

## Planning Board Meeting Minutes 4/14/2022

Committee / Board Name: Town of Monterey Planning Board

Date of Meeting: 4/14/2022

Time of meeting: 7:00pm

Location of Meeting: Monterey Community Center and via Microsoft Teams

Phone: 413-822-0945

Board members in attendance: Tom Sawyer, Laura Mensi, Lauren Behrman, Roger Tryon, Chip Allen

Also in attendance: Peter Markett

Agenda items discussed:

1. **Renewable Energy Working Group** – Peter Markett of the REWG attended to discuss town-scale renewable energy. Monterey has begun process but is not designated as a Massachusetts Green Community. Planning Board will address in Master Plan.
2. **Planning Board funds** – Funds appropriated to the Planning Board are not being disbursed for other use by the town.
3. **Master Plan contract** – Contract from Berkshire Regional Planning Commission received and reviewed. Will be sent to Town Administrator.
4. **Mail received** – Notice from ZBA, request for 10 Northwest Cove approved; Public Notices received (Tyrringham – flood plain by-law, Great Barrington – airport).
5. **No other board member business.**

Adjourn 8:25pm





# Town of Tyringham

116 Main Rd • PO Box 442 • Tyringham, MA 01264

Phone: (413) 243-1749 Fax: (413) 243-4942 E-Mail: townhall@bcn.net

## LEGAL NOTICE

### **Town of Tyringham Planning Board Notice of Public Hearing**

Pursuant to the provisions of MGL 40A §5 the Planning Board will hold a public hearing on the proposed new by-laws at the Tyringham Town Hall, 116 Main Road, Tyringham, MA. April 6, 2022 at 7:00 pm for the Floodplain Bylaw. The purpose of the hearing is to accept public comments on the proposed bylaw. Any person interested in or wishing to be heard on the proposed by-laws should attend the hearing in person or via Zoom.

<https://us02web.zoom.us/j/84150117227?pwd=WmNsQ2h2QUtna3RpRC9DV01zR1pZZz09>

Meeting ID: 841 5011 7227 Passcode: 01264. A full complete copy of the proposed bylaws, definitions and regulations are on the Town of Tyringham website on-line at [www.tyringham-ma.gov](http://www.tyringham-ma.gov).

Tyringham Planning Board Clerk, Ellen Gonnello



**TOWN OF GREAT BARRINGTON**

**PUBLIC HEARING**

**NOTICE TO ABUTTERS**

The Great Barrington Zoning Board of Appeals will hold a public hearing on Tuesday, April 5, 2022 at 7:30 pm, via Zoom remote video/teleconference, to act on an Appeal filed by Holly Hamer, 99 Seekonk Cross Road, Great Barrington, and Mark Fasteau and Anne Fredericks, 77 Seekonk Cross Road, Great Barrington, all c/o Thaddeus Heuer, Esq., Foley Hoag LLP, appealing the Building Inspector's February 1, 2022 decision to deny the petitioners' request for zoning enforcement relative to the scope of the current airport use at 70 Egremont Plain Road, Great Barrington. A copy of the Appeal is on file at the Town Clerk's office.

Join the meeting by using this link <https://us02web.zoom.us/j/87448569191> or going to [www.zoom.us](http://www.zoom.us), click on join a meeting, and enter the following webinar ID: 874 4856 9191. To join by Telephone (audio only), dial: +1 929 205 6099 and follow the prompts.

Interested parties may email the Planning Dept. at [crembold@townofgb.org](mailto:crembold@townofgb.org) for more information.

Ron Majdalany, Chair



**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 22-5**

Applicant's Name: Gaugarin Oliver  
Address: 6 Grist Mill Rd, Littleton, MA 01460  
Project Location: 10 Northwest Cove Rd

By the Town of Monterey Board of Appeals affecting the rights of the Owner(s) with respect to the use of premises on 10 Northwest Cove Rd, Monterey, the record title standing in the name(s) of Gaugarin Oliver whose address is stated above, by a Deed duly recorded in the Southern Berkshire Registry of Deed in Book 2726, Page 260.

\*\*\*\*\*  
The Decision of said Board is on file with the papers in Decision of Application Number 22-5 in the Office of the Town Clerk of Monterey.

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

DATE: 3/29/22

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

DATE: 3/29/22

\*\*\*\*\*  
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  
ZONING BOARD OF APPEALS**

**DETAILED RECORD**

**Application Number 22-5**

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 Gaugarin Oliver for a special permit under the Monterey Zoning Bylaws.

The Applicant desires to amend the 2021 special permit and expand the footprint to accommodate the new design.

The premises affected are located at 10 Northwest Cove Rd.

On 1/31/22 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 2/10 and 2/17/22. 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 3 March 10 and 15 of 2022 at 3pm Hearings were 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. Plans to accompany permit application dated 1/11/22 by SK Design Group

Appeals Board members or alternates sitting for this hearing were Jonathan Levin, Gary Shaw, Susan Cooper, Scott Jensen 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.
2. The property is a non-conforming lot due to lack of sufficient frontage and size.
3. The property is a large lot in relation to most lots in the Lake Shore District, and therefore the size of the structure is in keeping with the size of the property.



4. The Board determined that the proposed structure substantially meets the provisions of Section 5.1.4 of the By-Law (with the condition imposed by this Decision), with the exception of #3 (increase in square footage of total habitable square footage) but overall, the proposed structure will not be substantially more detrimental to the neighborhood.
5. 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. Before a Building Permit can issue, the applicant must have obtained an Order of Conditions issued by the Monterey Conservation Commission.
2. The applicant must receive or provide evidence of approval for a well from the Monterey Board of Health before issuance of a building permit.
3. Should a re-location of the footprint approved in this Application be made of the structure in any way, Applicant shall be required to re-submit a new Special Permit application for approval; and
4. Prior to a Certificate of Occupancy being issued, Applicant shall install a vegetation screen of no less than four feet in height at the lake side edge of the ground floor patio/lawn area, running the full width of the finished lower level. Applicant shall maintain and replace said vegetation screen perpetually.

<u>Member</u>	<u>Vote</u>
Jonathan Levin	Grant
Gary Shaw	Grant
Susan Cooper	Grant
Scott Jenssen	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 3/29/22.

Signed this 29<sup>th</sup> day of March, 2022.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



BOARD OF APPEALS  
Town of Monterey

Berkshire, ss.  
Commonwealth of Massachusetts

On this 29<sup>th</sup> day of March, 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.

