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March 8, 2019

Town of Lenox
Zoning Board of Appeals
6 Walker Street
Pittsfield, MA 01201

RE: 305 Walker Street, Lenox, MA

Dear Gwen:

I am enclosing a renewal application for the Special Permit issued for 305 Walker Street (formerly owned by Dacey). I have also enclosed the filing fee and sent a copy of this application via email.

Sincerely,
LYNCH SCRIMO

Jeffrey R. Lynch

Village Center 68 Main Street
PO Box 1787 Lenox, MA 01240
p. 413.637.1300 f. 866.230.7304

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF LENOX

Filing fee is due with the petition. If hearing expenses exceed this amount the Zoning Board of Appeals will bill the petitioner.

The undersigned hereby Petitions the Town of Lenox Zoning Board of Appeals for:

- **Extension of a** Special Permit for exception under the provisions of Section 3.4.6 and 5.3.6 of the Town of Lenox Zoning By-Law.

To permit the following use or activity (describe proposed use or activity):

A Special Permit was granted on April 8, 2013 as renewed on April 9, 2015 and March 23, 2017 to allow the owner to construct a single-family home on a non-conforming lot. The original applicant sold the property and the new owners request a further two-year extension of the special permit because the single-family home has not yet been constructed. A copy of the Special Permit with extension grant and prior submissions to the Board are on file in the Town Clerk's office. The new owners are actively pursuing construction of the new home in 2019. With the extension of the Special Permit, the parcel will remain a buildable lot. This is in the Town's interest because the tax value of the property will remain stable and increase when the home is eventually built. The property is in a prime location of residential homes and will eventually be a nice developed lot for the community.

For premises:
Owner of Record: Robert A Romeo and Sherry Maihle Pease
Address: 305 Walker Street
Map and Parcel: 4-12
Zoned: RIA
Deed Reference: Book
(This information is available from the Assessor's Office or townoflenox.com in the Property Values section.)

Petitioner:_____Jeffrey R. Lynch as counsel for Petitioners
(Your signature here also acknowledges that you agree to pay all hearing expenses relative to this petition)
Address (Mailing Address):_c/o Lynch Scrimo PO Box 1787, Lenox, MA 01240_____
Telephone Number: 413 637 1300Date:

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2019 00936058
Bk: 6338 Pg: 148 Doc: DEED
Page: 1 of 4 01/02/2019 12:28 PM

QUITCLAIM DEED

Property Address: 305 Walker Street, Lenox, MA 01240

I, Robert D. Dacey, an unmarried person, for consideration paid in the amount of One Hundred Twenty Five Thousand and 00/100 ($125,000.00) Dollars, grant to Robert A. Romeo and Sherry Maihle Pease, whose mailing address is 510 Walker Street, Lenoxdale, Massachusetts 01242 to hold as Joint Tenants with QUITCLAIM COVENANTS, the land more particularly bounded and described as follows:

*Property situated in Lenox, Berkshire County, Commonwealth of MA

MASSACHUSETTS EXCISE TAX
Middle Berkshire ROD 001
Date: 01/02/2019 12:28 PM
Ctrl# 035655 05480 Doc# 00936058
Fee: $570.00 Cons: $125,000.00

Parcel 1: Beginning at a point on the northerly line of Walker Street at the southeasterly corner of the parcel about to be described, which point is marked by an iron pipe in the ground; thence running westerly on the northerly line of Walker Street, a distance of 110.00 feet to a point marked by an iron pipe set in the ground; thence turning and running N. 24° 10' E. a distance of 462 feet to land now or formerly of one Schermerhorn; thence turning and running easterly on said Schermerhorn land a distance of 105.5 feet; thence turning and running S. 2° 30' W. a distance of 418.9 feet along the westerly line of land now or formerly of Tallirico to a point marked by an iron pipe set in the ground; thence turning and running N. 72° 20' W. a distance of 139.17 feet to a point marked by an iron pipe set in the ground; thence turning and running along a fence line S. 32° 04' W. a distance of 126.76 feet to the place of beginning.

Subject to a right of way 15 feet in width running across the most northerly portion of said land as described in a Deed of George E. LaGarce and Gladys M. LaGarce to George R. La Garce dated January 25, 1947, recorded in the Berkshire Middle District Registry of Deeds in Book 525, Page 456.

Together with the benefit of and subject to the burden of a Sewer Line Easement from Hugh M. Wood and Judith L. Wood to Banda Herath, Pushpika Herath, Helen Slavin, Anne B. Carroll, Kenneth J. Lagarce and Marjorie J. Lagarce, dated January 22, 1998 and recorded on January 30, 1998 in the Berkshire Middle District Registry of Deeds in Book 1589, Page 579&c.

Parcel 2: Beginning at an iron pin about 3 feet east of an ash tree in line of land now or formerly of Cutler; thence S. 73° 40' W. 238.5 feet in line of land now or formerly of Fayes; thence N. 3° 36' E. 623.8 feet; thence S. 84° 45' E. 207.6 feet; thence S. 1° 50' W. 536 feet to the place of beginning, containing about 2.879 acres.

Subject to a right to take water from said parcel for personal use and to drive stock thereto and thereon for water all as more particularly described in Deed from Justin Reisser to Joseph Rondot, dated April 20, 1906, and recorded with said Registry of Deeds in Book 332, Page 15, insofar as same may apply.

Also hereby granting any rights of way we may have to pass from the first above described parcel to the second parcel above described.

Together with the benefit of a variance granted by the Town of Lenox as recorded in the Berkshire Middle District Registry of Deeds in Book 5880, Page 156.

Together with the benefit of special permits granted by the Town of Lenox as recorded in the Berkshire Middle District Registry of Deeds in Book 5203, Page 318 and Book 6040, Page 324.

Subject to an Order of Taking by the Town of Lenox recorded in the Berkshire Middle District Registry of Deeds in Book 6254, Page 21.

Being all and the same premises conveyed to Robert D. Dacey and Nancy J. Dacey by Deed of Hugh M. Wood and Judith L. Wood recorded on April 30, 2004 in the Berkshire Middle

District Registry of Deeds in Book 2915, Page 150. See Deed of Nancy J. Dacey to Robert D. Dacey dated January 14, 2015 and recorded in the Berkshire Middle District Registry of Deeds in Book 5513, Page 334.

The property herein conveyed is not homestead property.

Witness my hand and seal this 2 day of January 2019.

Robert D. Dacey

Commonwealth of Massachusetts

Berkshire, (County) ss.

On this 2 day of January 2019, before me the undersigned notary public, Robert D. Dacey personally appeared, proved to me through satisfactory evidence of identification, which was personally known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as his free act and deed.

JEFFREY R. LYNCH
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
November 7, 2019

_____, NOTARY PUBLIC
My Commission Expires:

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Bk: 6040 Pg: 324 Doc: NOT
Page: 1 of 3 08/25/2017 11:20 AM

MAR 23 2017

TOWN OF LENOX
ZONING BOARD OF APPEALS

NOTICE FOR RECORDING IN THE REGISTRY

Notice is hereby given that a Special Permit pursuant to Section 9.4.6 has been granted in compliance with the statutory requirements as set forth in Chapter 40A MGL, as amended, by the Lenox Zoning Board of Appeals to:

PETITIONER:	Robert Dacey
LAND OWNER:	Robert Dacey
PREMISES:	305 Walker St..
MAP AND PARCEL:	Map 4 Parcel 12

The decision of the Board is filed this date with the Town Clerk and the Planning Board.

Signed and certified this 23rd day of March 2017.

Peggy Ammendola
Zoning Board of Appeals

Peggy Ammendola

CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE REGISTRY

This is to certify that twenty (20) days have elapsed since filing of the above decision with this Office and no appeal has been filed, or appeal has been filed and denied in the case.

Kerry L. Sullivan
Town Clerk
Kerry L. Sullivan

10/05/2002
02/29/2004
03/29/2011
08/02/2011

SEAL OF THE TOWNSHIP OF LENOX · 1767 ·

MAR 23 2017

Town of Lenox
Zoning Board of Appeals

DECISION

On March 1st, 2017, the Lenox Zoning Board of Appeals held a public hearing to consider the petition of Robert Dacey for an extension to previously granted permit for property located at 305 Walker Street (Map 4, Parcel 12). The applicant requested a two-year extension for a Special Permit pursuant to Section 9.4.6 which had been originally granted on April 8th, 2013 and extended for a period of two years on March 4th, 2015. This Special Permit allowed the applicant to construct a single-family home on a non-conforming lot.

Members of the Zoning Board of Appeals present were: Ethan Berg (EB), Ned Douglas (ND), Robert Fuster, Sr. (RFsr), Robert Fuster Jr. (RFj) and Al Harper (AH). Land Use Clerk Peggy Ammendola (PA), was also present. There were no letters regarding the project and there were no members of the public who wished to speak.

After hearing the petition, EB and RFjr made a motion to close the public portion of the hearing.

After discussing the merits of the petition, EB made a motion to grant the extension to the special permit and RFsr seconded the motion.

The Board voted five to zero (5-0) to grant the extension of the Special Permit for an additional two years.

In granting the petitioner's request, the board made the following findings:

Over the last two years, Mr. Dacey has made a good faith effort to market the property and extending the permit would prevent an economic hardship from befalling Mr. Dacey. By granting the permit, the taxable value of the land will remain stable which will be of benefit to the town. Extending the previously granted permit will not be detrimental to the neighborhood.

Any appeal from this Decision must be made pursuant to M.G.L. Chapter 40A, Section 17 as amended and must be filed within twenty (20) days after the filing this Decision with the town clerk. The petitioner is hereby notified that all necessary permits must be obtained from the Lenox Building inspector. Notice of this Decision shall be recorded in the Berkshire Middle District Registry of Deeds.

Filed this 23rd Day of March, 2017 with the Town Clerk, Building Inspector, Planning Board and Zoning Board of Appeals.

Written on behalf of the Zoning Board of Appeals,

Ethan Berg