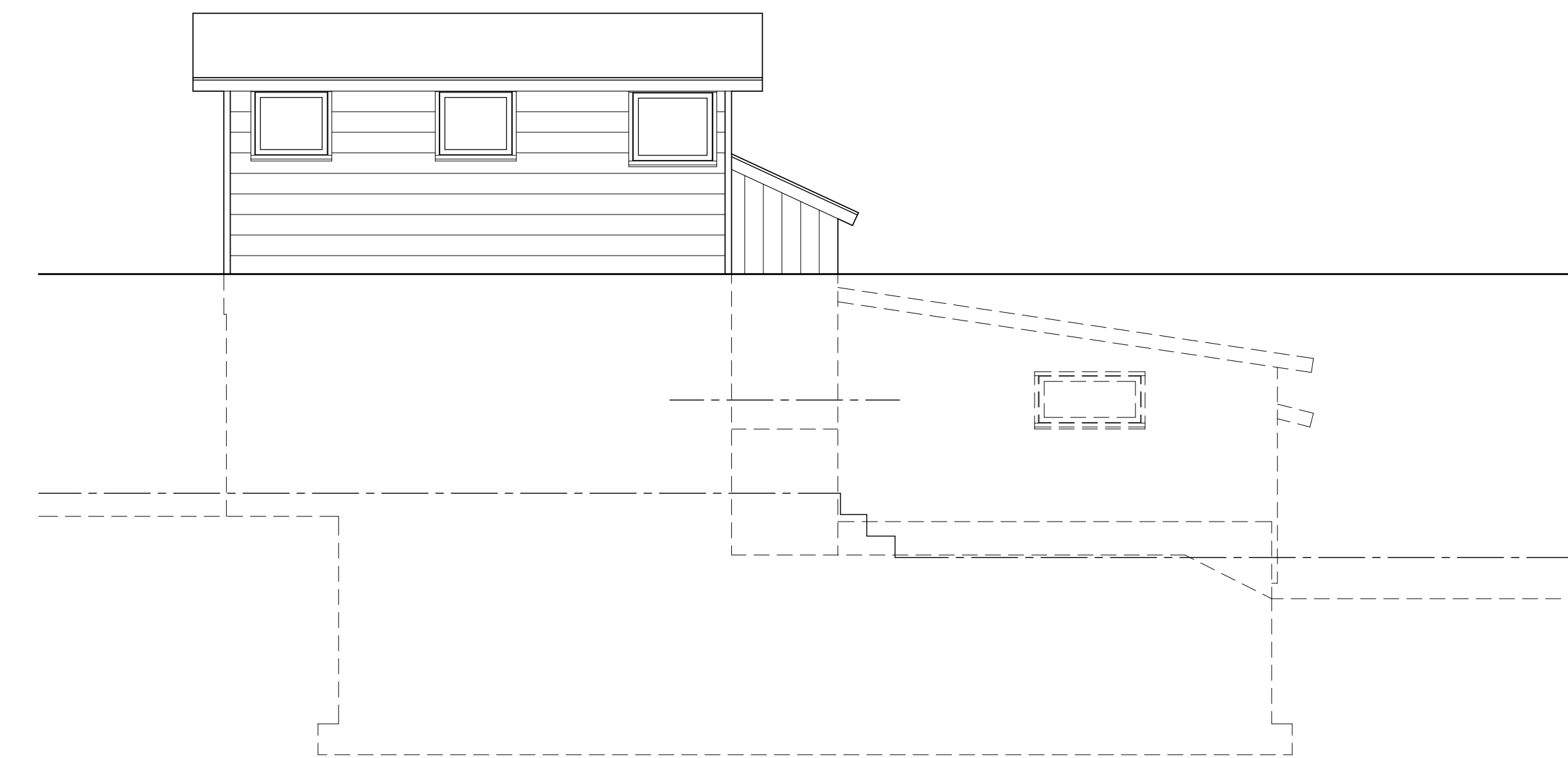
① **Side Elevation**  
SCALE: 1/4" = 1'-0"



② **Lake Elevation**  
SCALE: 1/4" = 1'-0"



③ **Side Elevation**  
SCALE: 1/4" = 1'-0"



④ **Rear Elevation**  
SCALE: 1/4" = 1'-0"



REVISIONS:		
Number	Date	Note

**Addition / Renovation**  
Nachon Residence  
23 Seven Arts  
Monterey, MA

BERKSHIRE DESIGN INC.  
ARCHITECTS AIA  
8 Bank Row, Pittsfield, MA  
413.448.8099  
www.berkshireradley.com

Dwg. Title:  
**Elevations**

Date: 11.3.23	Scale: As Noted	Drawn By: KJB	Checked By:
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Arch. Stamp PRELIMINARY NOT FOR CONSTRUCTION	Dwg. No. <b>A2.0</b>
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## TOWN OF MONTEREY

Building Department  
435 Main Rd. P.O. Box 308  
Monterey, MA 01245  
Phone: 413.528.1443 x118 Fax: 413.528.6335  
[montereybuildinginspector@verizon.net](mailto:montereybuildinginspector@verizon.net)  
[www.monterey-ma.org](http://www.monterey-ma.org)

September 19, 2023

Owner: Avishay Nachon  
1755 York Ave. Apt. 18G  
New York, NY 10128

Agent: Kerry Bartini

### RE: 23 Seven Arts Road Building Permit Rejection

Dear Kerry,

The building permit application to add/alter/renovate the structure located at 23 Seven Arts Road has been determined not to be a matter of right. The parcel is identified on the Town of Monterey Assessor's Map as Map 111, Lot 023. The parcel is located within the Lakeshore Zoning District.

Three separate subjects must be reviewed. The existing Single-Family Dwelling is classified in Section 5.1.6 as a Nonconforming Single-Family Residential Structure as it is located within 40' mean high water line of Lake Buel. In addition, pursuant to Section 5.1.6 1.c; the application involves a lot containing more than one dwelling on the lot. The structure also requires a reestablishment of use as required in Section 5.1.7, Abandonment or Non-Use. "A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this By-law; provided, however, that by special permit the Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

To seek relief for your proposal you may apply for a Special Permit before the Zoning Board of Appeals. Please refer to **Zoning By-Laws of The Town of Monterey, Section 5.1.6.2. "By Special Permit- Single and Two-Family Structures"**. **"In cases where a building permit is not authorized as a matter of right, the Zoning Board of Appeals may authorize by special permit any extension, alteration or reconstruction of an existing nonconforming single or two-family dwelling provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use"**.

Please refer to Section 9.2 which pertains to the powers and duties of the Zoning Board of Appeals and specifically, Section **9.2.2.2 Special Permits**, if you choose to seek land use relief.

If you are aggrieved by the building permit rejection, you may appeal this determination to the Zoning Board pursuant to Section **9.2.2.1. Appeals**.

Please contact our office should you require additional information or clarification.

Sincerely,

Donald R. Torrico, C.B.O.  
Building Commissioner

Cc: Zoning Board of Appeals



23 SEVEN ARTS LLC  
353 LEXINGTON AVE FL 4 STE 505  
NEW YORK, NY 10016

PIERCE KYLE L  
PIERCE DONALD G  
PO BOX 833  
GREAT BARRINGTON, MA 01230

BERGMAN MICHELE P  
17635 BONIELLO ROAD  
BOCA RATON, FL 33496

POOLE GREGORY  
POOLE ANUPAMA  
12 EAST 49TH ST 44TH FL  
NEW YORK, NY 10017

BODNAR PETER  
WEISER ROBIN  
148 STEVENS LAKE WAY  
GT BARRINGTON, MA 01230

REGENSTREICH MERRY TRUSTE  
THE MERRY REGENSTREICH RE  
250 WEST 90TH ST APT 6B  
NEW YORK, NY 10024

COMM OF MASS-OFFICE OF CO  
DEPT OF ENVIRONMENTAL MAN  
100 CAMBRIDGE ST  
BOSTON, MA 02114

ROSEN E ROSEN S ROSEN M  
C/O ERIC ROSEN  
2142 ALLENWOOD RD  
WALL TOWNSHIP, NJ 07719

DROHAN MARGO  
85 PIXLEY ROAD  
GREAT BARRINGTON, MA 01230

SEVEN ARTS MANAGEMENT, LL  
ATTN KYLE S HAVER  
70 LASALLE ST APT 16F  
NEW YORK, NY 10027

GRACE ALAN + BLACKMAN KEN  
120 LONGFELLOW RD  
SUDBURY, MA 01776

SEVEN ARTS PROPERTIES LLC  
SEVEN ARTS MANAGEMENT LLC  
70 LASALLE ST APT 167  
NEW YORK, NY 10027

HAUSMAN SIDNEY DWIGHT  
HAUSMAN GERALD ANDREWS  
1313 LUJAN ST  
SANTA FE, NM 87505

SMOLER CAROL TRUSTEE  
THE CMS FAMILY TRUST  
2500 N LAKEVIEW AVE  
APT 1705  
CHICAGO, IL 60614

KIMAMA RE LLC  
405 LEXINGTON AVE FL 9  
NEW YORK, NY 10174

STUDLEY JILL  
C/O ROSALYN HALBERSTADTER  
PO BOX 918  
GREAT BARRINGTON, MA 01230

KIRSON JEFFREY G TRUSTEE  
KIRSON KAREN D TRUSTEE  
267 DALE DRIVE  
SHORT HILLS, NJ 07078

MARINO ELIZABETH  
BURNS JAMES C  
751 OLD FARM ROAD  
THOUSAND OAKS, CA 91360



# Assessment Field Card

Town of Monterey, Massachusetts



Parcel Information	
	<p><b>Address:</b> 23 SEVEN ARTS RD  <b>Map-Lot:</b> 111-023-000-000-0003  <b>Patriot Account #:</b> 1348  <b>Owner:</b> 23 SEVEN ARTS LLC  <b>Co-Owner:</b>  <b>Mailing Address:</b> 353 LEXINGTON AVE FL 4 STE 505    NEW YORK, NY 10016</p>
Building Exterior Details	General Information
<p><b>Building Type:</b> DETACH CONDO  <b>Year Built:</b> 1997  <b>Grade:</b> C+  <b>Frame Type:</b> WOOD  <b>Living Units:</b>  <b>Building Condition:</b> Good  <b>Roof Cover:</b> ASPHALT  <b>Roof Type:</b> GABLE  <b>Exterior Wall Type:</b> BOARD+BATT  <b>Pool:</b> False</p>	<p><b>Total Acres:</b> 0  <b>Land Use Code:</b> 102  <b>Neighborhood Code:</b>  <b>Owner Occupied:</b> N  <b>Condo Name:</b>  <b>Condo Unit:</b>  <b>Zone:</b>  <b>Utility Code 1:</b> TYPC  <b>Utility Code 2:</b>  <b>Utility Code 3:</b></p>
Building Area	Ownership History
<p><b>Gross Area:</b> 1510 sqft  <b>Finished Area:</b> 1076.5 sqft  <b>Basement Area:</b> 192 sqft  <b>Garage Area:</b> 0 sqft  <b>Detached Garage:</b> sqft  <b>Basement Garage:</b> 0 sqft</p>	<p><b>Sale Date:</b> 2/14/2007  <b>Sale Price:</b> \$ 360000  <b>Nal Description:</b> FAMILY  <b>Grantor (Seller):</b> HIRSCHKLAU DEBORAH,  <b>Book/Page:</b> 1751-325</p>
Building Interior	Assessed Value



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.



**No. Total Rooms:** 5  
**No. Bedrooms:** 3  
**No. Full Baths:** 0  
**No. Half Baths:** 1  
**Bath Rating:** AVER  
**No. Kitchens:** 1  
**Kitchen Rating:** AVER  
**Building Framing:** WOOD  
**Interior Wall Type:** SOLID WOOD  
**Fireplaces:** 1  
**Solar Hot Water:** False  
**Central Vac:** False  
**Floor Type:** SOFTWOOD  
**Heat Type:** ELECTRC BB  
**Heat Fuel:** ELECTRIC  
**Percent A/C:** 0

**Assessed Yard Value:** \$ 600  
**Assessed Land Value:** \$ 0  
**Assessed Bldg Value:** \$296500  
**Total Assessed Value:** \$297100

