

TOWN OF LENOX
ZONING BOARD OF APPEALS
APPLICATION

Ms. Giovanna Fessenden petitions the Town of Lenox Zoning Board of Appeals under the provisions of Section 7.1.8.8.b of the Town of Lenox Zoning Bylaw. She seeks approval to construct a second curb-cut for her home at 73 Delafield Drive.

The Board of Appeals may allow an additional curb-cut if it finds that it would “materially improve safety for vehicular traffic or pedestrians using the site or traveling on adjacent public ways, ...” Section 7.1.8.8.b. Ms. Fessenden’s proposed curb cut satisfies this standard.

Ms. Fessenden’s home is a corner lot situated on Delafield Drive and Old Barn Road. Presently, the driveway for 73 Delafield Drive is on Old Barn Road. Old Barn Road commences at a juncture with Delafield Drive, then runs up hill and crests before continuing to a cul-de-sac.

Exiting Ms. Fessenden’s driveway is hazardous. As currently configured, vehicles exiting Ms. Fessenden’s property back onto Old Barn Road. In doing so, drivers must be aware of vehicles cresting the hill on Old Barn Road, plus vehicles that may be turning onto Old Barn Road from Delafield Drive in two directions. Plowed snow along the sides of Old Barn Road, the corner of Delafield Drive and parked cars further block site lines.

The hazardous condition is alleviated by adding a second driveway on 73 Delafield Drive. If accepted, Ms. Fessenden and her invitees will enter her property from Delafield Drive and exit on Old Barn Road. Exiting cars will pull onto Old Barn Road instead of backing into oncoming traffic. By pulling onto Old Barn Road, the driver will have a clear line of sight for vehicles entering and exiting Old Barn Road.

The second driveway will also enhance the safety of pedestrians and children in the neighborhood. For years, Ms. Fessenden has been concerned with children who may be racing their bikes or scooters on Old Barn Road. These children often will ride on both sides of the street and are not aware of the sight line restrictions faced by drivers. There are also joggers and walkers who enjoy the relative quiet of the tree lined streets. Due to the proximity to Lenox High School, gym classes, and the cross country, soccer and track teams routinely run through the neighborhood.

Approving this application will enhance pedestrian safety and protect the children in the neighborhood because Ms. Fessenden and her invitees will always be pulling out of her driveway with a clear site line both onto Old Barn Road and in both directions to Delafield Drive.

The following documents are submitted in support of this petition:

- Deed;
- Assessor's Tax Card;
- Assessor's Tax Map;
- Plot Plan;
- Sketch Plan of Driveway;
- Letters of Support from Guntlow and Associates - Civil Engineer;
- Letter from Brett and Brook Kamienski;
- Letter from Chief O'Brien of Lenox Police Department.

For the Applicant.



Jeffrey Lynch
Lynch Scrimo
PO Box 1787
68 Main Street
Lenox, MA 01240
413.637.1300
lynch@lenoxattorney.com

4



Bk: 6422 Pg: 161 Doc: DEED
Page: 1 of 4 08/19/2019 10:59 AM

KNOW ALL PERSONS BY THESE PRESENTS

That We, **CHRISTOPHER M. HENNESSEY** and **GIOVANNA H. FESSENDEN**, of Lenox, County of Berkshire and Commonwealth of Massachusetts, for no consideration paid as this is a transfer and not a sale, grant to **GIOVANNA H. FESSENDEN**, whose residence and post office address is 73 Delafield Drive, Lenox, Massachusetts 01240, with **QUITCLAIM COVENANTS**, the property and any buildings thereon situated located in the said Town of Lenox, County of Berkshire and Commonwealth of Massachusetts, bounded and described as follows:

Lot #34A as shown on a plan entitled, "Survey of Land in Lenox, Massachusetts prepared for Harvey A. & Tamara W. Applebaum December 16, 2002", which plan is recorded with the Berkshire Middle District Registry of Deeds in Plat G-121.

This conveyance is made subject to an easement granted to Massachusetts Electric Company, dated July 19, 1973, and recorded with the Berkshire Middle District Registry of Deeds in Book 939, Page 1170, and subject to an easement granted to New England Telephone and Telegraph Company and Billboard Publishers, dated September 16, 1974, and recorded with said Registry of Deeds in Book 955, Page 17.

Together with an easement for the purpose of walking and for no other purpose upon the Town of Lenox Sewer Easement, as it crossed Lots 10 and 11, within the area covered by the conservation restrictions, and upon an area twenty-five (25) feet in width, the center line of which is described as follows:

Beginning at a point in the northerly line of the Town of Lenox Sewer Easement twelve and one-half (12.5) feet East of the easterly line of Lot 10;

Thence S. 25° 20' 46" W. 1,152.77 feet, more or less, to the point where said line intersects the northerly line of land now or formerly of William L. Hallowell.

Property Address 73 Delafield Drive, Lenox, Mass.

Together with and subject to obligations of grantees as set forth in Easement from Paul F. Kuhlman and Barbara J. Kuhlman to Michail Shafir and Adela Fruhlin Shafir, dated and recorded March 30, 1984, with said Registry in Book 1090, Page 487.

See also Hampden County Probate and Family Court Docket No. BE18DO308.


No title exam was conducted in connection with this conveyance.

Being all and the same premises conveyed to the Grantors by Deed of Ian Roberts and Tiffany L. Roberts, which said deed was recorded on August 17, 2007 with the Berkshire Middle District Registry of Deeds in Book 3870, Page 192&c.

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{Signature and Notary Pages to Follow}

Executed as sealed instrument on this the 8 day of May, 2019.

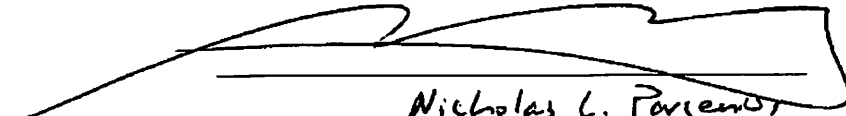


Christopher M. Hennessey

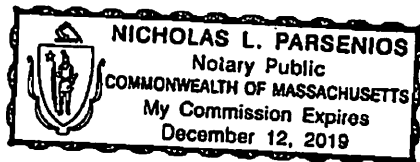
Commonwealth of Massachusetts

County of Berkshire

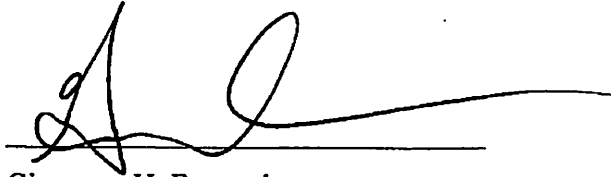
On this 8th day of May, 2019, before me, the undersigned Notary Public, personally appeared Christopher M. Hennessey, proved to me through satisfactory evidence of identification, which was a Commonwealth of Massachusetts Driver's License/Identification Card, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that it was signed voluntarily for its stated purpose.



Notary Public *Nicholas L. Parzenio*
My Commission Expires: *12-12-2019*



Executed as a sealed instrument on this the 3rd day of June, 2019.

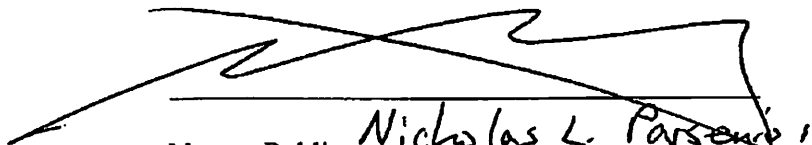


Giovanna H. Fessenden

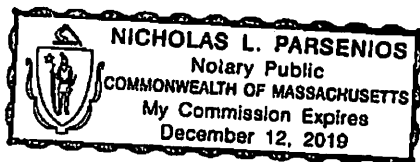
Commonwealth of Massachusetts

County of Berkshire

On this 3rd day of June, 2019, before me, the undersigned Notary Public, personally appeared Giovanna H. Fessenden, proved to me through satisfactory evidence of identification, which was a Commonwealth of Massachusetts Driver's License/Identification Card, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that it was signed voluntarily for its stated purpose.



Notary Public *Nicholas L. Parzenios*
My Commission Expires: *12-12-2019*



Key: 496

Town of LENOX - Fiscal Year 2022

12/8/2021 3:20 pm SEQ #: 559

CURRENT OWNER		PARCEL ID		LOCATION		CLASS	CLASS%	DESCRIPTION		BN ID	BN	CARD	
FESSENDEN GIOVANNA H 73 DELAFIELD DR LENOX, MA 01240		8-133-0		73 DELAFIELD DR		1010	100	SINGLE FAMILY			1	1 of 1	
TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)	PMT NO	PMT DT	TY	DESC	AMOUNT	INSP	BY	1st %
FESSENDEN GIOVANNA H		06/19/2019	H	6422-161		R20-221	11/09/2020	7	Other		08/13/2021	WJB	100 100
HENNESSEY CHRISTOPHER M		08/17/2007	QS	395,000	3870-192	R20-124	07/27/2020	3	Reno / Alter	20,000	08/13/2021	WJB	100 100
ROBERTS IAN S		05/14/2004	QS	340,000	2929-24	R20-0077	05/19/2020	7	Other	30,000	09/24/2020	RA	100 100
								78	Cycl Rev w/	15,000	12/11/2013	RJM	100 100

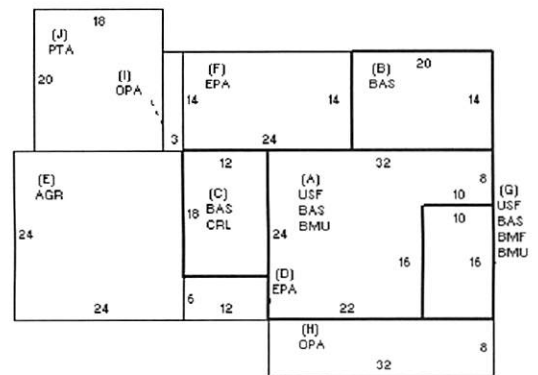
CD	T	AC/SF/UN	Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	LPI	VC	CREDIT AMT	ADJ VALUE
100	S	30,784	6	1.00	A	1.00	A	1.00	101	1.00		89,690

TOTAL	30,784 SF	ZONING	R1A	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	Alona East St	NOTE				LAND	89,700	82,300
Inf1	AVG		BUILDING	306,500	267,800			
Inf2	AVG		DETACHED	4,800	500			
			OTHER	0	0			
TOTAL						401,000	350,600	

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	A	1.00	10 0.90 6 X 8	2011	48	12.88	600
HTB	A	1.00	10 0.90		1	4,660.20	4,200

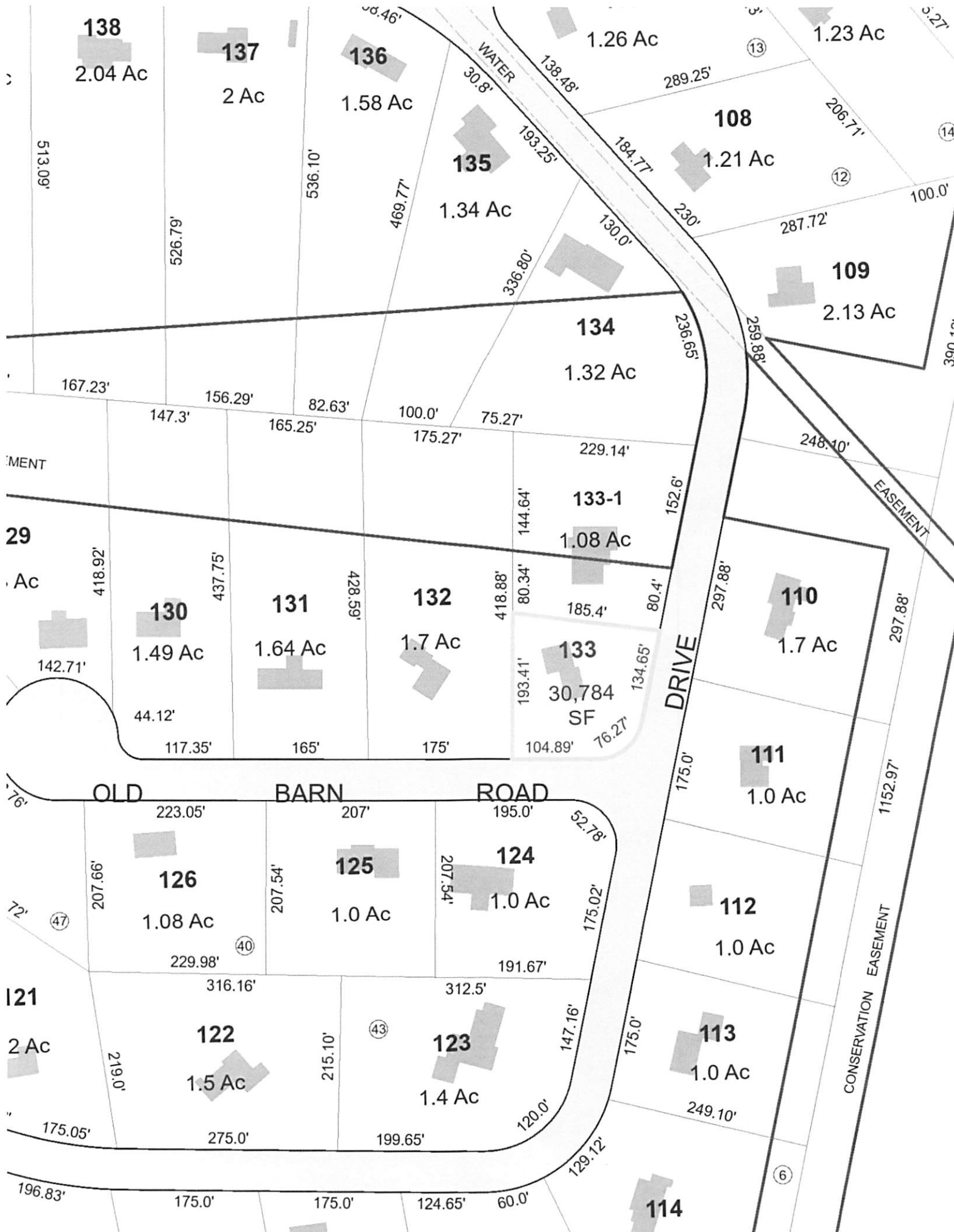


BLDG COMMENTS
SOLAR PANELS



BUILDING	CD	ADJ	DESC	MEASURE	11/26/2013	RJM
MODEL	1		RESIDENTIAL	LIST	12/11/2013	RJM
STYLE	5	1.08	COLONIAL [100%]	REVIEW	8/13/2021	WJB
QUALITY	A	1.00	AVERAGE [100%]			
FRAME	1	1.00	WOOD FRAME [100%]			

YEAR BLT	1977	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	392,927
NET AREA	2,032	DETAIL ADJ	1.080	FOUNDATION	4	FLR & WALL	1.00	+	BMU	N	BSMT UNFINISHED	768		29.65	22,771	CONDITION ELEM	CD
SNLA(RCN)	\$193	OVERALL	1.000	EXT. COVER	4	VINYL	1.00	+	BAS	L	BASE AREA	984	1977	147.38	145,025	EXTERIOR	G
CAPACITY				ROOF SHAPE	3	GAMBREL	1.00	+	USF	L	UPPER STORY FIN	768	1977	135.68	104,202	INTERIOR	G
STORIES	2		1.00	ROOF COVER	1	ASPH/CMP SHIN	1.00	B	BAS	L	BASE AREA	280	2012	147.38	41,267	KITCHEN	G
ROOMS	8		1.00	FLOOR COVER	1	HARDWOOD	1.00	C	CRL	N	BSMT CRAWL	216		6.58	1,421	BATHS	G
BEDROOMS	4		1.00	INT. FINISH	2	DRYWALL	1.00	+	EPA	N	ENCLOSED PORCH	408		58.90	24,031	HEAT	A
BATHROOMS	2		1.00	HEATING/COOL	2	HOT WATER	1.00	E	AGR	N	ATT GARAGE	576		43.82	25,239	ELECT	A
TOT FIXTURES	7	\$6,048		FUEL SOURCE	1	OIL	1.00	G	BMF	N	BSMT FINISH-ADD	160		11.00	1,760		
GARAGE SPACES	2		1.00					+	OPA	N	OPEN PORCH	298		34.90	10,400		
% BSMT FIN	0		1.00					J	PTA	N	PATIO/STOOP	360		9.70	3,492	EFF.YR/AGE	1998 / 22
# 1/2 BATHS	0		1.00					F21	O	FPL 2S 1OP	1		5,453.00	5,453	COND	22 22 %	
# OF UNITS	1		1.00					MST	O	MAS/METAL STACK	1		1,818.00	1,818	FUNC	0	
															ECON	0	
															DEPR	22 % GD 78	
															RCNLD	\$306,500	



When all parcels are subject to and with the benefit of all rights, conditions, restrictions, easements, leases, encumbrances and appurtenances on record as well as those unrecorded.
 NOTE: SURVEY TIE COURSES AND ABUTTER LINES ARE NOT PROPERTY LINES BEING VALIDATED BY THIS SURVEY.

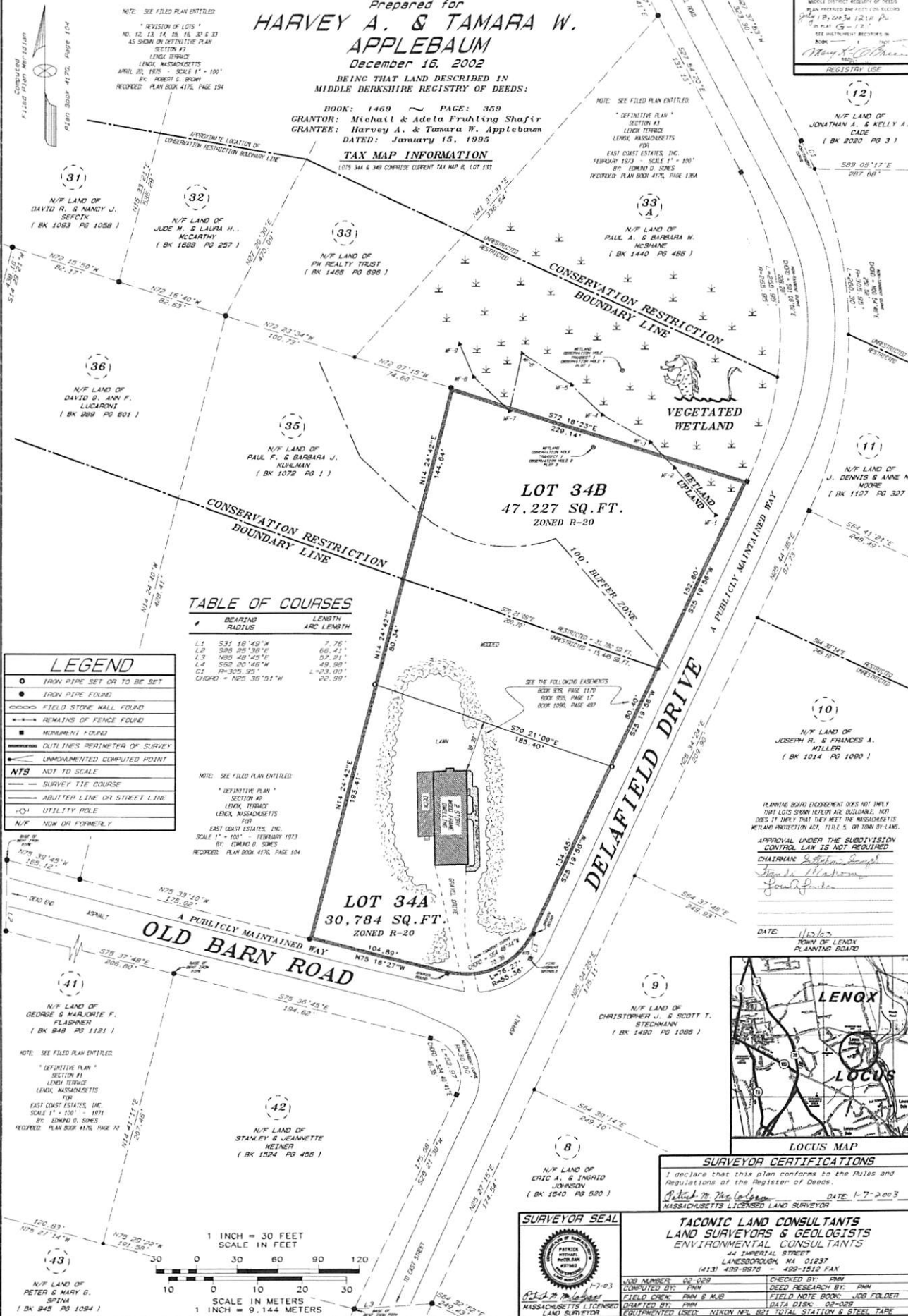
SURVEY OF LAND
 in
LENOX, MASSACHUSETTS
 Prepared for
HARVEY A. & TAMARA W. APPLEBAUM
 December 16, 2002
 BEING THAT LAND DESCRIBED IN
 MIDDLE BERNSHIRE REGISTRY OF DEEDS:

BOOK: 1469 PAGE: 359
 GRANTOR: Michael & Adela Fruhling Shafir
 GRANTEE: Harvey A. & Tamara W. Applebaum
 DATED: January 15, 1995

TAX MAP INFORMATION
 LOTS 34A & 34B COMPRISE CURRENT TAX MAP G. LOT 133

NOTE: SEE FILED PLAN ENTITLED
 "DEFINITIVE PLAN"
 SECTION #1
 LENOX TERRACE
 LENOX, MASSACHUSETTS
 FOR
 EAST COAST ESTATES, INC.
 FEBRUARY 1973 - SCALE 1" = 100'
 BY EDWARD D. SONES
 RECORDED: PLAN BOOK 4176, PAGE 184

07/19/03 12:11
 PLAN RECORDED
 In Book 1469 Page 359
 COUNTY OF BERNSHIRE
 MIDDLE BERNSHIRE REGISTRY OF DEEDS
 PLAN RECORDED AND FILED FOR RECORDING
 DATE: 07/19/03 12:11 PM
 BY: MARY K. O'NEILL
 REGISTER CLERK
 MARY K. O'NEILL
 REGISTER CLERK



LEGEND

- IRON PIPE SET OR TO BE SET
- IRON PIPE FOUND
- FIELD STONE WALL FOUND
- REMAINS OF FENCE FOUND
- MONUMENT FOUND
- DUTY LINES PERIMETER OF SURVEY
- UNMONUMENTED COMPUTED POINT
- NTS NOT TO SCALE
- SURVEY TIE COURSE
- ABUTTER LINE OR STREET LINE
- UTILITY POLE
- N/F NOW OR FORMERLY

TABLE OF COURSES

#	BEARING	LENGTH	ARC LENGTH
L1	S31°18'49"W	7.78'	
L2	S28°25'08"E	66.41'	
L3	N69°48'45"E	57.21'	
L4	S52°20'48"W	49.58'	
C1	P=209.29'	209.29'	
CHORD	N25°35'51"W	20.59'	

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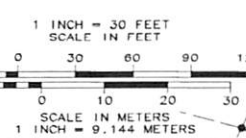
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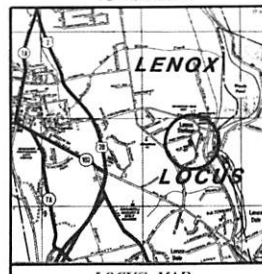
NOTE: SEE FILED PLAN ENTITLED
 "DEFINITIVE PLAN"
 SECTION #1
 LENOX TERRACE
 LENOX, MASSACHUSETTS
 FOR
 EAST COAST ESTATES, INC.
 SCALE 1" = 100' - 1971
 BY EDWARD D. SONES
 RECORDED: PLAN BOOK 4176, PAGE 184



PLANNING BOARD ENDORSEMENT DOES NOT IMPLY THAT LOTS SHOWN HEREON ARE BUILDABLE, NOR DOES IT IMPLY THAT THEY MEET THE MASSACHUSETTS WETLAND PROTECTION ACT, TITLE 5, OR TOWN BY-LAWS.
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW IS NOT REQUIRED.

CHAIRMAN: Stephen Smith
 TOWN OF LENOX PLANNING BOARD

DATE: 1/26/03



SURVEYOR CERTIFICATIONS

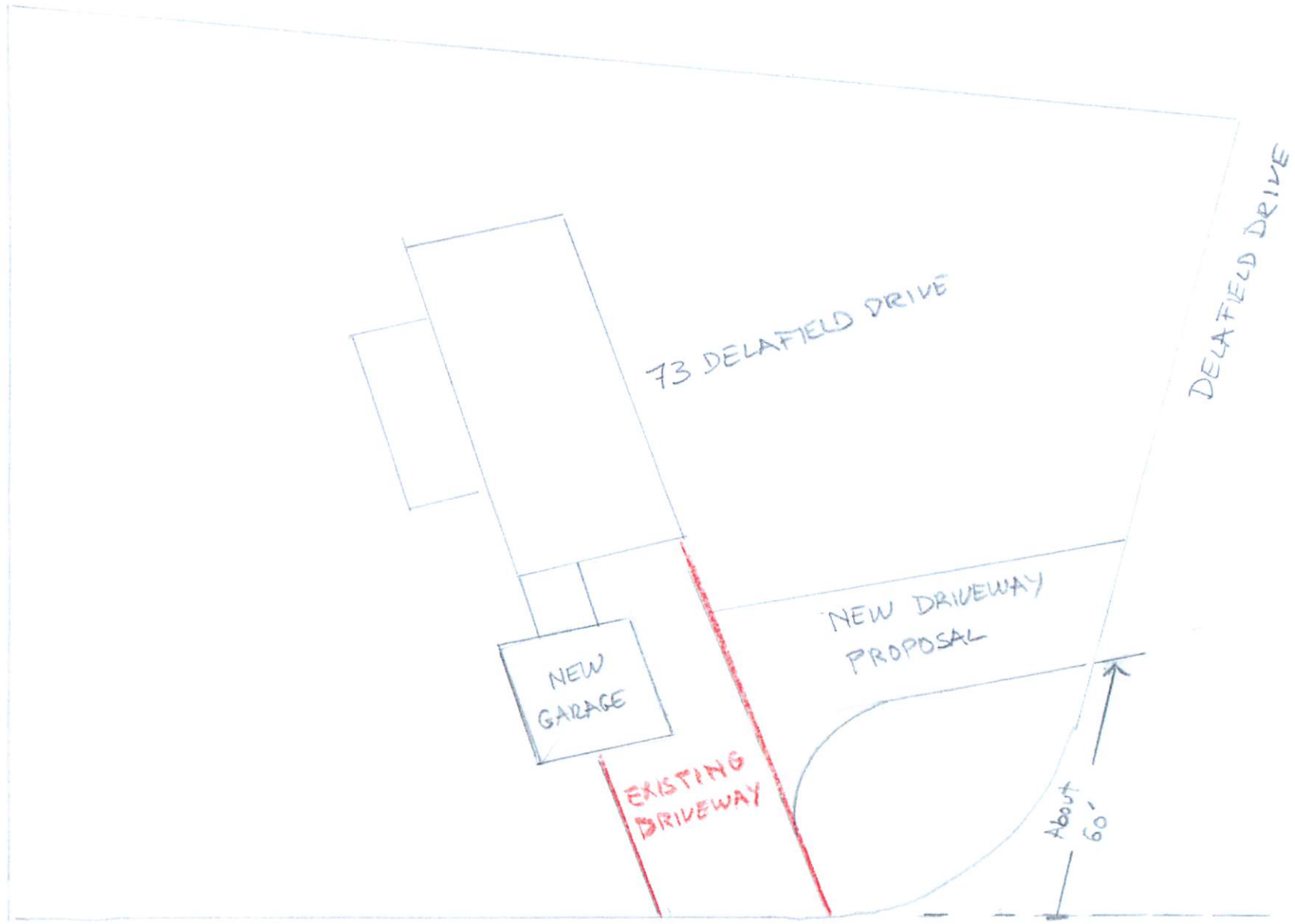
I declare that this plan conforms to the Rules and Regulations of the Register of Deeds.

DATE: 1-7-2003
 MASSACHUSETTS LICENSED LAND SURVEYOR



TACONIC LAND CONSULTANTS
 LAND SURVEYORS & GEOLOGISTS
 ENVIRONMENTAL CONSULTANTS
 44 IMPERIAL STREET
 LANESBOROUGH, MA 01237
 (413) 489-8978 - 489-1212 FAX

JOB NUMBER: 02-029
 COMPUTED BY: PNM
 FIELD CHECK: PNM & MJB
 CHECKED BY: PNM
 DEED RESEARCH BY: PNM
 FIELD NOTE BOOK: JOB FOLDER
 DATA DISK: 02-029
 EQUIPMENT USED: NIKON NPL 821 TOTAL STATION & STEEL TAPE



OLD BARN ROAD

73 DELAFIELD DRIVE

DELAFIELD DRIVE

NEW GARAGE

EXISTING DRIVEWAY

NEW DRIVEWAY PROPOSAL

About 60'



GUNTLOW & ASSOCIATES, INC.

55 North Street
Williamstown,
Massachusetts 01267
413-458-2198
413-458-2712 FAX

April, 11, 2022

**Giovanna Fessenden
73 Delafield Drive
Lenox, MA 01240**

**Re: Proposed Second Curb-cut
Engineering Assessment**

Dear Giovanna;

As requested, I have reviewed your existing driveway, curb-cut and site conditions for your home at 73 Delafield Drive in Lenox, MA to make an engineering assessment and provide an opinion on adding a second driveway curb-cut. The existing driveway is actually located on Old Barn Road at the intersection of Delafield Drive. The driveway is offset from the Delafield Drive sideline by only approximately 25 ft while being positioned on the inside radius of the intersection. The driveway has a straight, dead-end alignment requiring drivers to back out onto the street to exit. It is proposed that the driveway alignment be modified to allow an entrance from Delafield Drive to join the existing driveway and allow continued circulation on and out through the existing driveway. The new driveway entrance would be approximately 60 ft from the Old Barn Road side line and past the intersection radius.

The most significant benefit of providing a looped or circular driveway is eliminating the need to back up onto the street. Providing the option of driving forward onto the street allows for the full view of the streets in front of the driver. A driver typically can swivel their head to cover around 270 degrees of view in front and to the sides of them. This is particularly important when entering onto a road near an intersection with regard to vehicular traffic.

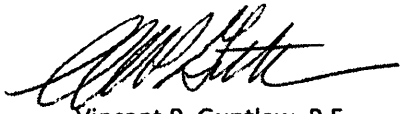
At your existing driveway, the driver needs to be cognizant of traffic coming from potentially three directions. Backing onto the street next to an intersection requires that the driver not only look right and left partially behind them, but they must also look at the third direction which is almost directly behind them and most likely try using their rear-view mirror for that task. Assessing the vehicular traffic at an intersection in three directions while backing up and using mirrors is significantly more problematic than driving forward with same conditions. Additionally, many drivers do not back up well using only mirrors.

Similarly, pedestrian safety is also a concern at this location especially since there are no sidewalks. As in the description above when trying to back out onto a street while avoiding vehicular traffic, backing out onto the street also requires the driver to be avoiding pedestrians

from approaching in potentially three directions. In a residential neighborhood such as this, there is also the likelihood of small children walking along the side of the road. Young children with their short stature can incorporate an additional safety concern since their image in a mirror may be obscured by the blind area behind a vehicle for short objects.

It is my assessment and opinion that the addition of a second curb-cut onto Delafield Drive will significantly improve the safety of exiting vehicles from the current driveway alignment for both vehicular and pedestrian traffic.

Sincerely,

A handwritten signature in black ink, appearing to read 'V. Guntlow', with a long horizontal flourish extending to the right.

Vincent P. Guntlow, P.E.

Brett and Brooke Kamienski
Neighbor of Ms. Fessenden

April 7, 2022

Lenox Zoning Board of Appeals
6 Walker St.
Lenox, MA 01240
Re: Ms. Fessenden Special Permit Application

Dear Board Members,

We reside at 3 Old Barn Road, immediately across the street from Ms. Giovanna Fessenden's residence at 73 Delafield Drive. For the below reasons, we are in support of Ms. Fessenden's request to the Lenox Zoning Board to grant her permission for a second curb cut at her residence at 73 Delafield Drive in Lenox. We have three boys and live at the residence directly across the street from Ms. Fessenden's residence.

The Delafield Drive/Old Barn Road intersection is the "neighborhood" in which Ms. Fessenden's residence and my residence are located. Our houses are opposite each other on Old Barn Road, with my house being located on the south side of Old Barn Road and Ms. Fessenden's house being on the north side of Old Barn Road. In our neighborhood, there is significant bike and foot traffic, including walkers, runners, bikers, skaters, dogs, and children playing. Lenox Memorial Middle and High School has a significant number of its students walk/jog/run by our residences for regular team sport exercise and gym classes. Ms. Fessenden has three girls that are often playing outside her residence. Likewise, my three boys are often playing outside my residence. In our view, there is a vast amount of pedestrian traffic in our neighborhood.

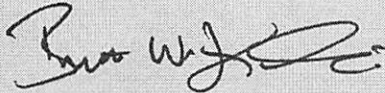
The vehicle traffic in our neighborhood has increased in the last two years. Mail and package delivery trucks frequent our neighborhood. Delafield Dr. and Old Bar Road are relatively narrow roadways. When delivery trucks park alongside these roads for deliveries, line of sight is compromised. Old Barn Road is a particularly narrow road and if vehicles are parked on Old Barn Road, line of sight can be severely compromised.

Our neighborhood has significant variations in topography including several portions of the roads and land that are sloping, undulate, rolling, steep, and elevated. Ms. Fessenden's residence and driveway has multiple elevations and steep portions. There are line of sight issues for a car exiting her driveway. For example, it can be difficult to reverse out of her driveway safely, as her driveway exits onto Old Bar Road adjacent to the Delafield Drive intersection. There are trees and thicket at the intersection of Old Barn Road and Delafield Drive that can obstruct the view of vehicles and pedestrian traffic. Further, there are trees and thicket making it difficult to view oncoming traffic coming east on Old Barn Road. The situation can be compounded when there are large piles of snow left along the Delafield/Old Barn intersection during the winter. The situation can be compounded if cars are parked along the roads, or trashcans line the road on garbage days.

As a concerned and conscious parents and Lenox residents, we would like to ensure our neighborhood is as safe as possible. We have studied Ms. Fessenden proposal for her second curb cut and the new driveway configuration. We believe that if approved and implemented, this proposal/configuration will help alleviate some of the elevation and sight line issues that We discussed above. We believe it will help increase safety at the Delafield Drive/Old Barn Road intersection.

For the reasons set forth above, we urge the Lenox Zoning Board to grant Ms. Fessenden's request to create a second driveway at residence.

Best regards,

A handwritten signature in black ink, appearing to read "Brett and Brooke Kamienski". The signature is written in a cursive, flowing style.

Brett and Brooke Kamienski

LENOX POLICE DEPARTMENT

6 Walker Street, Suite 1
Lenox, Massachusetts 01240- 2741
(413) 637-2346 Fax (413) 637-5507



Stephen E. O'Brien
Chief of Police

31 March 2022

Lenox Zoning Board of Appeals
6 Walker St.
Lenox, MA 01240

Ladies/Gentlemen,

Today, I write in support of a Petition from Giovanna Fessenden that has been presented to the board. In the petitioner's request, she is asking for a curb cut to add a driveway for entering her property at #73 Delafield Dr., which currently only has access from Old Barn Rd.

I am in concurrence that this new access will enhance the motor vehicle and pedestrian safety on both Delafield Dr. and Old Barn Rd. Not only will it do that, but it will also make it clear to emergency services that that residence is in fact #73 Delafield Dr. by not having to gain access via Old Barn Rd.

Should anyone have any questions, I'd be happy to address them.

Respectfully,

A handwritten signature in black ink, appearing to read "S. E. O'Brien".

Stephen E. O'Brien
Chief of Police