

# 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](mailto: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.): 32 Laurel Bank**

**Assessor's Map #: 113. Assessor's Lot #: 29**

**Zoning District(s): Lake Shore District**

**Registry of Deeds Book & Page Number for Applicant's Title: Book : 01427 page: 321**

**Section C. Property Ownership Information:**

**Full Name of Owner(s) (this must match the name on your deed referenced in Section B): Jodi L. Nagle**

**Mailing Address: 100 Norman St. New Hyde Park , NY 11044**

**Owner's email address and phone number: [jlnagle@optonline.net](mailto:jlnagle@optonline.net) (516) 972-2186**

**Full name and mailing address of owner's agent or representative: Gino Furio 1213 Norfolk Rd, Southfield, MA 01259**

**Agent or representative's email address and phone number : [ginofurio98@gmail.com](mailto:ginofurio98@gmail.com) (413) 854-1940**

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

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

**To remove old collapsing deck with a depth of seven feet and replace with a new deck of ten feet in depth. Conservation commission has granted the proposed change. However, because this house is closer than 15' from the southern neighbors property it is 'Non Conforming". The direction of the proposed expansion of the deck does not come any closer to the neighbors property and the change is slight. This allows the deck to be reasonable in size vs what is currently narrow. The increase of three feet is towards the water and not the neighbors property.**

**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):**

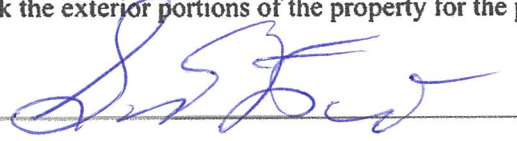
**Describe the need for a Special Permit: Replacing collapsing old deck with new. But the current deck is rather narrow at seven feet. Replacing with an increase of three feet in depth makes the deck a little practical to use.**

**List all the nonconforming aspects of the property: Currently the home is within fifteen feet of the southern neighbors property.**

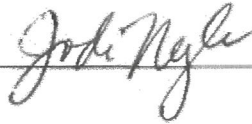
**Has a special permit or variance been previously granted to this property which is/are currently active? If yes, please describe and/or attach copies of prior decisions: NO**

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:** \_\_\_\_\_

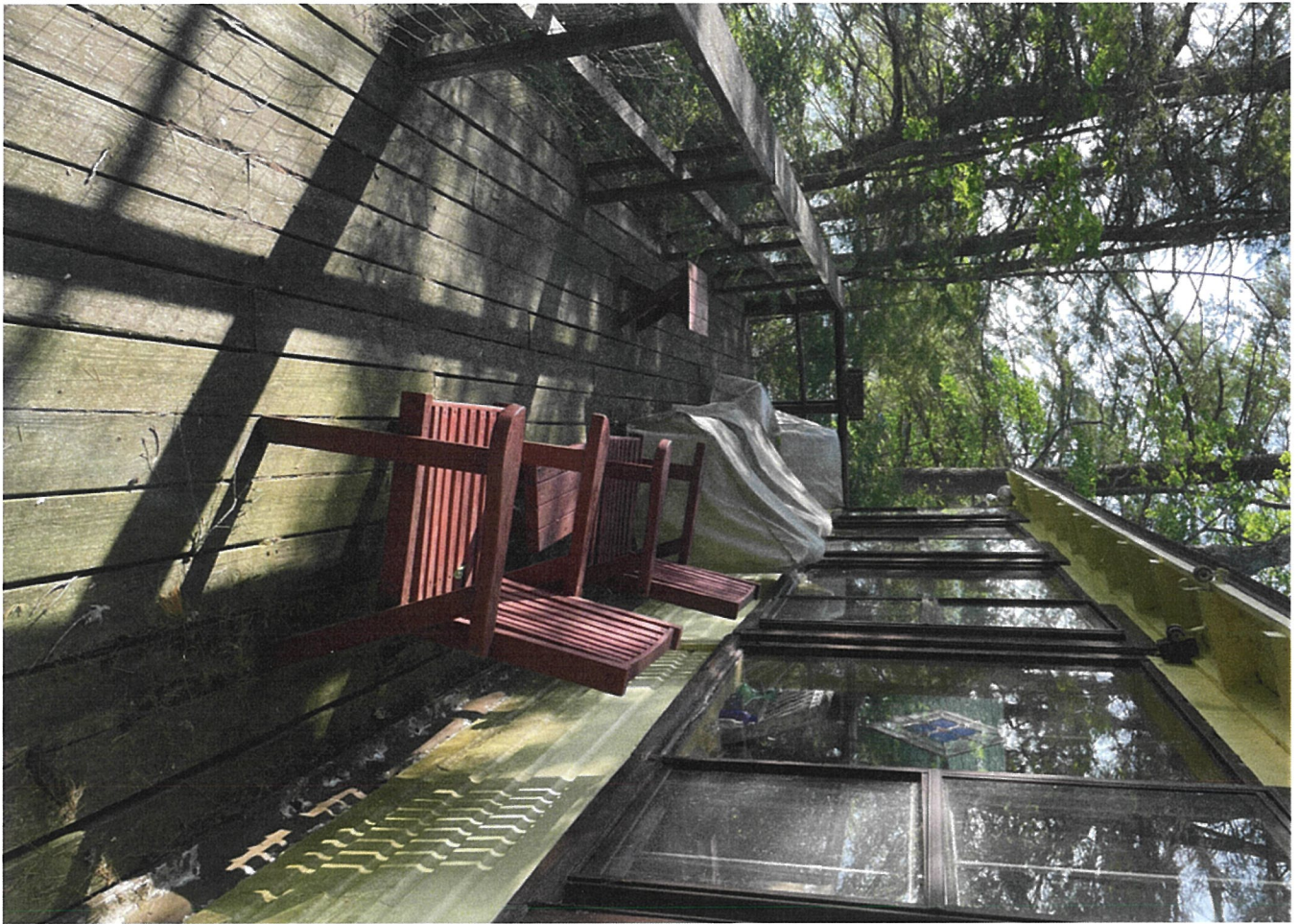


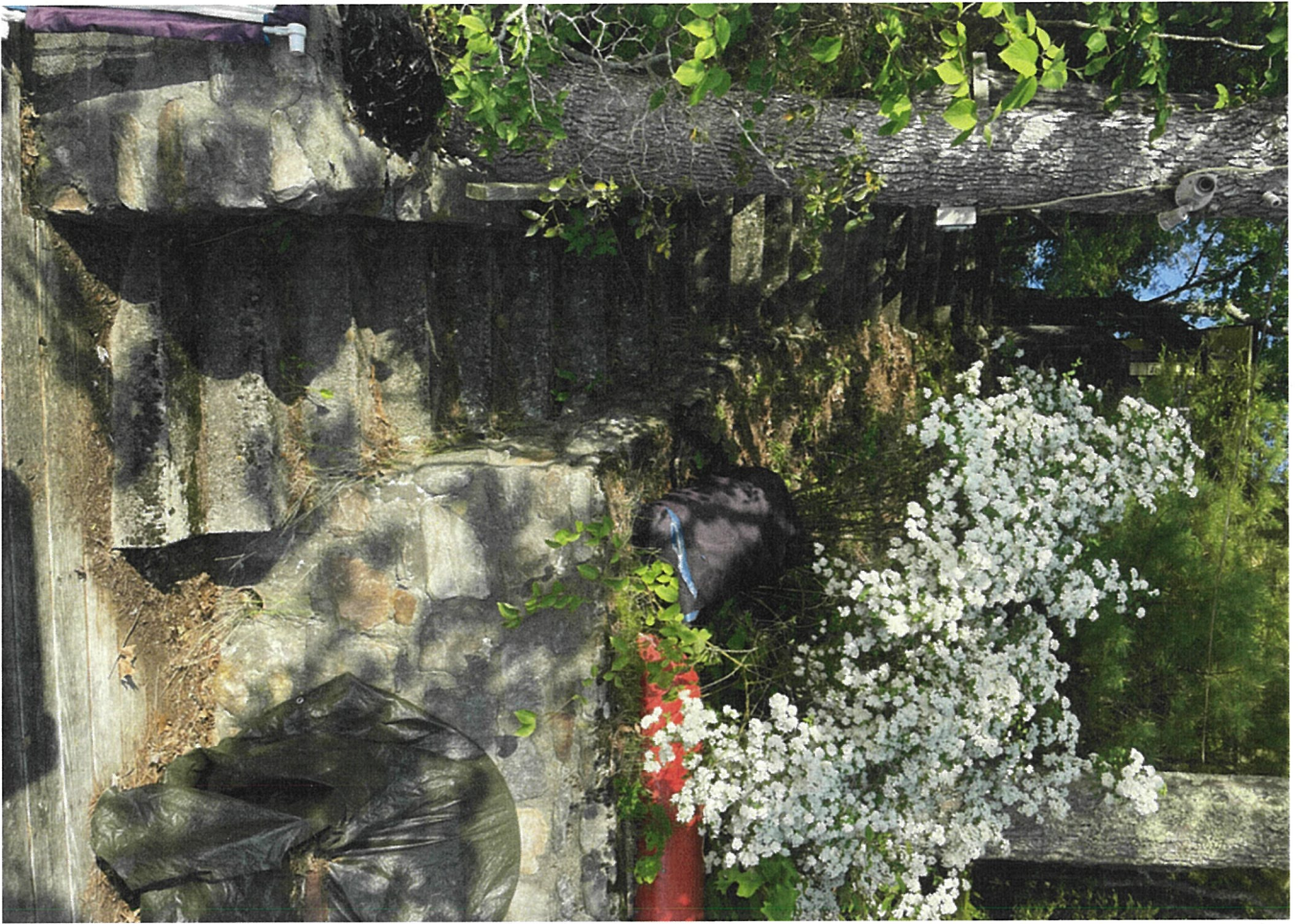
**Owner's Signature:** \_\_\_\_\_



**Date:** Click here to enter text.









## TOWN OF MONTEREY

Building Department  
435 Main Rd. P.O. Box 308  
Monterey, MA 01245

Phone: 413.528.1443 x118 Fax: 413.528.6335  
[monterevbuildinginspector@verizon.net](mailto:monterevbuildinginspector@verizon.net)  
[www.monterey-ma.org](http://www.monterey-ma.org)

August 15, 2023

Owner: Jodi L. Nagle  
Agent: Gino Furio

### RE: 32 Laurel Bank Building Permit Rejection

Dear Gino,

The building permit application submitted to enlarge the exterior deck on the Westerly side of 32 Laurel Bank has been determined not to be a matter of right. The parcel is identified on the Town of Monterey Assessor's Map as Map 113, Lot 026. The parcel is located in the Lakeshore Zoning District.

The existing Single-Family Dwelling is classified in Section 5.1.6 as a Nonconforming Single-Family Residential Structure as it is located within 15' of the Southerly boundary line. The proposal to construct an extension to the existing structure requires land use relief.

To seek relief for your 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.

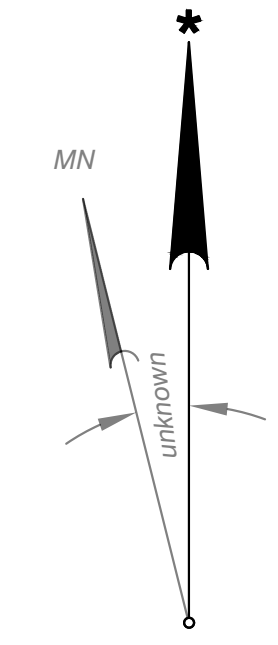
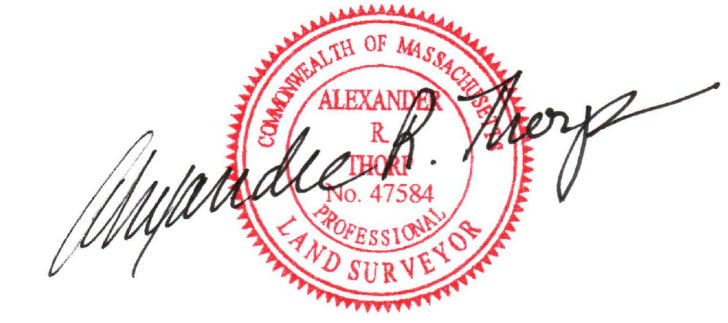
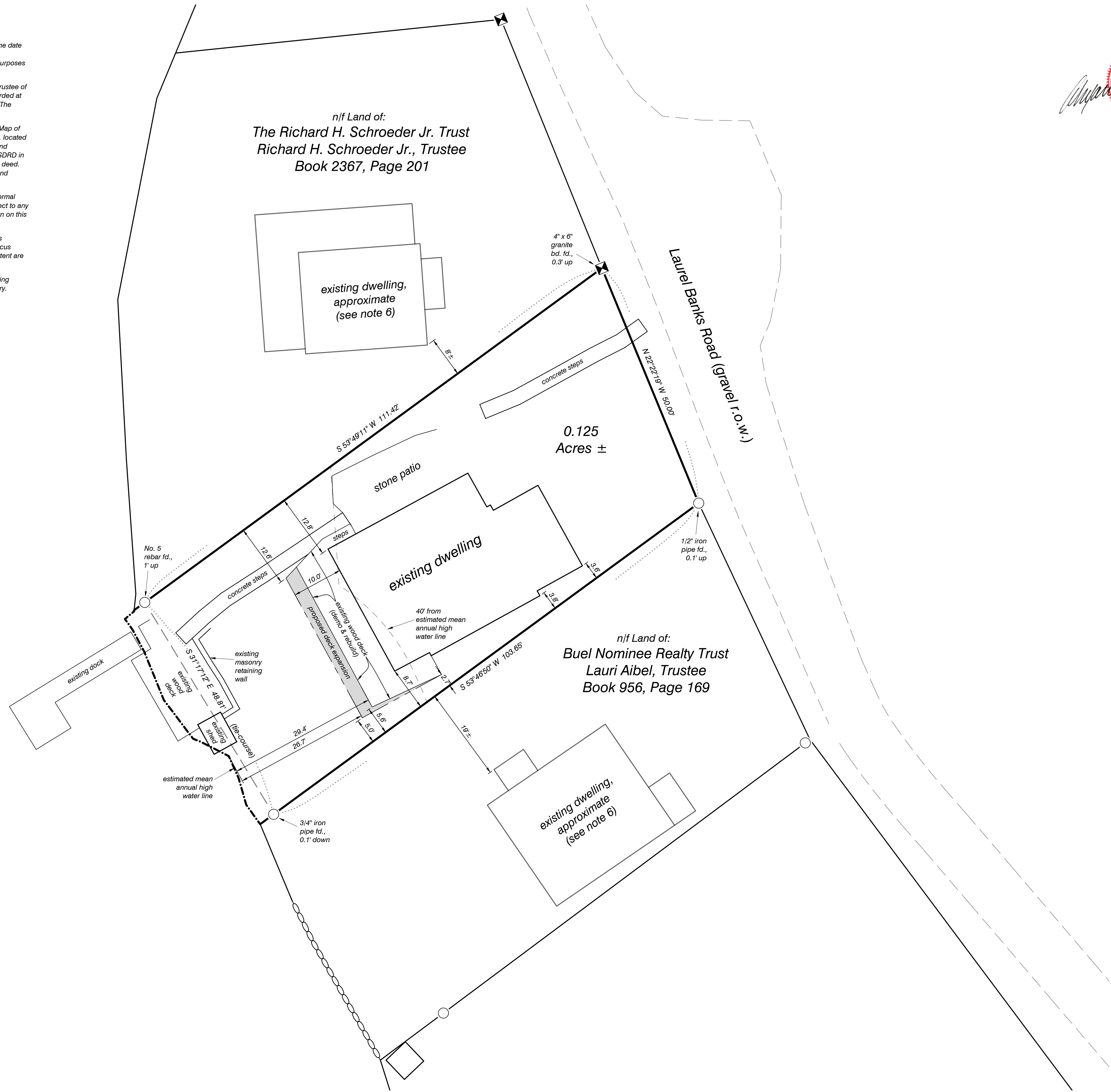
Sincerely,

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

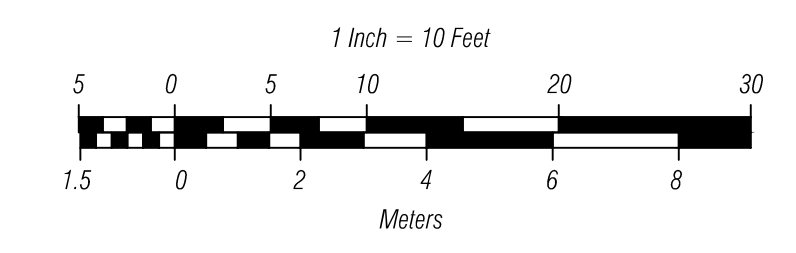
Cc: Zoning Board of Appeals

**Notes**

1. The purpose of this plan is to show existing conditions on the subject property as of the date the survey was performed, September 7, 2023, to show the location of proposed improvements, and to serve as a Special Permit Site Plan. Use of this plan for other purposes is at the user's own risk.
2. The subject property is the first tract or parcel described in a deed to Jodi L. Nagle, Trustee of the Stuart H. Trott and Phyllis L. Trott Irrevocable Trust, dated May 22, 2003, and recorded at the Berkshire Southern District Registry of Deeds (BSDRD) in Book 1427, Page 321. The subject property consists of Lot No. 80 shown on plan referenced below.
3. Boundary lines shown hereon have been reproduced on the basis of a plan entitled "Map of Laurel Ridge Building Lots at Lake Buel, Property formerly owned by Geo. A. Stevens, located at New Marlboro & Monterey, Mass., J.W. Curtiss, C.E., May 1924, Scale 1" = 100", and evidence found in substantial conformance therewith. Said plan is recorded at the BSDRD in Map File 12, and is supposed to be the same plan called for by the above referenced deed. Measurements were made using GNSS RTK equipment (Carlson BRx7 Base-Rover) and subject to the accuracies inherent thereto.
4. This plan shall not be used to affect property rights, and shall not be construed as a formal retracement survey meeting the requirements of 250 CMR 6.02, and is therefore subject to any statement of facts such a survey may reveal. I hereby report that the building(s) shown on this plan are located on the ground as shown.
5. The premises surveyed and shown hereon may be subject to rights and easements as contained in the various deeds of record describing the subject property and other locus properties. To the extent that such rights or easement may exist, their location and extent are not the subject of this survey.
6. Buildings shown on adjacent properties are located approximately, based upon building sketches of the Town of Monterey Assessor Department, and upon 2021 aerial imagery.



Massachusetts State Plane  
Coordinate System, NAD83



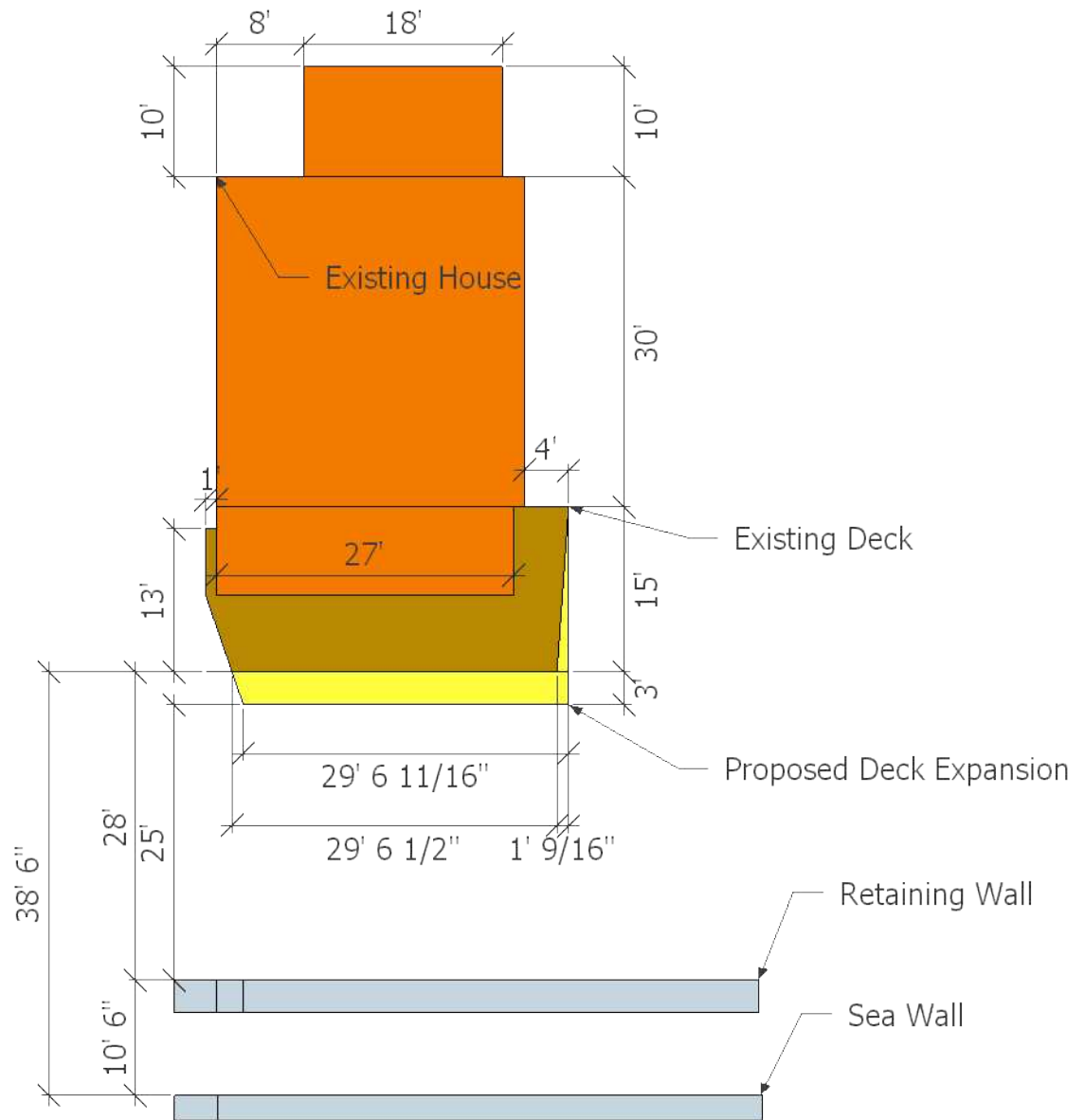
Description			
	631 Main Street, Suite 102, Great Barrington, MA 01230 (413) 528-8999 – www.accord-engineering.com		
Special Permit Site Plan prepared for <b>Jodi L. Nagle, Trustee</b> <b>Stuart H. Trott and Phyllis L. Trott</b> <b>Irrevocable Trust</b> located at <b>32 Laurel Banks Road</b> <b>Monterey, Massachusetts</b>			
Date:	Project:	Scale:	
Sept. 21, 2023	#2547	1" = 10'	
Rev #1	#2	#3	
Sheet <b>1</b> Of <b>1</b> Sheet(s)			



## Construction Plan

Plan to increase dimension of deck only

SQ FT of living space is 1572.  
living space is not altered.



Of 34 Laurel Bank

Lauri Aibel  
52 SOUTH ST  
Red Bank, NJ  
07701

Abuttas

Of 30 Laurel Bank  
RICHARD SCHROEDER  
3211 SOUTHERN OAKS DR  
FL, 32952