

Planning Board Meeting Minutes 4/28/2022

Committee / Board Name: Town of Monterey Planning Board

Date of Meeting: 4/28/2022

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, Roger Tryon, Chip Allen

Also in attendance: Justin Makuc

Agenda items discussed:

1. **Master Plan** – BRPC contract has been submitted to Select Board for review.
2. **23 Laurel Banks Road** – Dock application reviewed, recommend approval.
3. **7 Buckingham Lane** – Application for demolition and new construction.
Non-conforming property due to lot size and frontage. Tom will draft letter to ZBA.
4. **Board member items** – Hume lawsuit vs. Planning Board is ongoing. Letter from town attorney received, will review at next Planning Board meeting.
5. **Mail received** – Public Notices received from Great Barrington and New Marlborough.

Adjourn 7:50pm



Commonwealth of Massachusetts
Town of New Marlborough

Notice of Decision of Special Permit

(To be mailed forthwith to the petitioner, abutters, and owner(s) of land within three hundred (300) feet of the property line, the Planning Board, the Inspector of Buildings, the Planning Boards of every abutting municipality 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, MGL, as amended.)

Applicant: Donald R Torrico

Date: April 25, 2022

Case Number: 22-01

Premises affected: 234 New Marlborough South Sandisfield Road, New Marlborough, MA

Permission was granted by the New Marlborough Board of Selectmen, as the appointing authority, to permit:

The creation of a one bedroom 620 square foot accessory dwelling unit in a detached building (new construction) after a Public Hearing held on April 12, 2022.

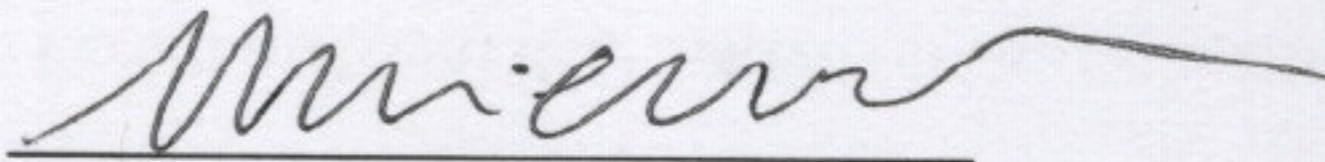
VOTED TO GRANT a Special Permit under Article 3.4.1.14 of the Protective Bylaws with no conditions.

VOTED TO DENY the application for Special Permit.

The decision of the Board together with detailed record of its proceedings stating the reasons for the decisions shall be filed within 14 days after the hearing in the office of the Town Clerk.

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

For the Board of Selectmen:


Mari Enoch, Hearings Clerk

**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

ZONING BOARD OF APPEALS

NOTICE OF DECISION

(To be mailed forthwith to the petitioner, abutters and owners of land within 300 feet of the property line, the Inspector of Buildings, the planning boards of the town and of every abutting municipality, and to every person present at the hearing who requested the notice be sent to him and who stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant:

Holly Hamer
99 Seekonk Cross Road
Great Barrington, MA 01230
and
Mark Fasteau and Anne Fredericks
77 Seekonk Cross Road
Great Barrington, MA 01230

Date: 4 / 19 / 22

Case No.: 928-22

All c/o Thaddeus Heuer, Esq.
Foley Hoag LLP
155 Seaport Blvd.
Boston, MA 02210

Premises Affected: 70 Egremont Plain Road
Great Barrington, MA 01230

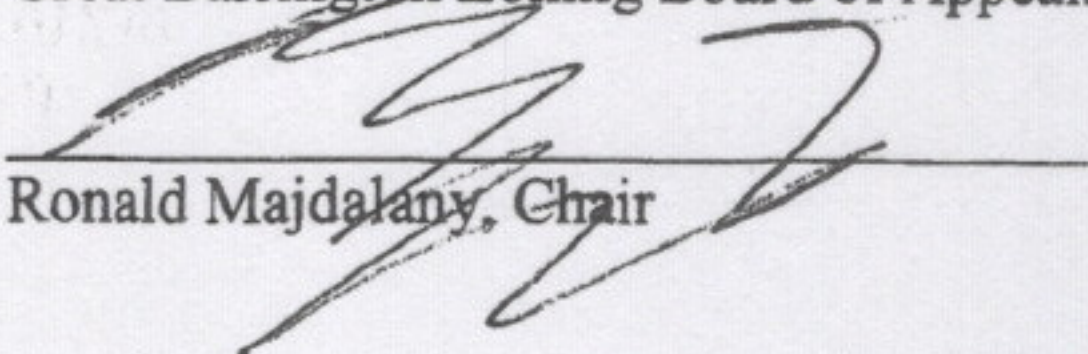
Decision referring to the above application / case number:

Regarding the Applicant's Appeal of the Building Inspector's decision dated February 1, 2022.

After a public hearing opened on April 5, 2022 the Great Barrington Zoning Board of Appeals, at its meeting on April 5, 2022, **VOTED TO UPHOLD** the Building Inspector's decision.

IMPORTANT: ANY APPEAL FROM THE DECISION OF THE BOARD CAN BE MADE ONLY TO THE COURT AND MUST BE PURSUANT TO SECTION 17, CHAPTER 40A (M.G.L.) AS AMENDED, AND MUST BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THE DECISION WITH THE TOWN CLERK.

Great Barrington Zoning Board of Appeals


Ronald Majdalany, Chair

**TOWN OF GREAT BARRINGTON
MASSACHUSETTS**

NOTICE OF DECISION ON SPECIAL PERMIT

(To be mailed forthwith to the petitioner, abutters and owners of land within 300 feet of the property line, the Inspector of Buildings, the planning boards of the town and of every abutting municipality, and to every person present at the hearing who requested the notice be sent to him and who stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A as amended.)

Applicant: Shay Alster
IS REAL TEAM, LLC
21 South End Avenue, #340
New York, NY 10280

Date: 4 / 13 / 22
Case No.: 925-22

Premises Affected: 183 Division Street
Great Barrington, MA

Referring to the above special permit application case number, to permit:

A rear lot in the R-2 zone at 183 Division Street, in accordance with Sections 4.3 and 10.4 of the Zoning Bylaw.

After a public hearing opened on March 10, 2022, and continued to March 31, 2022 the Great Barrington Planning Board, at its meeting on March 31, 2022, **VOTED TO GRANT** the special permit in accordance Sections 4.3 and 10.4 of the Zoning Bylaw, with no conditions.

IMPORTANT: ANY APPEAL FROM THE DECISION OF THE BOARD CAN BE MADE ONLY TO THE COURT AND MUST BE PURSUANT TO SECTION 17, CHAPTER 40A (M.G.L.) AS AMENDED, AND MUST BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION WITH THE TOWN CLERK.

Great Barrington Planning Board


Brandee Nelson, Chair

PUBLIC NOTICE

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of Simplified License Application pursuant to M.G.L. Chapter 91
Application # 22-WW-PRE-0038-APP**

NOTIFICATION DATE: March 31, 2022

PERMITTEE: Richard Perello and Heather Stiteler

PROJECT SITE ADDRESS: 23 Laurel Banks Rd., Monterey, MA 01245

Public notice is hereby given of the application for a Chapter 91 Simplified License by Richard Perello and Heather Stiteler to construct/maintain a removeable seasonal dock in the waters of Lake Buel at 23 Laurel Banks Rd., Monterey, Berkshire County, MA 01245.

The Department will consider all written comments on this Waterways application received by within 30 days of the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c). The group of citizens must include at least five citizens who are residents of the municipality in which the proposed project is located.

Project plans for this Waterways application are on file for public viewing electronically, by request to dep.waterways@mass.gov. If you do not have access to email, please leave a voicemail at (617) 292-5929 and you will be contacted with information on alternative options.

It is recommended that public comments be filed electronically with dep.waterways@mass.gov when possible. Alternatively, comments may be mailed to the Waterways Regulation Program at: 1 Winter Street, 5th Floor, Boston, MA 02108.

Richard Perello and Heather Stiteler

23 Laurel Banks Rd P.O. Box 429
Monterey, MA 01245
917-544-0364

March 25, 2022

Monterey Planning Board
Town of Monterey MA
435 Main Rd P.O. Box 308
Monterey, MA 01245

RE: Seasonal Dock proposal for 23 Laurel Banks Rd.

Attachments: 8 pages

To Whom it May Concern:

We are new homeowners on Lake Buel in Monterey at 23 Laurel Banks Rd. The previous owner had a dock on the Lake but as we understand, it was not permitted. We would like to install a seasonal and removeable dock for our boat and get it properly permitted.

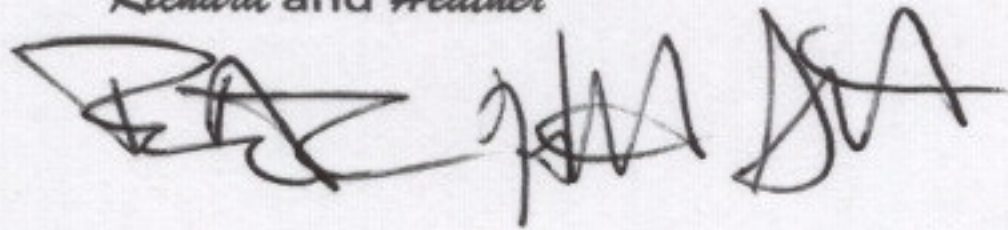
Enclosed here (and all documents have also been previously sent electronically through your website) and have been sent to the Monterey Conservation Commission and Monterey Select Board:

- Monterey Conservation Commission Project Review Form
- Draft Plans as per the DEP form WW06 Simplified License Application Chapter 91
- Parcel map for our property
- Public Notice for submitting DEP Simplified License Application Chapter 91

Thank you in advance for your review. Please let us know if you need any additional information.

Best regards,

Richard and Heather



Town of Monterey Conservation Commission Project Review Form

The project applicant shall submit to the Conservation Commission sufficient documentation to decide which of the following actions below shall be required of the applicant. **No project will be reviewed without an accurate site plan.** For preliminary review, present this information to the Conservation Commission Agent, at the Monterey Town Hall.

Date: 3/25/2022

A. General Information

1. Applicant:

Name Richard Perello and Heather Stiteler

Mailing Address 23 Laurel Banks Rd.

City/Town Monterey

State MA Zip 01245

Phone 917-544-0364

Fax _____

e-mail richp@cataland.com

2. Property Owner (if not applicant):

Name _____

Mailing Address _____

City/Town _____

State _____ Zip _____

Phone _____

Fax _____

e-mail _____

3. Project Location (site address): 23 Laurel Banks Rd, Monterey MA 01245

Map # GIS 113 Lot # 033

4. Project Description (Must include a copy of plans with application): removeable seasonal dock for boat on Lake Buel

Determination by the Conservation Commission:

The Project was submitted with insufficient information. Please resubmit with the following:

_____ The project, as submitted, is outside the WPA jurisdictional area of the Monterey Conservation Commission and no further filing is necessary.

_____ The project applicant shall file a Request for Determination of Applicability (RDA - MA WPA Form 1) with the Monterey Conservation Commission. After a scheduled meeting and after the applicant

has obtained a Determination of Applicability (DA - MA WPA Form 2), applicant must submit this form to the Building Commissioner as a record of project review.

_____ The project applicant shall file an Abbreviated Notice of Intent (ANOI - MA WPA Form 4) or Notice of Intent (NOI - MA WPA Form 3) with the Monterey Conservation Commission. After a scheduled Hearing, and applicant has obtained an Order of Conditions (OOC - WPA Form 5) applicant must submit this form to the Building Commissioner as a record of review of the project.

_____ This project is within the Wetlands Protection Act but requires no further filing.

_____ The project applicant shall file a RDA (SMA Form A) under the Scenic Mountain Act with the Monterey Conservation Commission. After a scheduled Meeting, the Commission will issue a Determination that must be submitted to the Building Commissioner as a record of review of the project.

_____ The project applicant shall file a NOI (SMA Form C) under the Scenic Mountain Act with the Monterey Conservation Commission. After a scheduled Meeting, the Commission will issue a Determination that must be submitted to the Building Commissioner as a record of review of the project.

_____ This project is within the Scenic Mountain Act but requires no further filing.

_____ This project is not within the jurisdiction of the Scenic Mountain Act and requires no filing.

Additional Comments from the Commission Member:

Project Reviewed by: _____

Signature of Commission Member

Project Review Date: _____

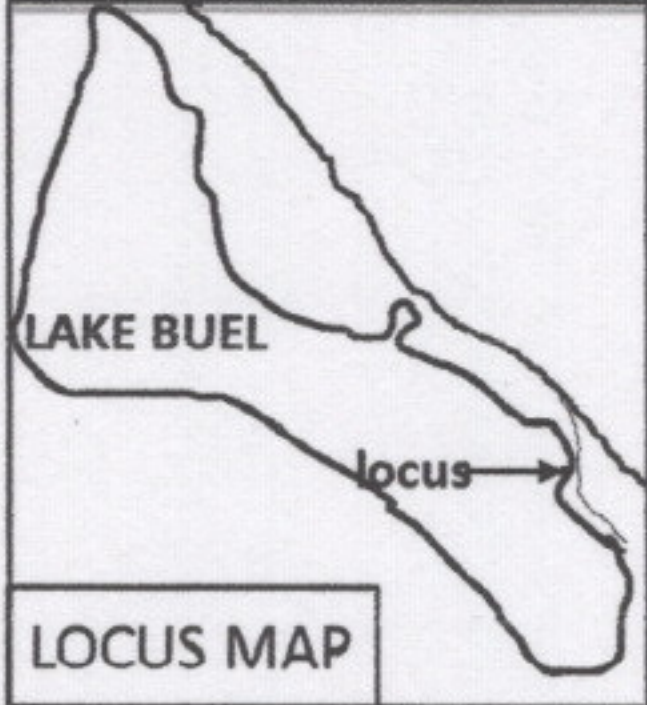
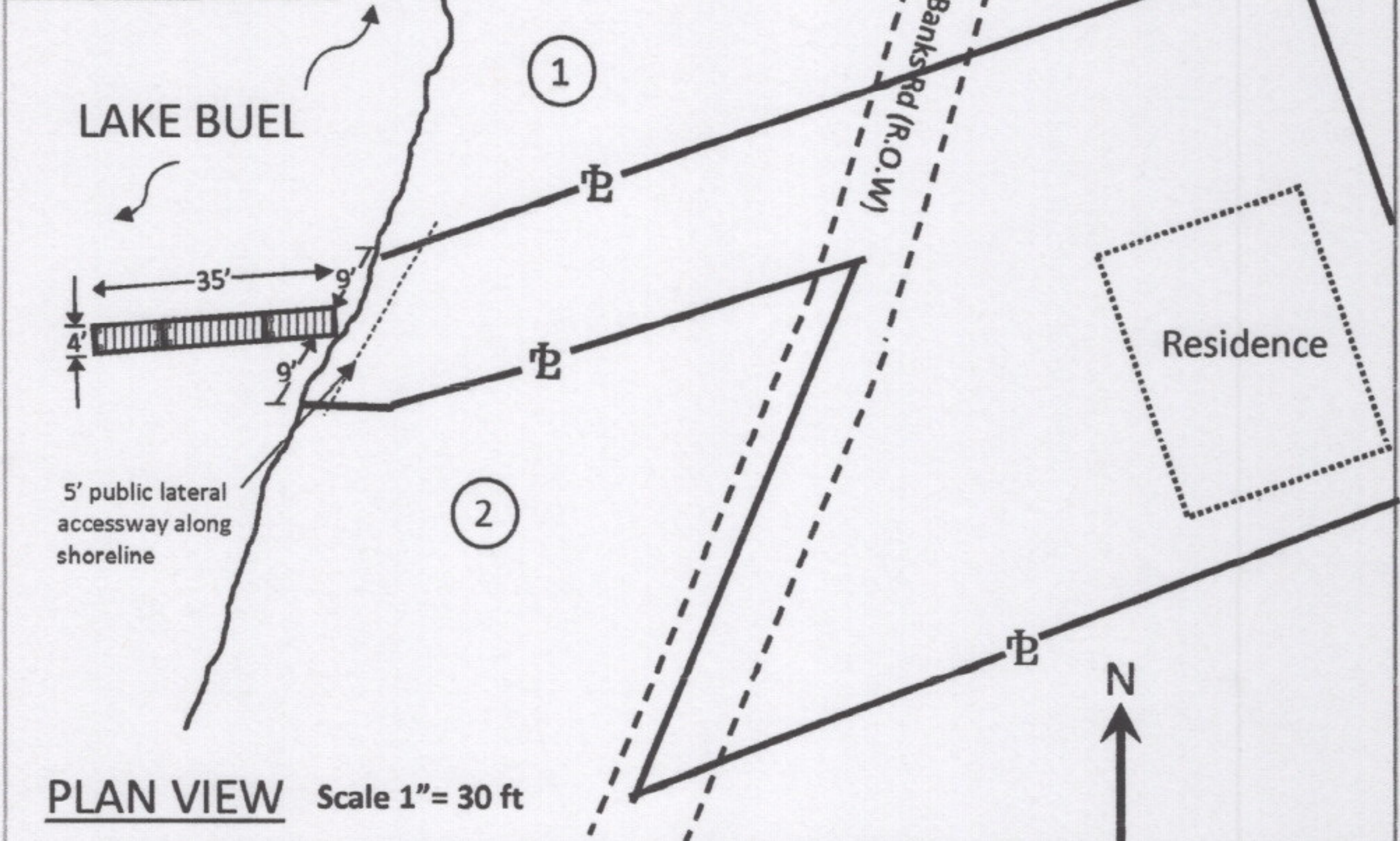
By copy of this document to the Applicant/Owner, he/she will be aware of the proper form necessary for filing with the Conservation Commission.

cc: Building Commissioner, Director of Operations and Applicant/Owner via the Online Permitting Software



BRP WW 06 Simplified License Application

Instructions and Supporting Materials

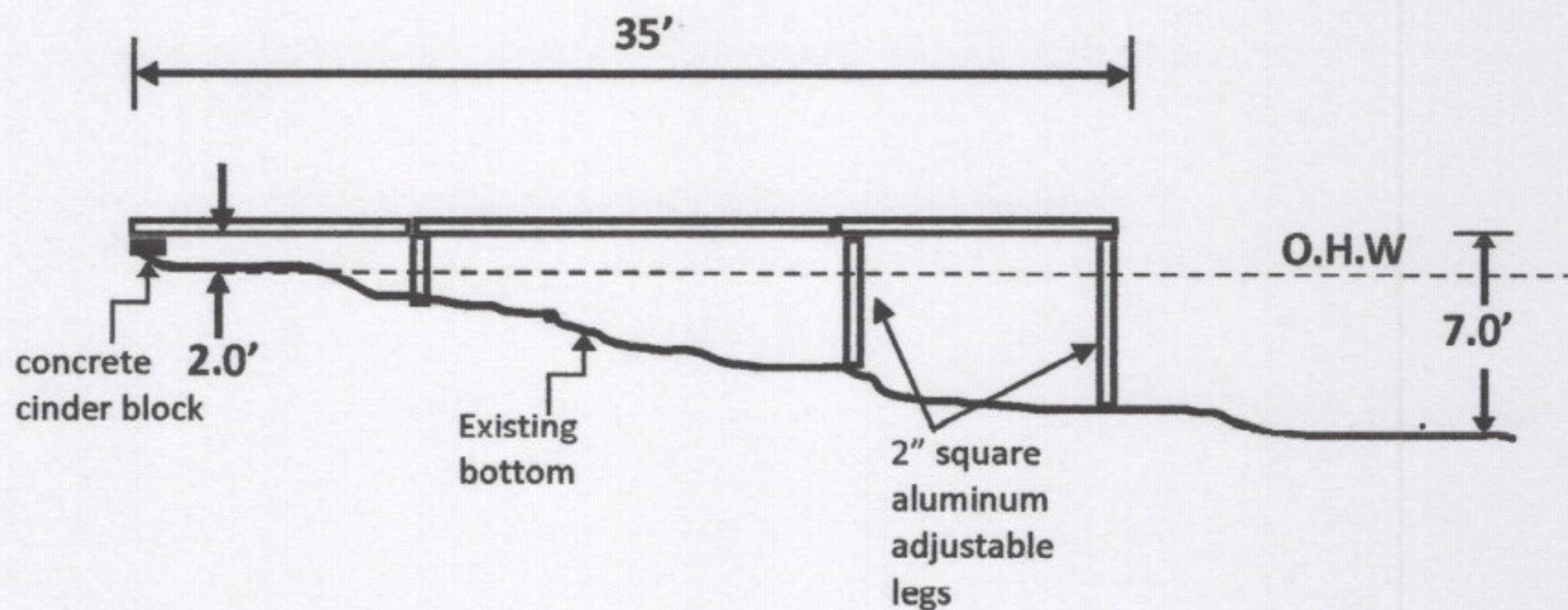
 <p>LAKE BUEL</p> <p>LOCUS MAP</p>	<p>License No.</p> <p>Approved by Department of Environmental Protection</p> <p>Date:</p>	
 <p>LAKE BUEL</p> <p>Hillside/Laurel Banks Rd (R.O.W.)</p> <p>Residence</p> <p>5' public lateral accessway along shoreline</p> <p>PLAN VIEW Scale 1" = 30 ft</p>		
<p>Purpose: Simplified Licensing</p> <p>Abutting Property Owners:</p> <p>1. <u>Amy Saltzman</u></p> <p>2. <u>Jeff Rudnicki and Emily Dowling</u></p>	<p>Plan accompanying petition of:</p> <p><u>Richard Perello and Heather Stiteler</u></p> <p><u>23 Laurel Banks Rd</u></p> <p><u>Monterey, MA 01245</u></p>	<p>Project Description:</p> <p><u>Proposed Dock (seasonably removeable)</u></p> <p>In <u>Lake Buel</u></p> <p>At: <u>Monterey</u></p> <p>County of: <u>Berkshire</u></p> <p>State: <u>MA</u></p> <p>By applicant <u>R. Perello and H. Stiteler</u></p> <p>date: <u>3/22/2022</u> sheet: <u>1</u> of <u>2</u></p>



BRP WW 06 Simplified License Application
Instructions and Supporting Materials

License No.

Approved by Department of Environmental Protection
Date:



PROFILE VIEW Scale 1" = 10 ft

Purpose: Simplified Licensing

Abutting Property Owners:

1. Amy Saltzman

2. Jeff Rudnicki and
Emily Dowling

Plan accompanying petition of:

Richard Perello and
Heather Stiteler

23 Laurel Banks Rd

Monterey, MA 01245

Project Description:

Proposed Dock (seasonably removeable)

In Lake Buel

At: Monterey

County of:

Berkshire

State:

MA

By applicant R. Perello and H. Stiteler

date: 3/22/2022 sheet: 2 of 2



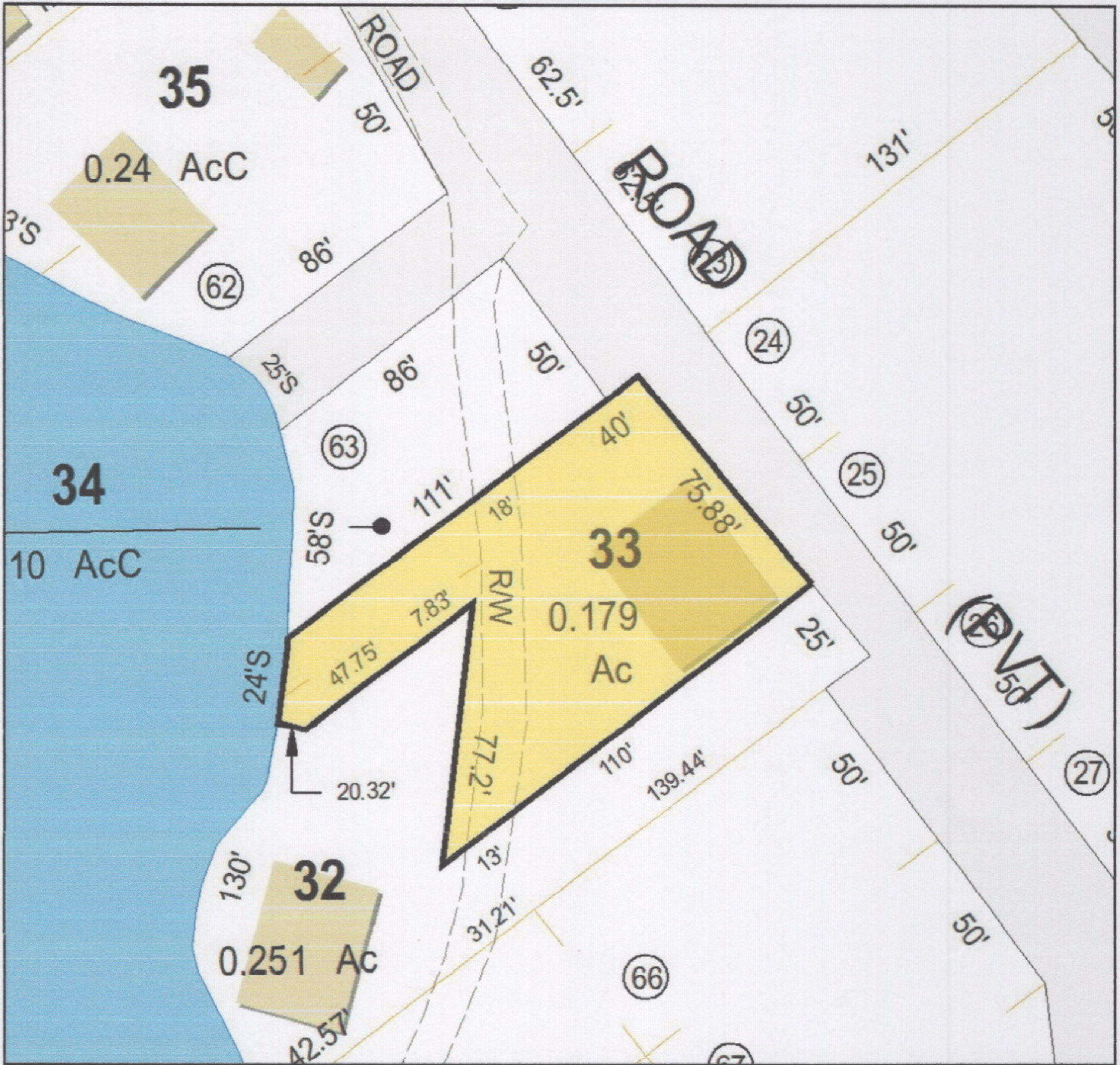
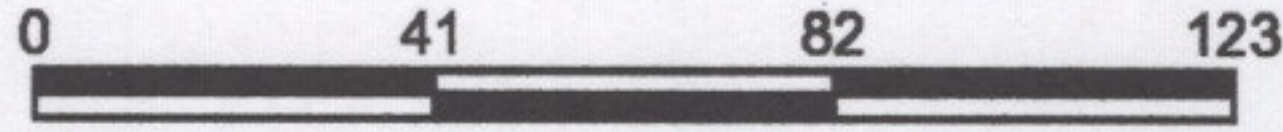
Monterey, MA



March 26, 2022

1 inch = 41 Feet

www.cai-tech.com



	CAI Town Line		Public Road		Shadow
	Property Line		Property TIC		Right of Ways
	PWater		Private Road ROW		WaterPolys
	Private Road		Building		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Waterways Pre-Application for WW06 and WW24

Application Submitter Information

Name: RICHARD PERELLO
Phone: (917) 544-0364, (917) 544-0364
Address: 23 LAUREL BANKS RD
MONTEREY, MA 01245

General Information

Is the structure either for non-commercial use accessory to a residential property or a non-commercial community docking structure?	Yes
Is the combined area of all structures/fill that are part of the project to be authorized less than 600 square feet?	Yes
Will the structures extend a maximum of 1/4 of the width of the waterbody?	Yes

Structure Information

How many structures and/or fill areas at the project site will be included in this Chapter 91 application?	1
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Ww24 Information-1

Is the structure for water-dependent use?	Yes
Is the structure limited to pile-supported structure and associated ramps and floats?	Yes
Does the fixed pile-supported structure measure a maximum width of 4 feet?	Yes
Is there safe berthing depth?	Yes

Ww24 Information-2

Does the project involves dredging or filling?	No
Is the project site in a DPA?	No
Is the project site in an ACEC?	No
Does the project include any roof structure or any superstructures?	No
Is the project a community docking structure?	No

Ww24 Information-3

Is the project site in a non-tidal waterway?	Yes
Is the structure limited to 300 Sq. ft?	Yes
Is this for seasonal use (removed annually)?	Yes
Is the structure set back at least 15 feet from both abutting property lines?	No

Ww06 Information

Will the float(s) maintain 24 inches of clearance off the bottom at extreme low tide? (If the waterway is non-tidal select "yes" and if there are no proposed floats select "yes")	Yes
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Pre-1984

Post-1984

Yes

Pre and Post 1984

Post-1984 Information-1

Does the structure serve 10 or more vessels?	No
Does the project involve fill?	No
Is the project water dependent?	Yes
Is the project site in an ACEC?	No

Application Status

Application Status Message

You are eligible for WW06. Please continue to submit the application, you will receive an email from the system of your next steps.