

BOARD OF APPEALS
TOWN OF MONTEREY

TO: Board of Health, Planning Board, Conservation Commission &
Building Inspector

FROM: Board of Appeals

DATE: 2/2/22

SUBJ: Special Permit application for 10 Northwest Cove

Attached is the Hearing Notice and packet for Oliver of 10 Northwest Cove.
Please provide the Board of Appeals with any information or opinion you have on
this case **prior to the hearing date of, March 10, 2022 at 3pm.**

Respectfully,

Melissa Noe
Town Administrator

Enc: ZBA Application packet

*Must be given to each department noted above prior to their next scheduled meeting before the
ZBA hearing.



TOWN OF MONTEREY

TOWN OF MONTEREY NOTICE OF PUBLIC HEARING

The Board of Appeals for the Town of Monterey will hold a Public Hearing on Thursday, March 10, 2022 at 3pm at Town Hall, 435 Main Rd, Monterey, MA 01245, to act on the application for a Special Permit under the Monterey Zoning Bylaws for Gaugarin Oliver to amend the 2021 special permit and expand the footprint to accommodate the new design. This project is located at 10 Northwest Cove Rd in Monterey. The property is recorded in the Southern Berkshire Registry of Deeds, Book 2726, Page 260. Record Title is in the name of Gaugarin Oliver.

MONTEREY BOARD OF APPEALS

(Berkshire Eagle)

Cc: Town Clerk
File
Website
Owner and abutters



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.

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

Special Permit (Amendment)

Variance

Appeal (to modify a decision of a Town Board)

Section B. Site/Property Information:

Address of property (ex. 123 Main Rd.): 10 Northwest Cove Road, Monterey, MA

Assessor's Map #: 229 Assessor's Lot #: 1

Zoning District(s): Lake Shore District (LS), Ave. Slope Less than 12%

Registry of Deeds Book & Page Number for Applicant's Title: Deed to Gaugarin Oliver in Book 2726, Page 260 dated October 6, 2021 and recorded on October 8, 2021.

Section C. Property Ownership Information:

Full Name of Owner(s) (this must match the name on your deed referenced in Section B): The current owner is Gaugarin Oliver.

Mailing Address: Gaugarin Oliver: 6 Grist Mill Road, Littleton, MA 01460.

Owner's email address and phone number: Applicant: Gaugarin Oliver, gaugarin.oliver@capestart.com, (781) 883-7381.

Full name and mailing address of owner's agent or representative: Attorney for the applicant, Alexandra H. Glover, 785 Main Street, Great Barrington, MA 01230.

Agent or representative's email address and phone number: Attorney for the applicant, Alexandra H. Glover: glover@lazanlaw.com, (413) 644-0200.

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

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

The Applicant seeks to amend the 2021 Special Permit that approved the construction of a single-family house on the property. The plans for the footprint of the house have been adjusted to make better use of the limited area of level grade outside the house. The garage and entry porch have been set back so as to create more room for cars to enter and exit. Additionally, it became necessary to expand the overall footprint of the house to accommodate the design program. The house is still in compliance with all of the required setback except, as with the 2021 Special Permit, that the lot does not conform to the minimum required acreage.

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

From which section of the zoning bylaws are you requesting a variance? N/A

What will the requested variance enable you to do? N/A

If the variance is not granted, what hardship will you endure? N/A

What special circumstances relating to soil condition, shape or topography of the land is prompting your request for a variance? N/A

Explain why your special circumstances are not a result of your own actions? N/A

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? N/A

Date of the action: N/A

Describe the remedy you seek: N/A

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

Describe the need for a Special Permit: The 2021 Special Permit required that the Applicant return to the Zoning Board of Appeals for approval of a change to the approved house. Please see Project Narrative and attachments, filed herewith.

List all the nonconforming aspects of the property: The sole nonconforming aspect of the property is the acreage of the lot which does not meet the area (acres) dimensional requirements for a single-family residence as set forth in Section 4.2.1 of the Town of Monterey Zoning Bylaws.

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: Please see the Notice of Decision dated September 2, 2020 and recorded in the Registry of Deeds at Book 2640, Page 307. See also Notice of Decision dated October 8, 2021 and recorded in the Registry of Deeds at Book 2727, Page 186. Copies of both are attached hereto.

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:

Alexandra Glover

Alexandra H. Glover, Lazan Glover & Puciloski, LLP
785 Main Street
Great Barrington, MA 01230
(413) 644-0200 glover@lazanlaw.com

Owner's Signature: Gaugarin Oliver by his attorney, Alexandra Glover
Gaugarin Oliver

Date: January 28, 2022

Project Narrative

Modification of Special Permit; Applicant/Gaugarin Oliver

Property Address: 10 Northwest Cove Road, Monterey
Zoning District: Lake Shore District, Average Slope Less than 12%
Tax Map #229, Lot #1

1. Project Description

The Zoning Board of Appeals previously granted, under Section 5.1.7 of the By-Law, a Special Permit to reestablish the single-family residential use of the property, which is an undersized lot. See Attachment 3 ("2020 Special Permit").

Subsequently, the Zoning Board of Appeals granted a Special Permit, approving a particular house layout on the property. See Attachment 4 ("2021 Special Permit").

The Applicant now seeks to amend the 2021 Special Permit. The plans for the footprint of the house have been adjusted to make better use of the limited area of level grade outside the house. The garage and entry porch have been set back so as to create more room for cars to enter and exit. Additionally, it became necessary to expand the overall footprint of the house to accommodate the design program. The house is still in compliance with all of the required setback except, as with the 2021 Special Permit, that the lot does not conform to the minimum required acreage.

Specifically, the following changes are proposed:

Approved House:

Basement: 820 s.f.
First Floor: 1,869 s.f (Incl. Garage)
Second Floor: 1,164 s.f.

Total habitable space: 3,853 s.f.

Additional areas:	Veranda (Covered and Open):	1,098 s.f.
	Entry Porch:	128 s.f.

Total for Approved House: 5,079 s.f.

Proposed House:

Basement: 897 s.f.
First Floor: 2,081 s.f. (Incl. Garage)
Second Floor: 1,365 s.f.

Total habitable space: 4,343 s.f.

Additional areas:	Veranda (Covered and Open):	1,029 s.f.
	Entry Porch:	69 s.f.

Total for Proposed House: 5,441 s.f.

Please note:

1. The First Floor area includes the garage.
2. Only the habitable space is counted in the Basement. Storage and Mechanical areas are excluded.
3. The total area of the house includes the open and roofed-over porches (veranda) in addition to the entry porch.

2. List of Attachments

Attachment 1, Deed, Rockhead Associates, LLC to Gaugarin Oliver dated October 6, 2021 and recorded in the Berkshire Southern District Registry of Deeds in Book 2726, Page 260 on October 8, 2021.

Attachment 2, Survey entitled "Lands of Zoltan and Ethel Zantay, Town of Monterey, Berkshire Co., Massachusetts," by William Kormanik, registered land surveyor, dated March 31, 1977, and recorded in the Berkshire Southern District Registry of Deeds in Map Book 5, Page 110.

Attachment 3, Notice of Recording of Special Permit dated September 2, 2020 and recorded with the Berkshire Southern District Registry of Deeds in Book 2640, Page 307 on November 17, 2020.

Attachment 4, Notice of Recording of Special Permit dated September 14, 2021 and recorded with the Berkshire Southern District Registry of Deeds in Book 2727, Page 186 on October 13, 2021.

Attachment 5, Set of plans prepared by Pamela Sandler, Architect, to accompany this Application for and Amended Special Permit, including:

1. Site plans with approved proposed structure superimposed (pp. 1-2);
2. Set of Proposed Construction Plans prepared by Pamela Sandler, Architect, including Proposed Basement Plan, Proposed First Floor Plan, Proposed Second Floor Plan, and Proposed Building Elevations (pp. 3-9).

3. Zoning

A. Dimensional Requirements (same as previously approved)

The proposed work does not intensify the nonconforming nature of the property and seeks to continue the single-family use of the property allowed by the current special permit.

REQUIREMENT in LS with Ave. Slope Less than 12%		APPROVED STRUCTURE	PROPOSED STRUCTURE
Lot Area	2 acres	1.12 acres	1.12 acres
Lot Width/Frontage	200 ft.	>200 ft.	>200 ft.
Front (E)	25 ft.*	>25 ft.	>25 ft.
Side (N)	25 ft.*	>25 ft.	>25 ft.
Rear (W)	25 ft.*	>25 ft.	>25 ft.
Side (S)	25 ft.*	>25 ft.	>25 ft.
Max Building Height	35 ft.	<35 ft.	<35 ft.
Lot Coverage	20%	Not known	6.3%
Parking Spaces	2		2

*The Zoning By-Law permits a reduction of the setbacks from 25 ft to 15 ft for lots existing in the Lakeshore District prior to May 3, 1986; however, the proposed house is designed to comply with the current setbacks.

B. Sections 5.1.7 and 9.4.2, Amendment of Special Permit

Structure: The proposed structure is similar in size and location to the approved house. As with the previously approved house, the proposed house is in line with the character of the neighborhood and conforms to all current zoning requirements. It is not more nonconforming in any respect than the approved structure.

Lot: There are no proposed changes to the lot.

Use: The property is already approved for use as a single-family house by the 2020 Special Permit. There is no proposed change to this use.

The criteria for approval of this application for an Amended Special Permit are set forth in Section 9.4.2 of the Zoning By-Law. This Board has already determined that the Approved House meets those criteria. The impact of the proposed house is no different from that house already approved. Specifically, the proposed house will have no impact of air, stream, or water pollution. Similarly, it will not increase odor, glare, electrical interference, or night operation. Noise and traffic will not be significantly increased by the proposed single-family house. There is no adverse impact on the adjacent properties or on the neighborhood in general.

As the proposed house meets all of the special permit criteria set forth in Section 9.4.2 to the same extent as the approved house, the Applicants requests that this Board grant the application for an amendment to the 2021 Special Permit.

ATTACHMENT 1

Berkshire Southern District Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 267107
Document Type	: DEED
Recorded Date	: October 08, 2021
Recorded Time	: 12:02:18 PM
Recorded Book and Page	: 02726 / 260
Number of Pages(including cover sheet)	: 5
Receipt Number	: 63741
Recording Fee (including excise)	: \$2,708.60

MASSACHUSETTS EXCISE TAX
Southern Berkshire ROD 001
Date: 10/08/2021 12:02 PM
Ctrl# 012622 08020 Doc# 00267107
Fee: \$2,553.60 Cons: \$560,000.00

Berkshire Southern District Registry of Deeds
Michelle Laramee-Jenny, Register
334 Main Street, Suite 2
Great Barrington, MA 01230-1894
413-528-0146
<http://www.masslandrecords.com/BerkSouth/>

QUITCLAIM DEED

LOCUS: 10 Northwest Cove, Monterey, MA

That, **ROCKHEAD ASSOCIATES, LLC**, a Massachusetts Limited Liability Company, with a principal office in Great Barrington, MA, for consideration in the amount of **Five Hundred Sixty Thousand (\$560,000.00) Dollars**, grant to **GAUGARIN OLIVER**, with a residential and mailing address of 6 Grist Mill Road, Littleton, Massachusetts 01460, with Quitclaim Covenants, the land with buildings thereon in Monterey, Berkshire County, Massachusetts, bounded and described as follows:

Beginning at an iron pipe at or near the easterly side of a dirt road known as the Camp Road, which road leads from Lake Buel Road in Great Barrington to other lands, now or formerly, of Rockhead Associates, LLC, herein in Monterey and formerly known as Camp Deerwood;

thence along the following three courses at or near the easterly side of said Camp Road; North 14° 13' 15" West 109.71 feet to an iron pipe; North 45° 31' 31" East 121.88 feet to an iron pipe; North 40° 14' 48" East 46.42 feet to an iron pipe;

Thence South 60° 00' 00" East 206.74 feet to an iron pipe along other lands, now or formerly of Rockhead Associates, LLC, said boundary being the southerly boundary of Parcel A as shown on a plan of land entitled "Lands of Zoltan & Ethel Zantay, Town of Monterey, Berkshire Co., Massachusetts, Land Surveys, Inc. 3/31/77" recorded in Map Book 5, Page 110, on May 10, 1977 at the Southern Berkshire Registry of Deeds.

Thence South 60° 00' 00" east 5 feet, more or less to the shore line of Lake Buel;

Thence southerly 127 feet more or less along the westerly shore line of Lake Buel;

Thence South 85° 23' 18" West 5 feet more or less to an iron pipe;

Thence South 85° 23' 18" West 210.00 feet along lands of Conan Caron now or formerly to an iron pipe;

Thence North 51° 01' 13" West 28.75 feet to the place of beginning.

Containing 1.12 acres more or less.

Said land is conveyed to the Grantee herein, its heirs and assigns, together with a right to draw water from other lands, now or formerly, of Rockhead Associates, LLC, by an existing pipe running in a north-south axis across Parcel A connected to a pump house located on said other lands of said Rockhead Associates, LLC, located north of said Parcel A, and a right to maintain, repair or replace said pipe on said of said Parcel A and on said other lands of said Rockhead Associates, LLC, subject to the said Parcel A and the said other lands being returned to the same condition prior to such maintenance, repair, or replacement. For rights herein described regarding Parcel A, see deed of Zoltan Zantay and Ethel Zantay to Ethel Zantay recorded in the said Registry. If any repairs or replacement of said pump house is required, the Grantee herein agrees to bear its proportionate share of the costs.