

Town of Monterey
ZONING BOARD OF APPEALS

NOTICE OF RECORDING WITH THE REGISTER OF DEEDS OF:

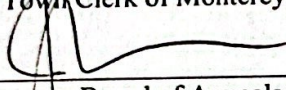
Southern Berkshire County
Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Application Number 22-8

Applicant's Name: Michael Bernstein, Trustee of the Revocable Trust of Michaels S Bernstein and Renee S Bernstein, Trustee of the Revocable Trust of Renee S Bernstein
Address: 111 East 85th St, 8D, NY, NY 10028
Project Location: 16 Laurel Banks

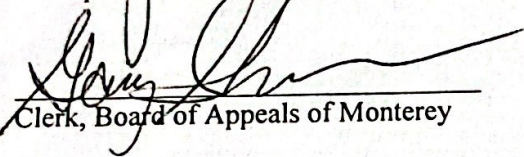
By the Town of Monterey Board of Appeals affecting the rights of the Owner(s) with respect to the use of premises on 16 Laurel Banks, Monterey, the record title standing in the name(s) of Michael Bernstein, Trustee of the Revocable Trust of Michaels S Bernstein and Renee S Bernstein, Trustee of the Revocable Trust of Renee S Bernstein whose address is stated above, by a Deed duly recorded in the Southern Berkshire Registry of Deed in Book 2604, Page 337.

The Decision of said Board is on file with the papers in Decision of Application Number 22-8 in the Office of the Town Clerk of Monterey.



Chairperson, Board of Appeals of Monterey

DATE: 7/7/22



Clerk, Board of Appeals of Monterey

DATE: 7/7/22

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 22-8
Initially Filed with the Town Clerk on 5/12/22.

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.

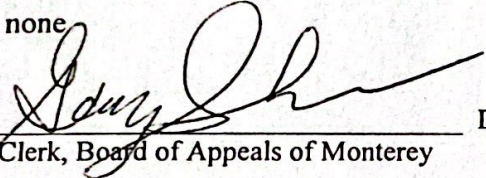
Owner: Michael Bernstein, Trustee of the Revocable Trust of Michaels S Bernstein and Renee S Bernstein, Trustee of the Revocable Trust of Renee S Bernstein

Premises Affected: 16 Laurel Banks

Referring to the above application so as to permit applicant to: place a temporary trailer on property

After a Public Hearing on 6/22/22, 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:

none


Date 7/7/22
Clerk, Board of Appeals of Monterey

This ZBA decision was filed with the Town Clerk by the Zoning Board of Appeals on July 7, 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)

P.O. Box 308 Monterey, MA 01245
P: 413.528-1443 F: 413.528.9452

**TOWN OF MONTEREY
ZONING BOARD OF APPEALS**

DETAILED RECORD

Application Number 22-8

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 Michael Bernstein for a special permit under the Monterey Zoning Bylaws.

The Applicant desires to place a temporary trailer on his property.

The premises affected are located at 16 Laurel Banks.

On 5/12/22 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 5/25 and 6/1/22. 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 6/22/22 at 2:30pm 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.

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

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

none

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:

none

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Member

Vote

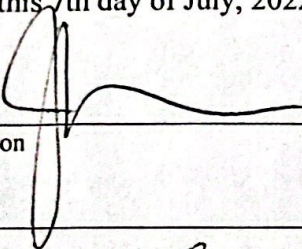
Jonathan Levin
Gary Shaw
Scott Jenssen
Susan Cooper
Michael Banner

Grant
Grant
Grant
Grant
Grant

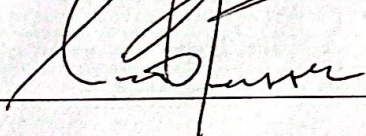
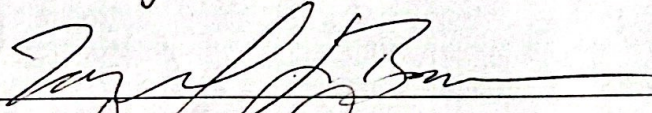
NOTE: The votes of each member upon each question is shown or, if absent or failing to vote, that fact is indicated to set forth clearly the reason or reasons for the board's decision, and other official actions.

A copy of this Detailed Record, together with all plans referred to in the Decision, was filed with the Planning Board on 7/7/22.

Signed this 7th day of July, 2022.

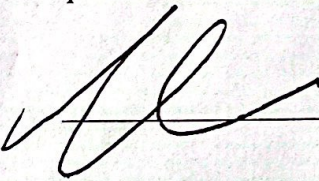


Chairperson



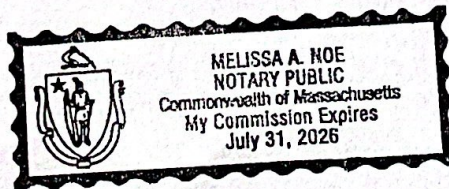
Berkshire, ss.
Commonwealth of Massachusetts

On this 7th day of July, 2022, before me personally appeared Jonathan Levin, 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.



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**TOWN OF MONTEREY
ZONING BOARD OF APPEALS**

DETAILED RECORD

Application Number 22-7

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 Amy Saltzman for a special permit under the Monterey Zoning Bylaws.

The Applicant desires to place an addition on an existing home.

The premises affected are located at 19 Laurel Bank.

On 4/29/22 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 5/12 and 5/19/22. 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 6/22/22 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. Construction Plot Plan dated April 18, 2022

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

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 and fronts on Laurel Bank Road and backs up to Route 57.
2. The property is non-conforming due to lot size, lack of legal frontage and a non-conforming single family dwelling on the lot within certain setbacks.

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P: 413.528.1443 F: 413.528.9452

3. The lot and existing non-conforming single family dwelling are grandfathered under the current By-Law.
4. Applicant seeks a Special Permit to permit expansion of the non-conforming dwelling by adding a second floor master bedroom and bath mostly within the footprint of the existing structure.
5. The existing habitable areas of the dwelling total 1311 square feet, and the proposed addition will add 476 habitable square feet.
6. There are no structures between the dwelling and Route 57. The height of the house will increase by 12 feet over the existing height, but will still be below the maximum permitted height under zoning of 35'.
7. The proposed work will only slightly increase the non-conforming nature of the dwelling on the Lot.

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:

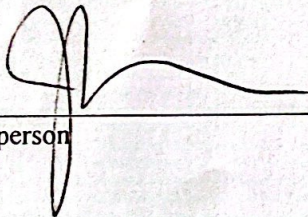
1. The applicant must satisfy any Board of Health requirements prior to the issuance of a building permit.

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

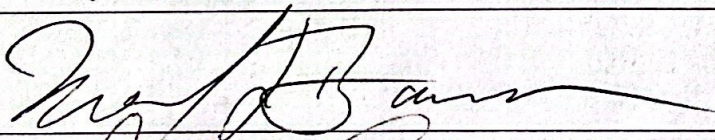
NOTE: The votes of each member upon each question is shown or, if absent or failing to vote, that fact is indicated to set forth clearly the reason or reasons for the board's decision, and other official actions.

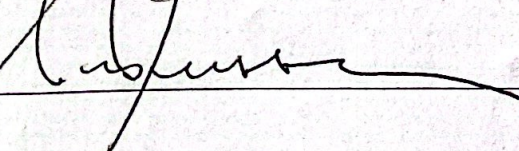
A copy of this Detailed Record, together with all plans referred to in the Decision, was filed with the Planning Board on 7/7/22.

Signed this 7th day of July, 2022.



Chairperson





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P: 413.528.1443 F: 413.528.9452

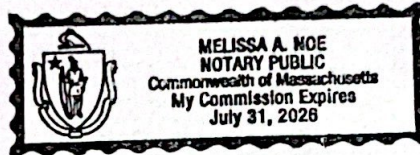
Berkshire, ss.
Commonwealth of Massachusetts

On this 7th day of July, 2022, before me personally appeared Jonathan Levin, 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.

My commission expires July 31, 2026.



Notary



P.O. Box 308 Monterey, MA 01245
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Page 3 of 3

**Town of Monterey
ZONING BOARD OF APPEALS**

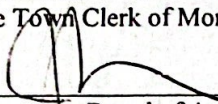
**NOTICE OF RECORDING WITH THE REGISTER OF DEEDS OF:
Southern Berkshire County
Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)**

Application Number 22-7

Applicant's Name: Amy Saltzman
Address: 315 West 102 St, NY, NY 10025
Project Location: 19 Laurel Banks

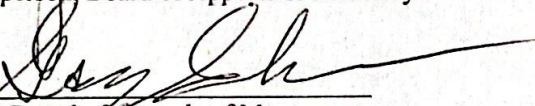
By the Town of Monterey Board of Appeals affecting the rights of the Owner(s) with respect to the use of premises on 19 Laurel Banks, Monterey, the record title standing in the name(s) of Amy Saltzman whose address is stated above, by a Deed duly recorded in the Southern Berkshire Registry of Deed in Book 2263, Page 96.

The Decision of said Board is on file with the papers in Decision of Application Number 22-8 in the Office of the Town Clerk of Monterey.



Chairperson, Board of Appeals of Monterey

DATE: 7/7/22



Clerk, Board of Appeals of Monterey

DATE: 7/7/22

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.

PUBLIC NOTICE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of General License Certification Application pursuant to 310 CMR 9.29
22-WW-PRE-0082-APP**

NOTIFICATION DATE: June 17, 2022

Public notice is hereby given of the application for Certification to the General License by Darren and Lisa Marino to construct/maintain a dock in the waters of Lake Buel at 30 Prescott Street, Monterey, MA, Berkshire County.

The Monterey Planning Board will consider all written comments on this Waterways application received within 30 days of the "Notification Date."

Project plans and documents for this application are on file with the Monterey Planning Board. Written comments must be addressed to: The Monterey Planning Board at P.O. Box 308, Monterey, MA 01245-0308.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Project Statement for Local Planning Board on Certification Application pursuant
to 310 CMR 9.29 General License Certification
22-WW-PRE-0082-APP**

Applicant Name: Darren and Lisa Marino

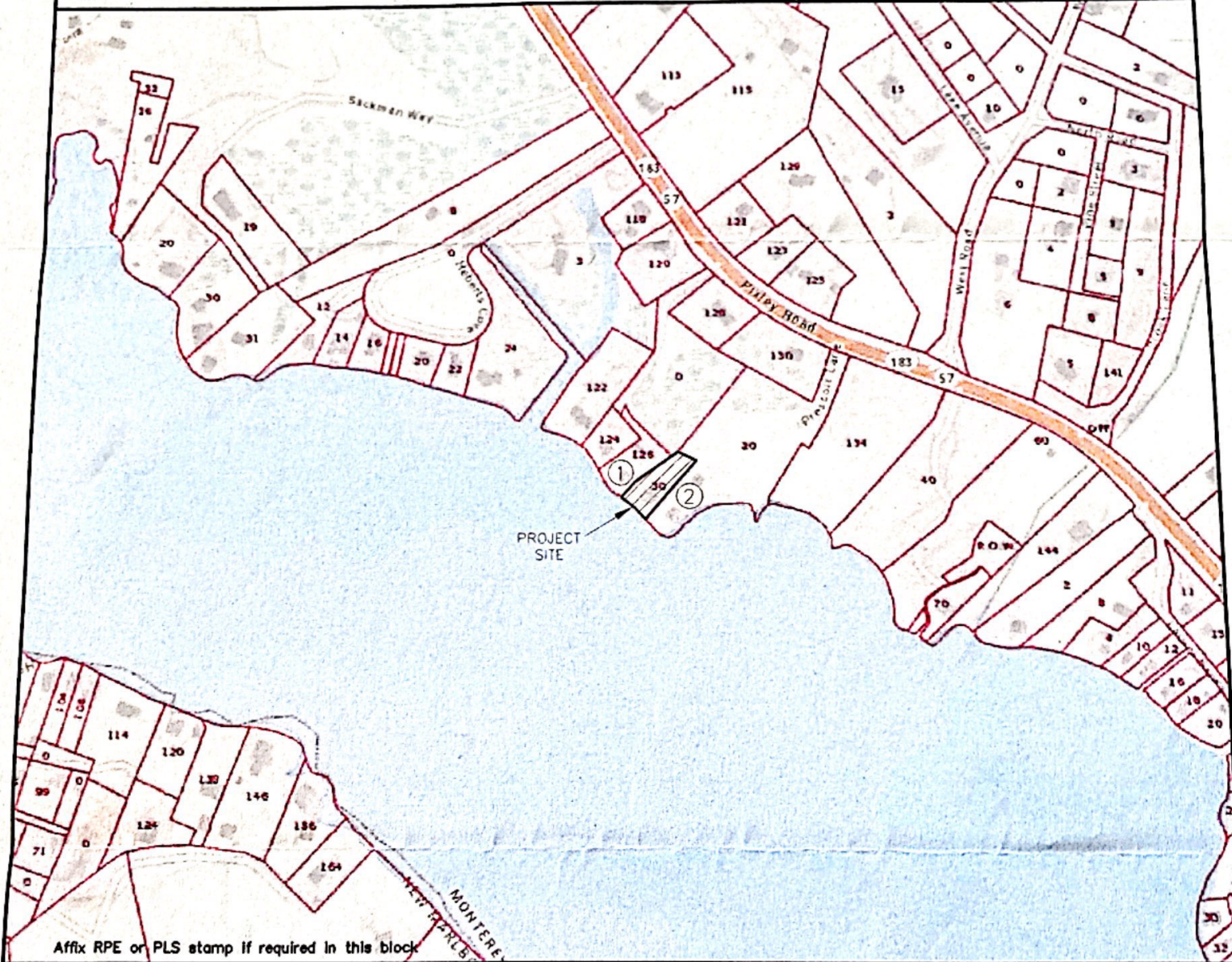
Project Site Address: 30 Prescott Lane, Lake Buel, Monterey, 01245, Berkshire County

Project Description: Seasonal dock for single family house, 256 SF in size, greater than 25 ft from side property lines.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF WATER RESOURCES - WATERWAYS PROGRAM
 WATERWAYS LICENSE PLANS - SHEET 1: PROJECT SITE LOCATION MAP



License No.
 Approved by Department of Environmental Protection
 On date:



Affix RPE or PLS stamp if required in this block

Names and Mailing Address of Applicant(s):

Name(s): Darren & Lisa Marino
 Street Address: 89 Baylor Avenue
 City/Town: Hillsdale
 State: New Jersey

Adjacent Abutter Names:
 1. Katherine L. Stevens & Trustee
 2. Frank Z. Ashen & Nancy S. Ashen

Project Site:

Type: SMALL SCALE STRUCTURES ACCESSORY TO RESIDENTIAL USE
 Waterway Name: Lake Buel
 Street Address: 30 Prescott Lane
 City/Town: Monterey
 County: Berkshire

Commonwealth of Massachusetts

Preparer: WHITE ENGINEERING, INC
 Date of Map Preparation: January 10, 2021
 Sheet 1 OF 3



WHITE ENGINEERING INC.
 CIVIL & ENVIRONMENTAL

55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

PHONE (413) 443-8011

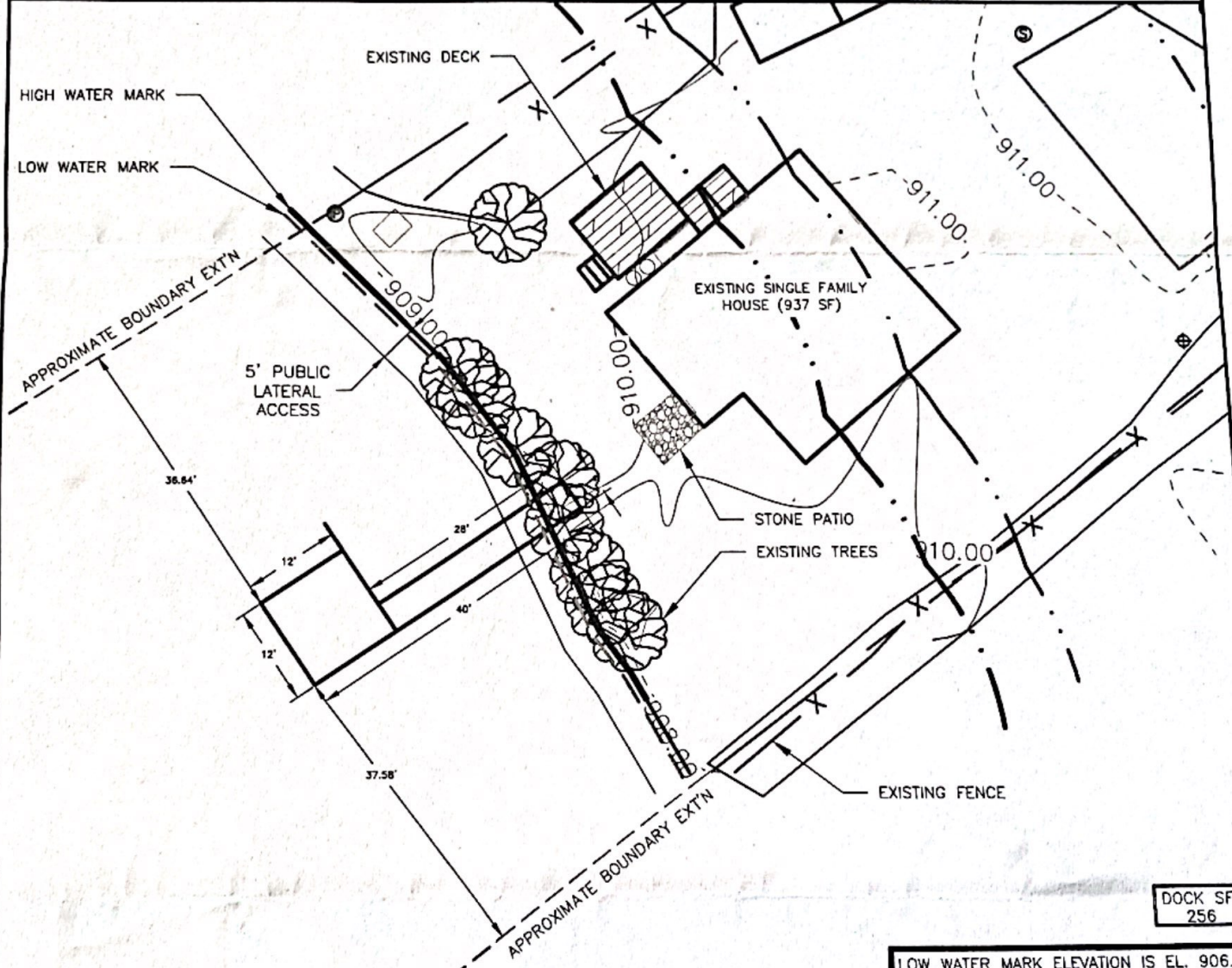
WEB: WHITEENG.COM

DSGN:	DRN:	CKD:	SCALE:	DWG NO:
SDB	RMJ	SDB	NTS	21-10-01

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF WATER RESOURCES - WATERWAYS PROGRAM
 WATERWAYS LICENSE PLANS - SHEET 2: PROPOSED DOCK PLAN VIEW



License No.
 Approved by Department of Environmental Protection
 On date:



DOCK SF:
256

LOW WATER MARK ELEVATION IS EL. 906.1'
 HIGH WATER MARK ELEVATION IS EL. 907.6'

Affix RPE or PLS stamp if required in this block

Names and Mailing Address of Applicant(s):

Name(s): Darren & Lisa Marino
 Street Address: 89 Baylor Avenue
 City/Town: Hillsdale
 State: New Jersey

Adjacent Abutter Names:

1. Katherine L. Stevens & Trustee
2. Frank Z. Ashen & Nancy S. Ashen

Project Site:

Type: SMALL SCALE STRUCTURES ACCESSORY TO RESIDENTIAL USE
 Waterway Name: Lake Buel
 Street Address: 30 Prescott Lane
 City/Town: Monterey
 County: Berkshire

Commonwealth of Massachusetts

Preparer: WHITE ENGINEERING, INC
 Date of Map Preparation: January 10, 2021
 Sheet 2 OF 3



WHITE ENGINEERING INC.
 CIVIL & ENVIRONMENTAL

55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT
 WEB: WHITEENG.COM

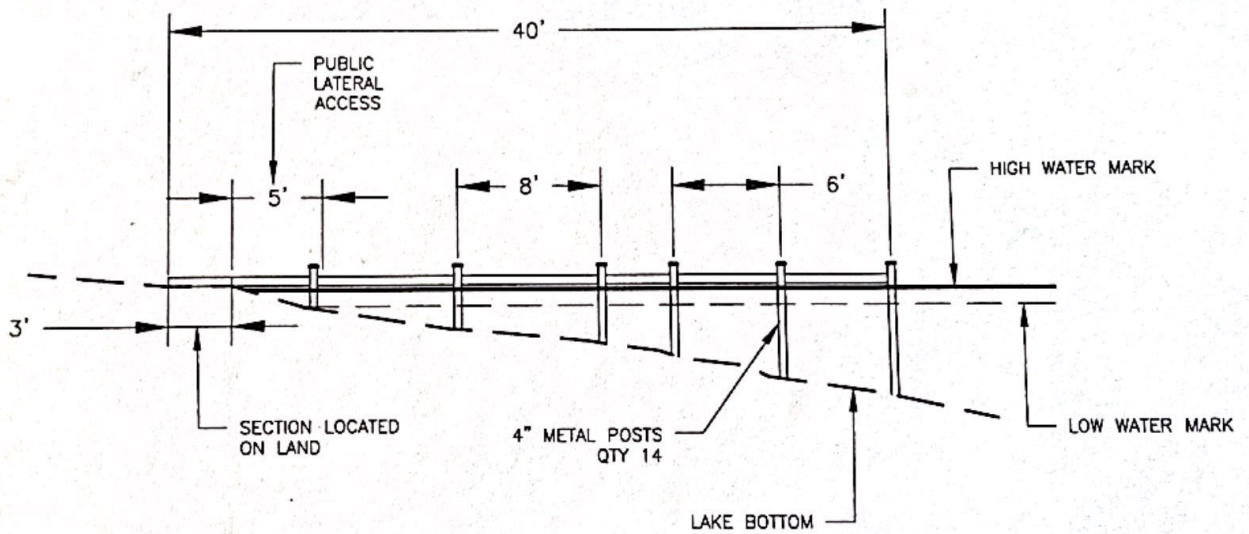
PHONE (413) 443-8011

DSGN:	DRN:	CKD:	SCALE:	DWG NO:
SDB	RMJ	SDB	1"=20'	21-10-0

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION
 BUREAU OF WATER RESOURCES - WATERWAYS PROGRAM
 WATERWAYS LICENSE PLANS - SHEET 3: PROPOSED DOCK SECTION VIEW



License No.
 Approved by Department of Environmental Protection
 On date:



DOCK SF:
256

LOW WATER MARK ELEVATION IS EL. 906.1'
 HIGH WATER MARK ELEVATION IS EL. 907.6'

Affix RPE or PLS stamp if required in this block

Names and Mailing Address of Applicant(s):

Name(s): Darren & Lisa Marino
 Street Address: 89 Baylor Avenue
 City/Town: Hillsdale
 State: New Jersey

Adjacent Abutter Names:

1. Katherine L. Stevens & Trustee
2. Frank Z. Ashen & Nancy S. Ashen

Project Site:

Type: SMALL SCALE STRUCTURES ACCESSORY TO RESIDENTIAL USE
 Waterway Name: Lake Buel
 Street Address: 30 Prescott Lane
 City/Town: Monterey
 County: Berkshire

Commonwealth of Massachusetts

Preparer: WHITE ENGINEERING, INC
 Date of Map Preparation: January 10, 2021
 Sheet 3 OF 3



WHITE ENGINEERING INC.
 CIVIL & ENVIRONMENTAL

55 SOUTH MERRIAM STREET, PITTSFIELD, MA 01201
 LICENSED IN CONNECTICUT, MASSACHUSETTS, NEW YORK AND VERMONT

PHONE (413) 443-8011

WEB: WHITEENG.COM

DSGN: SDB	DRN: RMJ	CKD: SDB	SCALE: 1"=10'	DWG NO: 21-10-01
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