

**TOWN OF MONTEREY  
ZONING BOARD OF APPEALS**

**DETAILED RECORD**

**Application Number 22-6**

I, Gary Shaw, Clerk of the Monterey Board of Appeals, hereby certify that the following is a Detailed Record of all proceedings relative to the application of Jessica Reif-Caplan and Benjamin Reif-Caplan for a special permit under the Monterey Zoning Bylaws.

The Applicant desires to remove and reconstruct a non-conforming single family dwelling on a non-conforming parcel.

The premises affected are located at 7 Buckingham Lane, Monterey, MA 01245.

On 3/29/22 an application of which a true copy marked "A" is made a part of this record, was presented to the Monterey Board of Appeals.

Thereupon, an advertisement, a true copy of which "B" is made a part of this record, was published in the Berkshire Eagle, a local newspaper published in the Commonwealth of Massachusetts on 4/7 and 4/14/22. As required a copy of the meeting notice was filed with the Town Clerk and posted at the Town Hall.

Notices of the Hearing, a copy of which marked "C" is made a part of this record, were mailed, postage prepaid, to the Petitioner, Abutters, Owners of land directly opposite on any public or private street or way, and Owners of land within 300 feet of the property line.

On 5/25/22 at 3pm a Hearing was held at the Town Offices, 435 Main Road, Monterey, Massachusetts, at which opportunity was given to all those interested to be heard in favor of or in opposition to said application. The following evidence was presented at the Hearing:

1. Permit narrative by Clark & Green Architecture design.
2. Special Permit Site Plan by Berkshire Geo-Technologies, 21-18E-MA dated 2/23/22.
3. Architectural plans by Clark & Green, Inc dated 3/16/22.

Appeals Board members or alternates sitting for this hearing were Jonathan Levin, Gary Shaw, Susan Cooper, Michael Banner and Scott Jenssen.

Following the Hearing, the Monterey Board of Appeals made the following specific findings with regard to the proposed application:

1. The Property is in the Lake Shore district.
2. The property is a non-conforming lot due to lack of sufficient frontage and size.

3. The existing structure is currently outside all set-backs, except the 40' lake set-back.
4. The proposed new structure will remain outside all set-backs and will be moved outside of the 40' lake set-back.
5. The new structure, after completion in accordance with the submitted plans, will be in keeping with the size, height and location on the lot with most of the neighboring structures.
6. The proposed relief to be granted is not substantially more detrimental to the neighborhood.

The Monterey Board of Appeals voted, as detailed below, to **GRANT** the application, subject to the following conditions, safeguards, and limitations on time or use, if any:

1. Prior to a Building Permit being issued, the Building Inspector shall be provided with a Plan certified by a registered land surveyor that the proposed new structure, including decks, will be located outside the 40' lake set-back;
2. The new home will have no more than three bedrooms.
3. The screened porch may only be enclosed during winter months to protect the interior of the same from winter weather.

<u>Member</u>	<u>Vote</u>
Jonathan Levin	Grant
Gary Shaw	Grant
Susan Cooper	Grant
Michael Banner	Grant
Scott Jenssen	Grant

**NOTE:** The votes of each member upon each question is shown or, if absent or failing to vote, that fact is indicated to set forth clearly the reason or reasons for the board's decision, and other official actions.

A copy of this Detailed Record, together with all plans referred to in the Decision, was filed with the Planning Board on 6/8/22.

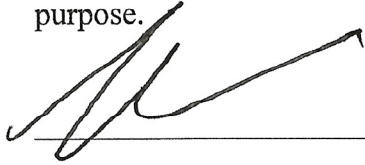
Signed this 8th day of June, 2022.

Chairperson

The image shows four handwritten signatures in black ink, each written over a horizontal line. The signatures are cursive and somewhat stylized. The first signature is the most prominent and appears to be the signature of the Chairperson. The other three signatures are less distinct but clearly represent individual members of the board.

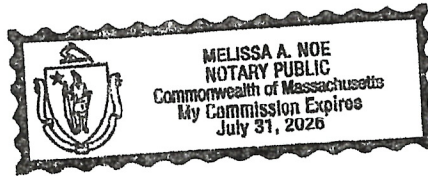
Berkshire, ss.  
Commonwealth of Massachusetts

On this 8th day of June, 2022, before me personally appeared Jonathan Levin, Chair of the Zoning Board of Appeals, proved to me through satisfactory evidence of identity which was known personally, to be the person whose name is signed on this document and acknowledged it was signed for its stated purpose.



\_\_\_\_\_  
Notary

My commission expires July 31, 2026.



**Town of Monterey  
ZONING BOARD OF APPEALS**

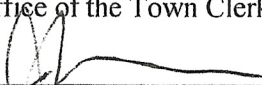
**NOTICE OF RECORDING WITH THE REGISTER OF DEEDS OF:  
Southern Berkshire County  
Conditional or Limited Variance or Special Permit  
(General Laws Chapter 40A, Section 18 as amended)**

**Application Number 22-6**

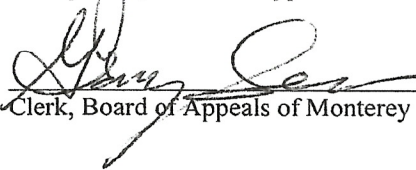
Applicant's Name: Jessica Reif-Caplan and Benjamin Reif-Caplan  
Address: 43 Kingston Rd, Newton, MA 02461  
Project Location: 7 Buckingham Lane, Monterey

By the Town of Monterey Board of Appeals affecting the rights of the Owner(s) with respect to the use of premises on 7 Buckingham Lane, Monterey, the record title standing in the name(s) of Jessica Reif-Caplan and Benjamin Reif-Caplan whose address is stated above, by a Deed duly recorded in the Southern Berkshire Registry of Deed in Book 02650, Page 7-10.

\*\*\*\*\*  
The Decision of said Board is on file with the papers in Decision of Application Number 22-6 in the Office of the Town Clerk of Monterey.

  
\_\_\_\_\_  
Chairperson, Board of Appeals of Monterey

DATE: 6/8/22

  
\_\_\_\_\_  
Clerk, Board of Appeals of Monterey

DATE: 6/8/22

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This is to certify that the twenty days have elapsed since the above date of filing the decision with this office, and no appeal has been filed, or appeal has been filed and the decision of the Zoning Board of Appeals has been upheld.

\_\_\_\_\_  
Signature and seal of Town Clerk

Date: \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\*\*\*\*\*

Received and entered with the Southern Berkshire Registry of Deed in the Commonwealth of Massachusetts:

Book \_\_\_\_\_, Page \_\_\_\_\_. Attest: \_\_\_\_\_  
Registrar of Deeds Signature

**IMPORTANT:** Applicant must provide proof of filing with the Registry of Deeds to the Board of Appeals and the Monterey Board of Assessors. A copy of this form completed by the registry is sufficient.

**Town of Monterey  
BOARD OF APPEALS**

**NOTICE OF DECISION**

**Application Number 22-6**  
**Initially Filed with the Town Clerk on 3/29/22.**

This decision is being mailed to the applicant, to parties of interest, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.

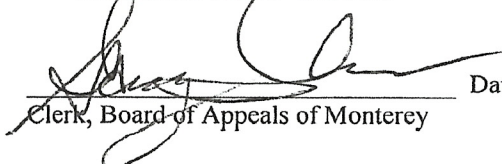
Owner: Jessica Reif-Caplan and Benjamin Reif-Caplan

Premises Affected: 7 Buckingham Lane, Monterey

Referring to the above application so as to permit applicant to: remove and reconstruct a non-con-forming single family dwelling on a non-conforming parcel.

After a Public Hearing on 5/25/22, the Monterey Board of Appeals at its Hearing, voted to GRANT this application under the Zoning By-Law subject to the following conditions, safeguards, and limitations on time or use, if any:

1. Prior to a Building Permit being issued, the Building Inspector shall be provided with a Plan certified by a registered land surveyor that the proposed new structure, including decks, will be located outside the 40' lake set-back;
2. The new home will have no more than three bedrooms.
3. The screened porch may only be enclosed during winter months to protect the interior of the same from winter weather.

  
Date 6/8/22  
Clerk, Board of Appeals of Monterey

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This ZBA decision was filed with the Town Clerk by the Zoning Board of Appeals on June 8, 2022.

I hereby certify that [no notice of appeal / a notice of appeal] to the [Land Court / Superior Court, together with a copy of the complaint] was received by this office during the 20 days next after the application was [granted / denied] as shown on the above certificate.

\_\_\_\_\_, Terry Walker, Town Clerk

**IMPORTANT:** *Any appeal from the decision of the Board of Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A of the Massachusetts General Laws as amended, and must be filed within twenty (20) days after the date of filing of the decision with the Town Clerk.*

(Town Seal)