

Zoning Application Index

65 Taconic Avenue

Map 47 Lot 40

Daniel Pignatelli

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**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:

- X Special Permit pursuant to section 5.3.5 for the renovation and addition to a non-conforming home on a non-conforming lot. See Narrative Attached

For premises:

Owner of Record: Daniel Pignatelli

Address: 65 Taconic Avenue

Map and Parcel: 47-40-0

Zoned: R15 _____

Deed Reference 7022/243

Petitioner Jon Pignatelli
(Your signature here also Acknowledges that you agree to pay all hearing expenses relative to this petition.)

Address (Mailing Address) c/o Jeffrey R. Lynch 68 Main Street, Lenox, MA 01240

Telephone Number 413-637-1300

Email address Lynch@LenoxAttorney.com



Lynch Scrimo

Attorneys

EXHIBIT

2

Jeffrey R. Lynch
lynch@lenoxattorney.com

Jeffrey T. Scrimo
jeff@lenoxattorney.com

Dated: December 5, 2023
Subject: 65 Taconic Avenue, Lenox, MA 01240
To: Town of Lenox, Zoning Board of Appeals
From: Jeffrey R. Lynch, attorney for Daniel Pignatelli

Issue:

Whether the Zoning Board of Appeals should issue a Special Permit pursuant to section 5.3.5 for the renovation and addition to a non-conforming home on a non-conforming lot?

Answer:

Yes. The proposed renovation and addition are not substantially more detrimental than the existing, nonconforming structure, to the neighborhood.

Existing Conditions:

The Town of Lenox Assessor's records establish that the home was built in 1898. The Town of Lenox enacted its Zoning ordinance in 1969. The existing home is 1,624 sq. ft. Town water and sewer serve the premises.

The built home is non-conforming because property in the R15 zone requires a side yard setback distance of 20 feet. The northeast corner of the home sits within the 20-foot side yard setback. Despite the lot being 41,500 +/- sq. ft., the home is non-conforming as to lot width at the setback line and the frontage is non-conforming at 67'. The non-conformity as to the lot width and frontage will not change.

Project Description:

Mr. Daniel Pignatelli would like to build a two-car garage (with new driveway and curb cut) with a great room and second-story deck above the garage. The dimensions of the new construction are 24' x 28'. The addition will follow the northerly line of the existing structure, but due to the home's orientation on the lot, the non-conformity as to sideline setback will be reduced from 7.5 +/- feet to 5 +/- feet. A second-floor deck measuring 14' x 20' is also planned. The new deck will have a setback distance of approximately 7 +/- from the northern property line. The addition is approximately 960 sq. ft (subtracting the area 11'x16' area that is existing and will be incorporated into the new addition).

Currently, parking is provided by a paved parking area along the northern boundary line and within the front yard, side yard setback. A driveway will be built south of the home to allow for enclosed parking at the rear of the property.

When the renovations are complete, the distances from the home to the lot lines will be:

Northwest corner	*
Northeast corner	7.3' for the house, 5' for the addition, and 7' for the deck
Southwest corner	*
Southeast corner	*
Rear lot line (south east corner)	compliant with zoning requirement
	(*unchanged from existing structure)

Conclusion:

Although the addition will increase the nonconformity as to lot line setbacks along the northern property line and create a new non-conformity as to this set back, the Zoning Board of Appeals should find that the addition will not be substantially more detrimental than the existing non-conforming home to the neighborhood. *See*, Town of Lenox Zoning Bylaw, Section 5.3.5.

Taconic Street is a neighborhood of residential homes. The addition includes a two-car garage, plus an addition which expands the home's footprint. The renovated home will be complementary to the character of the adjacent properties and the neighborhood. Its renovation will not increase the density of the neighborhood nor will it lead to an increase usage of Town provided services. The renovated home will benefit the town by increasing the taxable value of the lot and structure.

Any perceived detriment caused by the creation of new non-conformities is mitigated by the location of the addition. All construction will be to the east (rear) of the home and its visibility will be screened except as to the properties located to the north and south. Both of these direct abutting neighbors have submitted letters in favor of Mr. Pignatelli's application.

LEG
AL

LAND

DET
ACHED

BU
IL
DING

CURRENT OWNER

PIGNATELLI DANIEL J
65 TACONIC AVE
LENOX, MA 01240

PARCEL ID

47-40-0

LOCATION

65 TACONIC AVE

TRANSFER HISTORY

DOS

T

SALE PRICE

BK-PG (Cert)

PIGNATELLI DANIEL J

09/30/2021

A

300,000

7022-243

PIGNATELLI MICHAEL A

08/31/2018

A

200,000

6265-65

PIGNATELLI ALBERT N

01/31/2002

A

2126-275

CD

T

AC/SF/UN

Nbhd

Inf1

Inf2

ADJ BASE

SAF

Inf3

LPI

VC

CREDIT AMT

ADJ VALUE

100

S

40,400

7

1.00

20

0.80

A

1.00

191,520

1.04

A

1.00

157

1.90

184,570

TOTAL

40,400 SF

ZONING

R15

FRNT

0

ASSESSED

CURRENT

PREVIOUS

Nbhd

Down Town

ADJ=SHAPE/SLOPE/ABUTS BY-PASS

LAND

184,600

154,000

Inf1

20% BAD

BUILDING

233,800

191,300

Inf2

AVG

DETACHED

0

0

OTHER

0

0

TOTAL

418,400

345,300

TY

QUAL

COND

DIM/NOTE

YB

UNITS

ADJ PRICE

RCNLD

BUILDING

CD

ADJ

DESC

MEASURE

3/21/2007

CMB

MODEL

1

RESIDENTIAL

LIST

3/6/2008

RJM

STYLE

7

1.05

CONV/OLD STYLE [100%]

REVIEW

3/7/2008

RJM

QUALITY

A

1.00

AVERAGE [100%]

FRAME

1

1.00

WOOD FRAME [100%]

YEAR BLT

1898

SIZE ADJ

1.000

ELEMENT

CD

DESCRIPTION

ADJ

NET AREA

1,624

DETAIL ADJ

1.029

FOUNDATION

4

FLR & WALL

1.00

\$NLA(RCN)

\$225

OVERALL

1.000

EXT. COVER

2

CLAPBOARD

1.00

ROOF SHAPE

1

GABLE

1.00

ROOF COVER

5

SLATE

1.00

FLOOR COVER

31

COMBINATION

1.00

INT. FINISH

1

PLASTER

1.00

HEATING/COOL

4

STEAM

0.98

FUEL SOURCE

2

GAS

1.00

CAPACITY

UNITS

ADJ

STORIES

2.35

1.00

ROOMS

6

1.00

BEDROOMS

3

1.00

BATHROOMS

1

1.00

TOT FIXTURES

5

\$4,116

GARAGE SPACES

0

1.00

% BSMT FIN

0

1.00

1/2 BATHS

1

1.00

OF UNITS

1

1.00

S

BAT

T

DESCRIPTION

UNITS

YB

ADJ PRICE

RCN

+

BMU

N

BSMT UNFINISHED

836

37.83

31,624

A

BAS

L

BASE AREA

812

1898

181.51

147,384

A

USF

L

UPPER STORY FIN

812

1898

167.14

135,715

A

ATU

N

ATTIC UNF

284

37.50

10,650

B

ENT

N

ENCLOSED ENTRY

24

78.42

1,882

C

CAN

N

CANOPY

192

13.50

2,592

+

EPA

N

ENCLOSED PORCH

332

72.10

23,937

F31

O

FPL 3S 1OP

1

7,375.00

7,375

TOTAL RCN

365,275

CONDITION ELEM

CD

EXTERIOR

A

INTERIOR

A

KITCHEN

A

BATHS

A

HEAT

A

ELECT

A

EFF.YR/AGE

1985 / 36

COND

36

36 %

FUNC

0

ECON

0

DEPR

36

% GD

64

RCNLD

\$233,800

16

(C)

EPA

CAN

26

(A)

ATU 0.35

18

USF

BAS

BMU

6

6.4

14

22

(D)

EPA

20

7

(B)

ENT

BMU

tabbles™

3

EXHIBIT



Berkshire Middle District Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number : 984837
Document Type : DEED
Recorded Date : September 30, 2021
Recorded Time : 09:14:19 AM

Recorded Book and Page : 07022 / 243
Number of Pages(including cover sheet) : 5
Receipt Number : 170355
Recording Fee (including excise) : \$1,523.00

MASSACHUSETTS EXCISE TAX
Middle Berkshire ROD 001
Date: 09/30/2021 09:14 AM
Ctrl# 041996 00522 Doc# 00984837
Fee: \$1,368.00 Cons: \$300,000.00

Berkshire Middle District Registry of Deeds
Patricia M. Harris, Register
44 Bank Row
Pittsfield, MA 01201
413-443-7438
berkshiremiddledeeds.com

QUITCLAIM DEED

We, **MICHAEL A. PIGNATELLI and DEBORA PIGNATELLI**, husband and wife, of Nashua, NH 03062, for consideration paid in the amount of **THREE HUNDRED THOUSAND AND 00/100 (\$300,000.00) DOLLARS**, grant to **DANIEL J. PIGNATELLI** whose residence and post office address is 65 Taconic Avenue, Lenox, Massachusetts 01240 with **QUITCLAIM COVENANTS**, the property located at 65 Taconic Avenue, in the said Town of Lenox, in the said County of Berkshire, and Commonwealth of Massachusetts, bounded and described as follows:

Property Address: 65 Taconic Avenue, Lenox, MA 01240

Beginning at the Northwesterly corner of land formerly of one Carpenter, now or formerly of one Smith, and in the Easterly line of a highway called Taconic Avenue;

Thence from the true meridian North, $9^{\circ} 55'$ West along said line, 67 feet to land now or formerly of one Darey;

Thence due East 116 feet;

Thence due North 24 feet;

Thence due East 245.5 feet to the Southeasterly corner of land now or formerly of said Darey;

Thence South $13^{\circ} 20'$ East, 130 feet to the Northeasterly corner of the Laundry Lot, so called;

Thence South 89° West, 82.5 feet to the Northwesterly corner of the Laundry Lot;

Thence South $13^{\circ} 20$ minutes East, 47.5 feet to land now or formerly of Gertrude M. Seeley;

Thence South 89° West, 136.4 feet to the Southeasterly corner of said Carpenter lot;

Thence due North 85.1 feet to the Northeasterly corner of said Carpenter lot;

Thence due West 175.53 feet to the place of beginning.

Being all and the same premises as conveyed to Michael A. Pignatelli and Debora Pignatelli by deed of Gary F. Pignatelli, Michael A. Pignatelli and Albert N. Pignatelli, Jr., deed dated recorded on August 3, 2018 in the Berkshire Middle District Registry of Deeds in Book 6265, Page 65.

The property conveyed is not homestead property.

Witness my hand and seal this 23rd day of August, 2021.


Michael A. Pignatelli

STATE OF NEW HAMPSHIRE

Hillsborough, ss

On this 23rd day of August 2018, before me, the undersigned notary public, personally appeared Michael A. Pignatelli, proved to me through satisfactory evidence of identification, which was (check which applies):

☐ driver's license or other state or federal government document bearing a photographic image;

☐ oath or affirmation of a credible witness known to me who knows the above signatory; or

☒ my own personal knowledge of the identity of the signatory,

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for the stated purpose.



Notary Public: LINDA F DALTON

My Commission Expires: 6/10/2025

Witness my hand and seal this 23rd day of August, 2021.


Debora Pignatelli

STATE OF NEW HAMPSHIRE

HILLSBOROUGH, ss

On this 23rd day of August 2018, before me, the undersigned notary public, personally appeared Debora Pignatelli proved to me through satisfactory evidence of identification, which was (check which applies):

☐ driver's license or other state or federal government document bearing a photographic image;

☐ oath or affirmation of a credible witness known to me who knows the above signatory; or

☒ my own personal knowledge of the identity of the signatory,

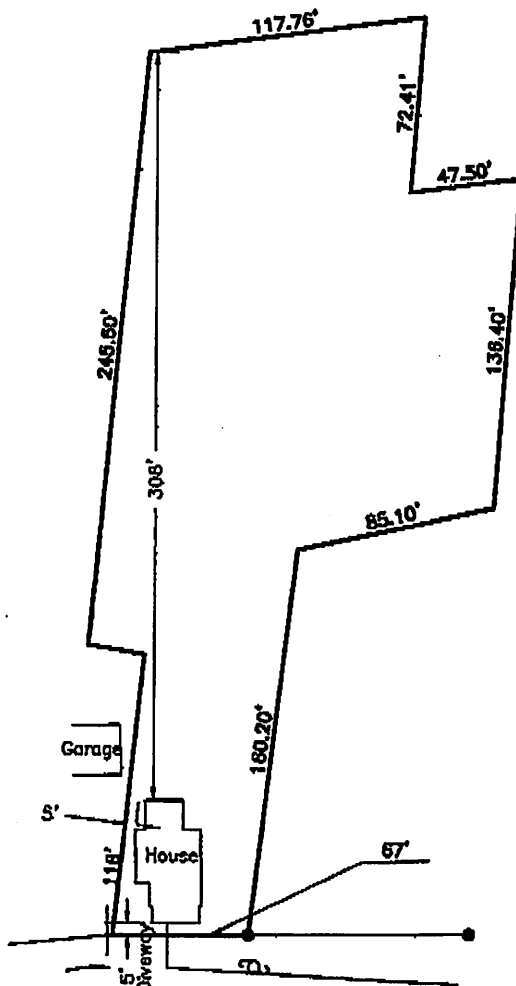
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for the stated purpose.



Notary Public: LINDA F. DALTON

My Commission Expires: 6/10/2025

For mortgage purposes only — This is not a boundary survey



Note: Limited evidence was found in the field. Parcel geometry is based on the deed description. Parcel location is based on the limited evidence found. Suggest a boundary survey to determine the actual location of the boundaries.

260'± to intersection of Taconic Ave & Reynolds St.

LEGEND

- Iron pipe found
- Utility pole
- Wood fence

To: Adams Community Bank
Fidelity National Title Insurance Co.

I HEREBY REPORT THAT MEMBERS OF OUR FIRM HAVE EXAMINED THE PREMISES SHOWN, AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, ALL BUILDINGS, PROPERTY LINES, VISIBLE EASEMENTS AND ENCROACHMENTS ARE LOCATED ON THE GROUND APPROXIMATELY AS SHOWN, AND THAT THEY DO NOT CONFORM WITH THE CURRENT ZONING REGULATIONS AS THEY PERTAIN TO LOT AREA AND SETBACKS FROM STREET AND PROPERTY LINES.

I FURTHER REPORT THAT THIS PROPERTY LIES IN FLOOD ZONE "D" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FEDERAL FLOOD INSURANCE RATE MAP NUMBER 250029-0004 B DATED 7/5/82

ZONE	R-15	REQUIRED	HOUSE
MINIMUM LOT WIDTH	85'	60'±	
MINIMUM FRONTAGE	85'	67'±	
FRONT SETBACK	35'	5'±*	
SIDE SETBACK	20'	5'±*	
REAR SETBACK	20'	308'±	
MINIMUM LOT AREA	15,000SF	41,500±SF	

* LESS THAN CURRENT MINIMUM ZONING REQUIREMENTS
PROPERTY DIMENSIONS PER DEED

Russell D. Sackett, Jr. 9/28/21
RUSSELL D. SACKETT, JR. MASS. P.L.S. NO. 33844

Scale: 1" = 50'



This plan shows buildings on the ground and approximate property lines per the current deed referenced below for the property, and per a site investigation. The purpose of this plan is to determine physical encroachments on the property for use by lending institutions and title insurance companies. This plan is not the result of an accurate and conclusive boundary survey, or complete deed or title research. Locations shown are approximate and are not sufficient to be used for the layout of property lines, building construction, or the erecting of fences. Subject to any and all recorded or unrecorded rights-of-way, easements, restrictions, and/or encroachments in force and applicable, if any.



**SACKETT
SURVEY
SERVICES, INC.**

179 First Street
Pittsfield, MA 01201
TEL (413) 499-2265
FAX (413) 499-0038

Mortgage Inspection Plan

Owner: Michael A. & Debraora Pignatelli
Address: 65 Taconic Avenue
Lenox, Berkshire County, Massachusetts
Deed book: 6265 Page: 65 Plans:

Dwn: MLG

Date: 9/28/21

Dwg: MIP-3527

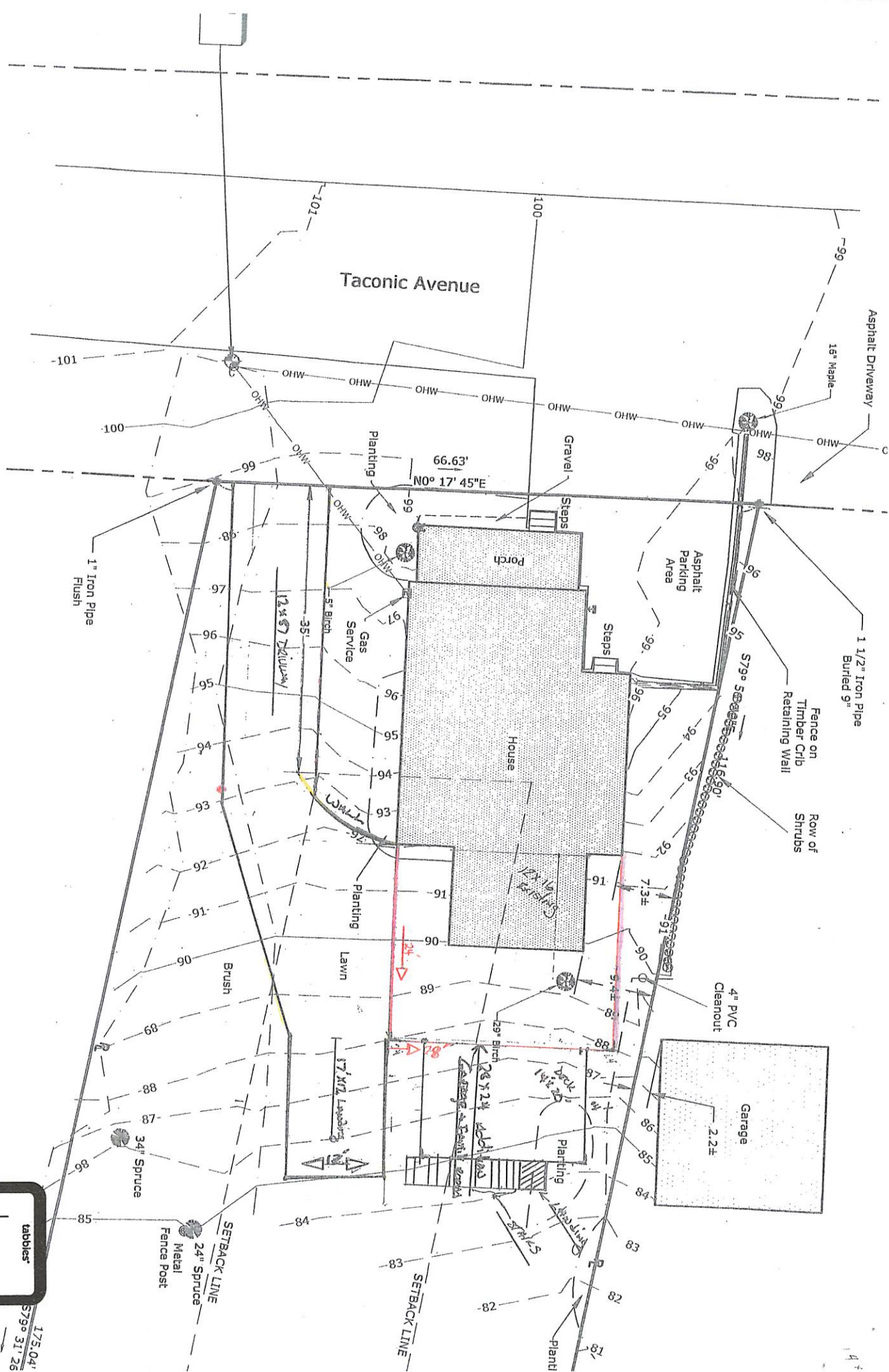
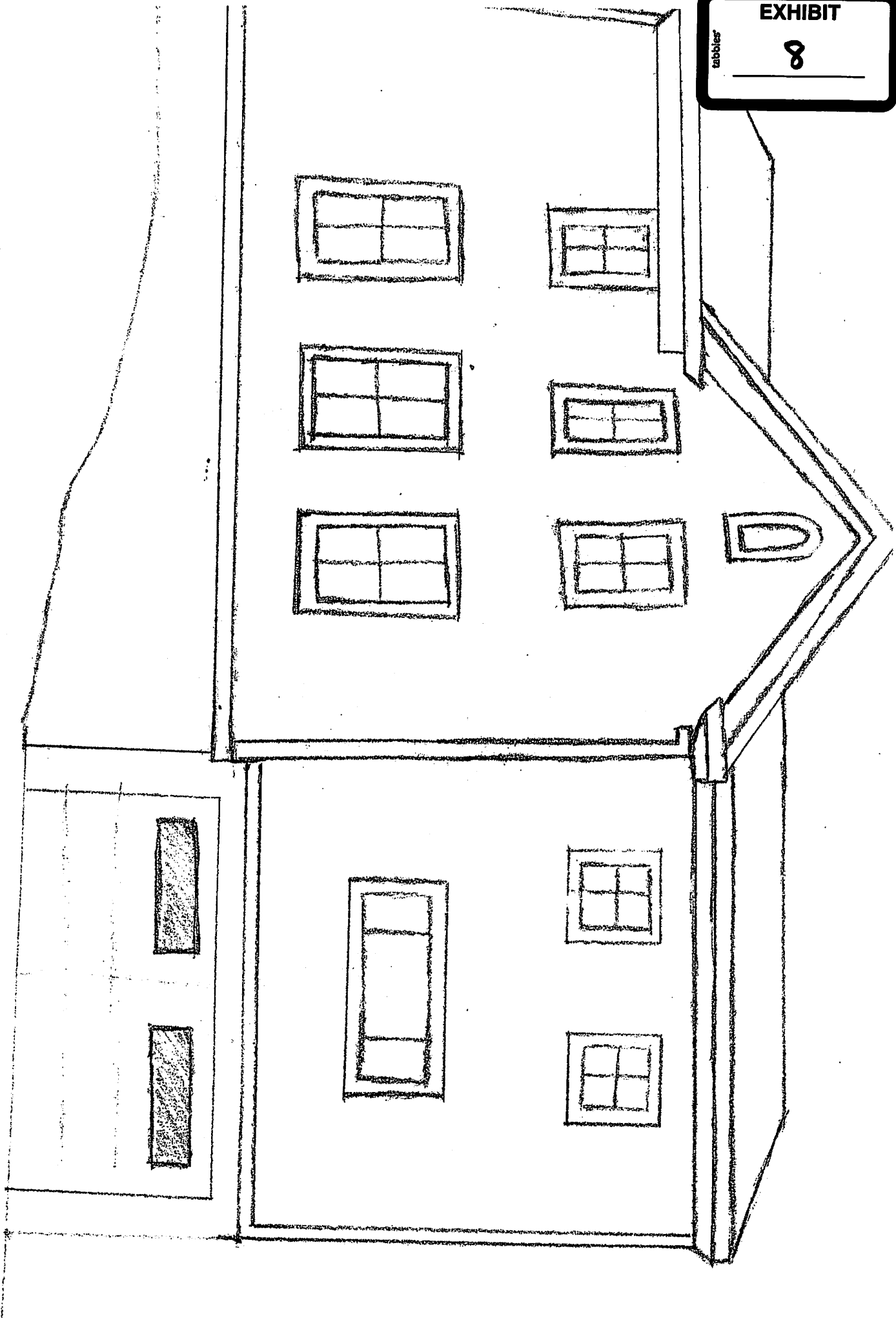
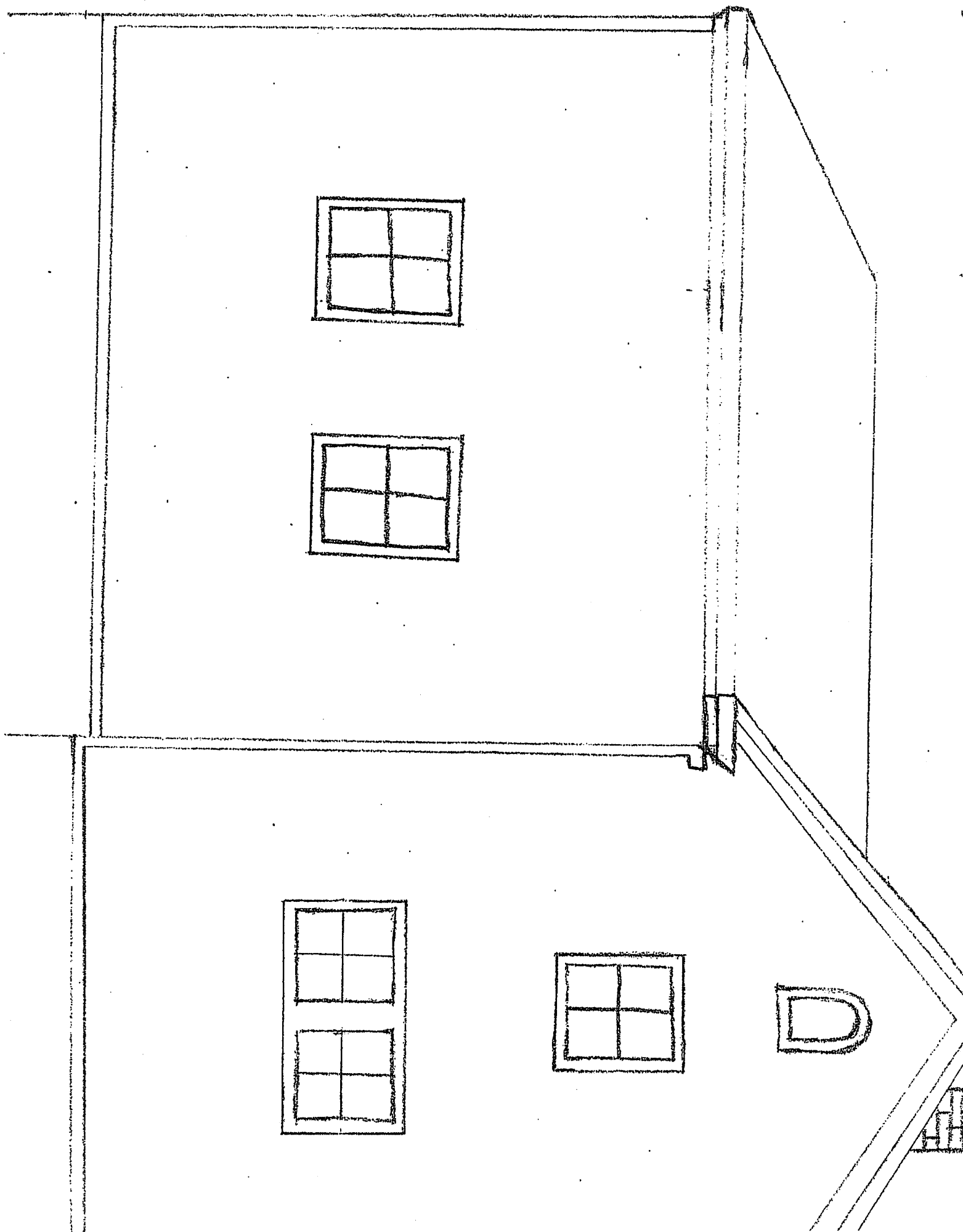


EXHIBIT 7

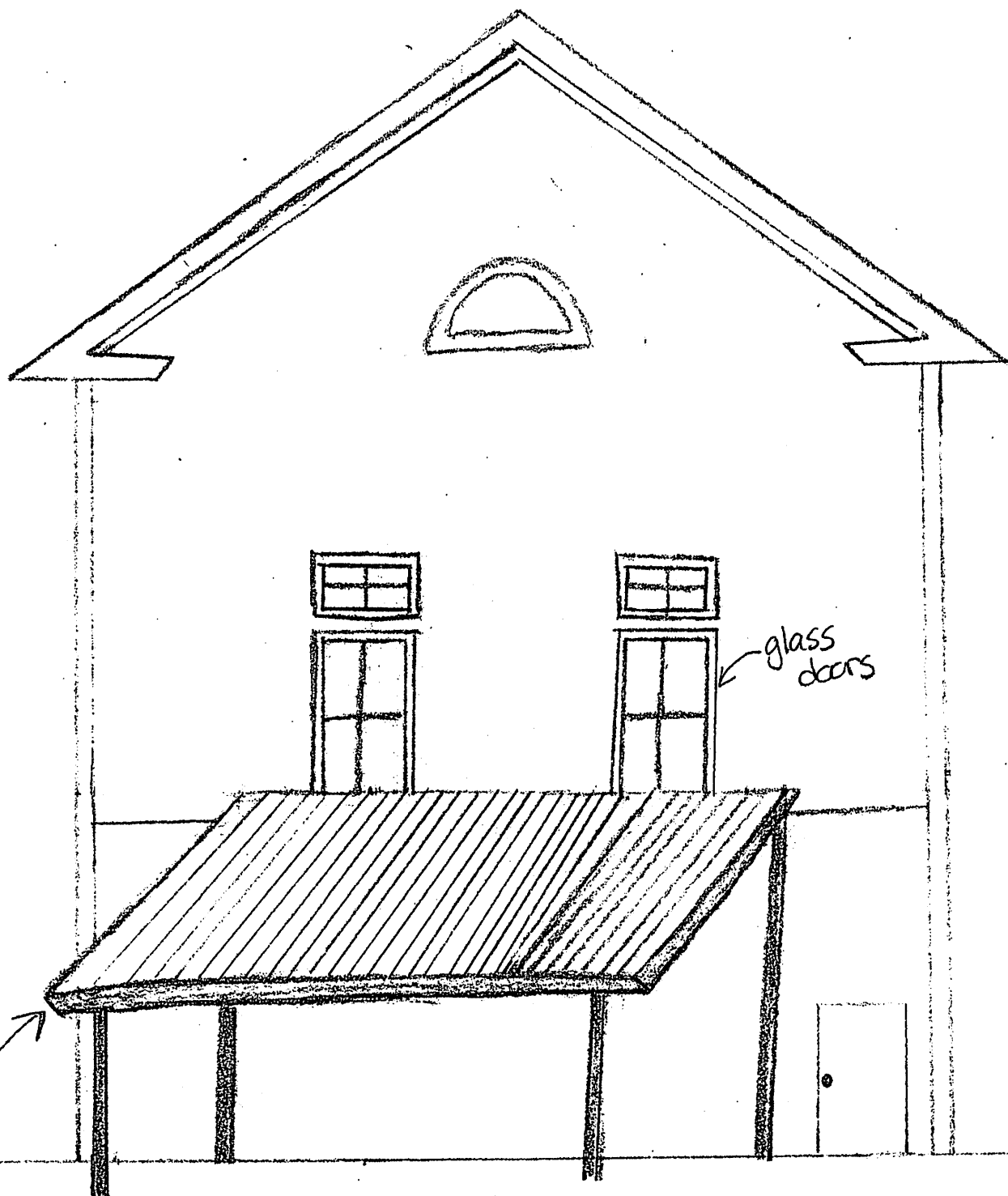
175.04'
S 79° 31' 26"



65 Taconic Avenue, Lenox MA



65 Taconic Avenue, Lexington MA



glass doors

please note that deck floor drawn