

Planning Board Meeting Minutes 5/12/2022

Committee / Board Name: Town of Monterey Planning Board

Date of Meeting: 5/12/2022

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, Lauren Behrman, Margy Abbott, Noel Wicke Chip Allen

Also in attendance: Justin Makuc, Dennis Lynch

Agenda items discussed:

1. **New Planning Board members** – The Planning Board welcomed newly elected Margy Abbott and Noel Wicke to the board.
2. **Master Plan** – Overview of Master Plan status and process for new board members.
3. **Hume lawsuit** – Discussion of recent ruling from Land Court.
4. **Municipal Vulnerability Preparedness (MVP) program** – Dennis Lynch joined meeting to discuss climate change focus in Master Plan. Monterey achieved MVP community status in 2018 and received state grant related to Main Road culvert.
5. **19 Laurel Banks** – Special permit request for non-conforming property. Recommend approval.
6. **7 Buckingham Lane** – Special permit request. Recommend approval to ZBA.
7. **Mail received** – Great Barrington special permit re: cannabis dispensary.
8. **Minutes approved** – Approved minutes from 4/14/22 and 4/28/22 meetings.

Adjourn 8:30pm

BOARD OF APPEALS
TOWN OF MONTEREY

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

FROM: Board of Appeals

DATE: 5/3/22

SUBJ: Special Permit application for 19 Laurel Bank

Attached is the Hearing Notice and packet for Saltzman of 19 Laurel Bank.
Please provide the Board of Appeals with any information or opinion you have on
this case **prior to the hearing date of, June 22, 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 Wednesday, June 22, 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 Amy Saltzman to add an addition to an existing home. This project is located at 19 Laurel Bank in Monterey. The property is recorded in the Southern Berkshire Registry of Deeds, Book 2263, Page 96. Record Title is in the name of Amy Saltzman.

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.

Applicant shall also be required to submit the application and attached documents (and any subsequent submission) electronically to the Administrative Assistant at admin@montereyma.gov

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

- Special Permit
- Variance
- Appeal (to modify a decision of a Town Board)

Section B. Site/Property Information:

Address of property (ex. 123 Main Rd.): 19 Laurel Bank

Assessor's Map #: 113 Assessor's Lot #: 34

Zoning District(s): LSD

Registry of Deeds Book & Page Number for Applicant's Title: 2263, 96

Section C. Property Ownership Information:

Full Name of Owner(s) (this must match the name on your deed referenced in Section B): Amy Saltzman

Mailing Address: 315 West 102 St., NY, NY 10025

Owner's email address and phone number: ajs@amysaltzman.com; 917.940.2974

Full name and mailing address of owner's agent or representative: Kerry Bartini, 8 Bank Row, Pittsfield, MA 01201

Agent or representative's email address and phone number: kerry@berkshiredesigninc.com; 413.448.8099

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

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

The existing home is non-conforming due to the garage not meeting current set-backs. The proposed addition is on the opposite side of the house from the garage and will meet current set-backs. The existing screened porch will be turned in to an office. A new stair along the rear of the existing sun room will lead to a new second floor primary suite above the sun room. The new second floor primary suite will overhang the existing sun room by 5'-0" and will have posts/piers below.

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

From which section of the zoning bylaws are you requesting a variance? [Click here to enter text.](#)

What will the requested variance enable you to do? [Click here to enter text.](#)

If the variance is not granted, what hardship will you endure? [Click here to enter text.](#)

What special circumstances relating to soil condition, shape or topography of the land is prompting your request for a variance? [Click here to enter text.](#)

Explain why your special circumstances are not a result of your own actions? [Click here to enter text.](#)

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? Click here to enter text.

Date of the action: Click here to enter text.

Describe the remedy you seek: Click here to enter text.

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

Describe the need for a Special Permit: Existing garage encroaches on the current front and side setbacks, rendering the property non-conforming.

List all the nonconforming aspects of the property: Existing garage encroaches on the current front and side setbacks.

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: In June 2020, a special permit was granted to add a primary suite over the existing first floor center of the house. The work was never started. The owner has since decided to relocate the second floor primary suite to the end of the house over an existing sun room.

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: _____

Owner's Signature: _____

Date: 3.21.22



TOWN OF MONTEREY

Building Department
435 Main Rd. P.O. Box 308
Monterey, MA 01245
Phone: 413.528.1443 x118 Fax: 413.528.6335
montereybuildinginspector@verizon.net
www.monterey-ma.org

August 27, 2019

Amy Saltzman
315 West 102 Street
New York, NY 10025

RE: 19 LAUREL BANK BUILDING PERMIT REJECTION

Dear Ms. Saltzman:

The building permit application submitted to add/alter the existing single-family dwelling at 19 Laurel Bank has been determined not to be a matter of right. The parcel is identified on the Town of Monterey's Assessor's Map as parcel 113, lot 21. The parcel is located in the Lake Shore Zoning District.

The Single-Family Dwelling is classified in Section 5.1.6 as a Nonconforming Single-Family Residential Structure as it is located within the required fifteen (15') foot rear setback. The Applicant proposes to add to and alter the existing structure and increase the height of the existing structure's highest point (Section 5.1.6.1.b.).

To seek relief for this proposal you may apply for a Special Permit before the Zoning Board of Appeals. Please refer to **Zoning By-Laws of The Town of Monterey, Section 5.1.6.2. "By Special Permit – Single and Two-Family Structures"**. "In cases where a building permit is not authorized as a matter of right, the Zoning Board of Appeals may authorize by special permit any extension, alteration or reconstruction of an existing nonconforming single or two-family dwelling provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use".

Please refer to Section 9.2 which pertains to the powers and duties of the Zoning Board of Appeals and specifically, Section **9.2.2.2 Special Permits**, for your filing.

If you are aggrieved by the building permit rejection, you may appeal this determination to the Zoning Board pursuant to Section **9.2.2.1. Appeals**.

Please contact our office should you require additional information or clarification.

Sincerely,

Donald R. Torrico, C.B.O.
Building Commissioner

Cc: Zoning Board of Appeals
Delivery: Certified and First-Class Mail



300 foot Abutters List Report

Monterey, MA

April 26, 2022

Subject Property:

Parcel Number: 113-021-000
CAMA Number: 113-021-000-000-0000
Property Address: 19 LAUREL BANK

Mailing Address: SALTZMAN AMY
315 WEST 102ST #6A
NEW YORK, NY 10025

Abutters:

Parcel Number: 113-010-000
CAMA Number: 113-010-000-000-0000
Property Address: PIXLEY RD

Mailing Address: KABELA DAVID J
PO BOX 172
GREAT BARRINGTON, MA 01245

Parcel Number: 113-011-000
CAMA Number: 113-011-000-000-0000
Property Address: 155 PIXLEY RD

Mailing Address: ATWOOD RICHARD B JR ATWOOD
HEATHER
PO BOX 596
HOUSATONIC, MA 01236

Parcel Number: 113-012-000
CAMA Number: 113-012-000-000-0000
Property Address: 159 PIXLEY RD

Mailing Address: EGET FRANCINE T
PO BOX 125
MONTEREY, MA 01245

Parcel Number: 113-013-000
CAMA Number: 113-013-000-000-0000
Property Address: 163 PIXLEY RD

Mailing Address: DESMOND HARRY JOSEPH DESMOND
HOLLY MARIE
163 PIXLEY RD MONTEREY
GREAT BARRINGTON, MA 01230-8513

Parcel Number: 113-019-000
CAMA Number: 113-019-000-000-0000
Property Address: 11 LAUREL BANK

Mailing Address: TAUB KENNETH TAUB DIANE
69 BRIGHAM RD
GREENFIELD CTR, NY 12833

Parcel Number: 113-020-000
CAMA Number: 113-020-000-000-0000
Property Address: 15 LAUREL BANK

Mailing Address: KRUISE ROBIN C 2012 IRREVOCABLE
TRUST
53 ELM ST
MARBLEHEAD, MA 01945

Parcel Number: 113-022-000
CAMA Number: 113-022-000-000-0000
Property Address: LAUREL BANK LN

Mailing Address: CLOSE PETER D
1 PINE RIDGE ROAD
GREENWICH, CT 06830

Parcel Number: 113-023-000
CAMA Number: 113-023-000-000-0000
Property Address: 19 LAUREL BANK LN

Mailing Address: SCHOCH PHILIP SCHOCH GAIL B
66 GLEN RD
WOODCLIFF LAKE, NJ 07677-7905

Parcel Number: 113-026-000
CAMA Number: 113-026-000-000-0000
Property Address: LAUREL BANK

Mailing Address: AIBEL LAURI TRUSTEE BUEL NOMINEE
REALTY TRUST
C/O J LEONE 52 SOUTH ST
RED BANK, NJ 07701

Parcel Number: 113-031-000
CAMA Number: 113-031-000-000-0000
Property Address: 10 LAUREL BANK LN

Mailing Address: CLOSE PETER D
1 PINE RIDGE ROAD
GREENWICH, CT 06830



www.cai-tech.com

4/26/2022

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300 foot Abutters List Report

Monterey, MA

April 26, 2022

Parcel Number: 113-032-000
CAMA Number: 113-032-000-000-0000
Property Address: 24 LAUREL BANK

Mailing Address: RUDNICKI JEFFREY P DOWLING EMILY
C
15 LAWSON RD
WINCHESTER, MA 01890

Parcel Number: 113-033-000
CAMA Number: 113-033-000-000-0000
Property Address: 23 LAUREL BANK

Mailing Address: STITELER HEATHER LEIGH PERELLO
RICHARD ANTHONY
320 WEST 104TH ST APT 1
NEW YORK CITY, MA 10025

Parcel Number: 113-035-000
CAMA Number: 113-035-000-000-0000
Property Address: 20 LAUREL BANK

Mailing Address: AIBEL KEITH M AIBEL SHARON
13 STONY BROOK DR
SARATOGA SPRINGS, NY 12866

Parcel Number: 113-036-000
CAMA Number: 113-036-000-000-0000
Property Address: 18 LAUREL BANK

Mailing Address: BOSCOLO DONNA A TRUSTEE C/O
STEVEN CANGIALOSI
677 ENGLEMORE RD
CLIFTON PARK, NY 12065

Parcel Number: 113-037-000
CAMA Number: 113-037-000-000-0000
Property Address: 16 LAUREL BANK

Mailing Address: BERNSTEIN MICHAEL S TRUSTEE REV
TRST OF MICHAEL S BERNSTEI
111 EAST 85TH ST APT 8-D
NEW YORK, NY 10028

Parcel Number: 113-038-000
CAMA Number: 113-038-000-000-0000
Property Address: 12 LAUREL BANK

Mailing Address: ROSENBAUM BARBARA
3 CHETWYND TERRACE
LIVINGSTON, NJ 07039

Parcel Number: 113-039-000
CAMA Number: 113-039-000-000-0000
Property Address: 10 LAUREL BANK

Mailing Address: HARTT ROBERT W HARTT ROBERTA R
PO BOX 118
MILL RIVER, MA 01244

Parcel Number: 113-040-000
CAMA Number: 113-040-000-000-0000
Property Address: 4 LAUREL BANK

Mailing Address: LAKE BUEL LLC C/O JONATHAN DAKS
19819 CRYSTAL RIDGE LA
PORTER RANCH, CA 91326

Parcel Number: 113-041-000
CAMA Number: 113-041-000-000-0000
Property Address: 8 LAUREL BANK

Mailing Address: SCHOCH PHILIP SCHOCH GAIL B
66 GLEN RD
WOODCLIFF LAKE, NJ 07677-7905



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4/26/2022

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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: Meed Cannabis, LLC
831 Beacon Street #271
Newton Center, MA 02459

Date: 4 / 29 / 22
Case No.: 927-22

Premises Affected: 964 Main Street, Parcel B
Great Barrington, MA 01230

Special Permit Application

Referring to the above application case number, to permit:

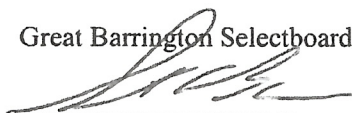
a marijuana cultivation and transportation establishment in accordance with Sections 3.1.4 C(13), 7.18 and 10.4 of the Zoning Bylaw.

After a public hearing opened on April 11, 2022 the Great Barrington Selectboard, at its meeting on April 25, 2022, **VOTED TO GRANT** the special permit in accordance with the plans submitted and the findings made by the Board and with the following conditions:

1. The applicant shall provide copies of any required state licenses to the Selectboard prior to the commencement of marijuana cultivation operations.
2. The applicant shall plant two trees, to be selected from the Town's street tree list, within the Route 7 right-of-way in Great Barrington per approval of the appropriate authority, or on private property along the Route 7 corridor of Great Barrington, with the permission of the property owner. The Applicant shall provide the Selectboard with the location of the trees, and a plan to regularly maintain the trees.
3. The applicant shall follow the employment outreach requirements as stated in the Host Community Agreement.

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 Selectboard



Stephen C. Bannon, Chair