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7 SCHOOL STREET
SPECIAL PERMIT FOR ADU

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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 A Special Permit pursuant to 9.2 for the conversion of an existing structure to an Accessory Dwelling Unit.

To permit the following use or activity: See Attached Memorandum

For premises:

Owner of Record: Diane Thorson and Jerome Thorson


Address 7 School Street

Map 39, Lot 42

Zoned as R15

Deed Reference Book 7089, Page 96

Petitioners:


(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

TOWN OF LENOX DALE
ZONING BOARD OF APPEALS
SPECIAL PERMIT APPLICATION

PETITIONERS: Diane Thorson and Jerome Thorson
7 School Street, Lenox Dale
Zone R-15

The Petitioners seek issuance of a Special Permit that will allow them to convert an existing structure to an Accessory Dwelling Unit.

The unit meets the standards for an Accessory Dwelling Unit pursuant to Section 9.2.3.

1. Configuration. The ADU is detached from Mr. and Mrs. Thorson's primary residence.
2. Density. There is only one proposed ADU on the lot.
3. Minimum Lot Size. The lot is 24,786 sq. ft.
4. Maximum Unit Size. The proposed ADU is 492 square feet.
5. Minimum Unit Size. The proposed ADU is 492 square feet.
6. Setbacks and Lot Coverage. The proposed ADU is an existing structure. The structure is 20 feet away from the principal structure.
7. Scale and visual subordination. The ADU is an existing structure. The footprint will not be increased. The ADU is complimentary and subordinate to the primary residence.
8. Design and Appearance. The ADU is complimentary and subordinate to the primary residence.
9. Parking. One additional parking space exists for the ADU unit. There are 5 parking spaces available.

10. Construction Standards. The renovation of the structure will meet all applicable building code standards and it will be connected to municipal water and sewer. Heat will be provided by mini splits and possibly a wood or pellet stove.

11. Accessibility. The unit is a single level.

Mr. and Mrs. Thorson will continue to live in the principal structure as their year-round, primary residence. This may change in the future, with the Thorson's living in the ADU while allowing others to live in the principal structure. The ADU will provide a moderately priced living unit to the housing stock. Issuance of the ADU will also protect the stability, property values and the character of the neighborhood, but adding value to the existing structures without any adverse consequence to the surrounding neighborhood. See 9.2.1(3),(4).

The criteria for a special permit are met.

1. Community needs served by the proposal.

The principal building on the lot is a two-family home. The existing, detached structure being converted to an ADU will help the Thorson family and benefit the community. At present Thorson's are renting the second unit to a family who are year-round residents who are raising their family in Lenox Dale. The Thorson's live in the other unit with their adult daughter who requires assistance with daily living due to a long-term disability. Looking ahead, once the ADU is built, they will be able to live in the ADU while their daughter can live more independently in the principal structure. This living arrangement could also be reversed.

The community is served by this proposal because the community is best served if its residents live year-round in a supportive environment. The construction of the ADU will allow the continued rental of the second unit to a family. The income from the unit allows the Thorson's and their daughter to maintain financial independence.

2. Traffic flow and safety, including parking and loading.

The property has five parking spaces, with a curb cut to School Street. The parking configuration meets the parking requirements with 2 spaces for each apartment and a single parking space for the ADU.

3. Adequacy of utilities and other public services.

7 School Street is serviced by electric, natural gas, and town water and sewer.

4. Neighborhood character and social structure.

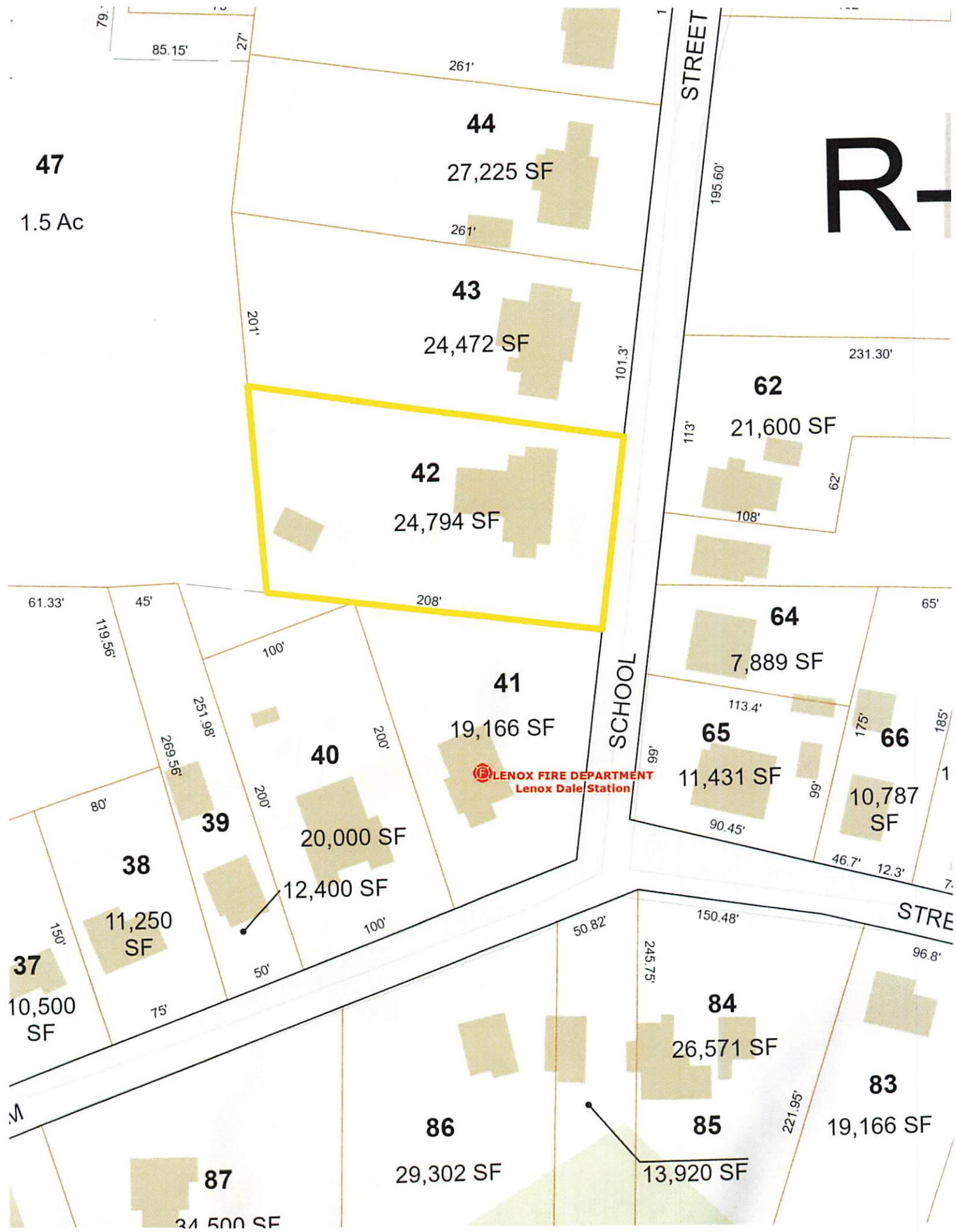
The property is in a neighborhood of similar single-family homes with a mix of multi-family homes and duplexes in the neighborhood.

5. Impacts on the natural environment.

None. The building is existing. The applicant is not extending the building's footprint.

6. Potential economic and fiscal impact to the Town, including impact to town services, tax base, and employment.

Positive. Thorson's are adding an affordable housing unit to the Lenox housing stock. The renovated structure will have an increased tax value. The addition of the ADU will preserve the availability of the apartment for year-round rental.



R-

Key: 1543

Town of LENOX - Fiscal Year 2023

12/8/2022

6:17 pm

SEQ #: 1,703

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CURRENT OWNER						PARCEL ID						LOCATION						
THORSON DIANE THORSON JEROME PO BOX 88 7 SCHOOL ST. LENOX DALE, MA 01242						39-42-0						7 SCHOOL ST						
						TRANSFER HISTORY						DOS		T	SALE PRICE		BK-PG (Cert)	
						THORSON DIANE LANOUE JOSEPH E						12/20/2021 05/19/1988		QS X	455,000		7089-96 1232-823	
CD	T	AC/SF/UN		Nbhd	Inf1	Inf2	ADJ BASE	SAF	Inf3	LPI	VC	CREDIT AMT		ADJ VALUE				
100	S	24,794 5		1.00 A	1.00 A	1.00	88,200	1.38 A	1.00	89	0.70			69,200				

TOTAL	24,786 SF	ZONING	R15	FRNT	0	ASSESSED	CURRENT	PREVIOUS
Nbhd	Lenox Dale	N O T E				LAND	69,200	57,700
Inf1	AVG					BUILDING	368,100	264,000
Inf2	AVG					DETACHED	4,700	4,300
						OTHER	0	0
						TOTAL	442,000	326,000

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
SHF	L	0.80 40	0.60 4 X 8		32	11.37	200
SHF	G	1.20 20	0.80 16 X 26		416	13.59	4,500

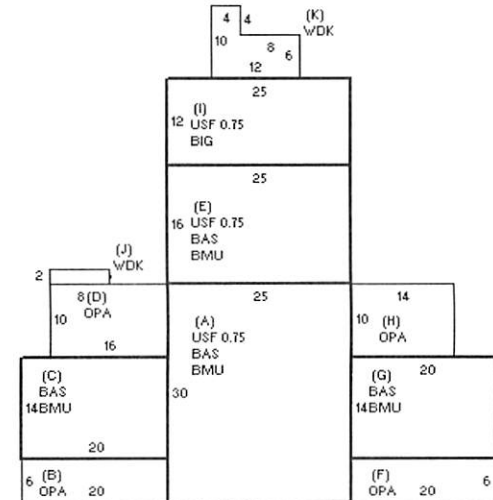
PHOTO 10/01/2020



BLDG COMMENTS

BUILDING	CD	ADJ	DESC	MEASURE	11/4/2013	RJM
MODEL	1		RESIDENTIAL			
STYLE	11	1.00	DUPLEX [100%]	LIST	11/4/2013	EST
QUALITY	A	1.00	AVERAGE [100%]			
FRAME	1	1.00	WOOD FRAME [100%]	REVIEW	1/3/2014	RJM

YEAR BLT	1900	SIZE ADJ	1.000	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	504,298		
NET AREA	2,798	DETAIL ADJ	1.000	FOUNDATION	3	FOUND WALL	1.00	+	BMU	N	BSMT UNFINISHED	1,710		31.08	53,141	CONDITION ELEM	CD		
\$NLA(RCN)	\$180	OVERALL	0.950	EXT. COVER	2	CLAPBOARD	1.00	+	BAS	L	BASE AREA	1,310	1900	149.36	195,658	EXTERIOR	G		
				ROOF SHAPE	1	GABLE	1.00	A	USF	L	UPPER STORY FIN	563	1900	137.53	77,431	INTERIOR	G		
				ROOF COVER	1	ASPH/CMP SHIN	1.00	+	OPA	N	OPEN PORCH	540		40.57	21,905	KITCHEN	G		
				FLOOR COVER	2	SOFTWOOD	1.00	E	BAS	L	BASE AREA	400	1995	149.36	59,743	BATHS	A		
				INT. FINISH	1	PLASTER	1.00	+	USF	L	UPPER STORY FIN	525	1995	137.53	72,205	HEAT	A		
				HEATING/COOL	2	HOT WATER	1.00	I	BIG	N	BUILT-IN GARAGE	300		55.67	16,701	ELECT	A		
				FUEL SOURCE	2	GAS	1.00	+	WDK	N	WOOD/COMP DECK	104		28.41	2,955				
CAPACITY				UNITS	ADJ													EFF.YR/AGE	1994 / 27
STORIES		1.75	1.00													COND	27 27 %		
ROOMS		10	1.00													FUNC	0		
BEDROOMS		4	1.00													ECON	0		
BATHROOMS		2	1.00													DEPR	27 % GD 73		
TOT FIXTURES		6	\$4,560													RCNLD	\$368,100		
GARAGE SPACES		1	1.00																
% BSMT FIN		0	1.00																
# 1/2 BATHS		0	1.00																
# OF UNITS		2	.95																



**NEW ENGLAND LAND SURVEY
PROFESSIONAL LAND SURVEYORS**



**710 MAIN STREET
NORTH OXFORD, MA 01537**

PHONE: (508) 987-0025

FAX: (508) 438-6604

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING DWELLING STRUCTURES TO PROPERTY LINE OFFSETS (UNLESS OTHERWISE NOTED IN DRAWING BELOW).

NOTE: NOT DEFINED ARE ABOVE GROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS, ETC. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE VII, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROVISION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.

MORTGAGE INSPECTION PLAN

NAME JEROME AND DIANE THORSON

LOCATION 5-7 SCHOOL STREET

LENOX, MA

SCALE 1"= 60'

DATE 12/15/21

ACADEME MORTGAGE
CORPORATION

CERTIFY TO: MIDDLE BERKSHIRE

DEED REFERENCE: 1232/823

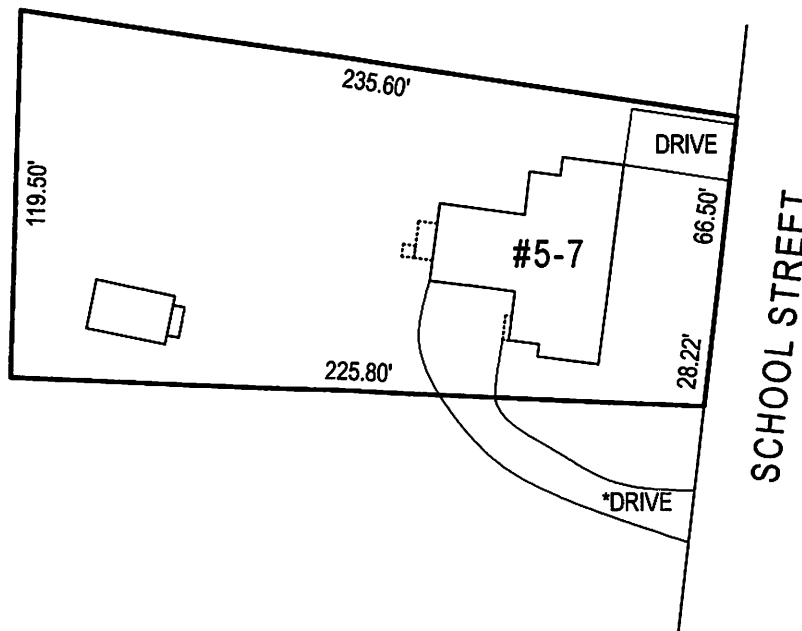
PLAN REFERENCE: N/A

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FIRM:

2500290005B

DTD: 07/05/1982

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY HUD AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.



*POSSIBLE ENCROACHMENT BY , AN INSTRUMENT SURVEY IS RECOMMENDED.

REQUESTED BY: MARTIN & OLIVEIRA, LLP
DRAWN BY: NL
FIELD BY: JS
CHECKED BY: GES
FILE: 21MIP21089



21MIP21089



Berkshire Middle District Registry of Deeds

Electronically Recorded Document

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Recording Information

Document Number	: 989293
Document Type	: DEED
Recorded Date	: December 20, 2021
Recorded Time	: 02:33:32 PM
Recorded Book and Page	: 07089 / 96
Number of Pages(including cover sheet)	: 5
Receipt Number	: 172853
Recording Fee (including excise)	: \$2,229.80

MASSACHUSETTS EXCISE TAX
Middle Berkshire ROD 001
Date: 12/20/2021 02:33 PM
Ctrl# 042601 25520 Doc# 00989293
Fee: \$2,074.80 Cons: \$455,000.00

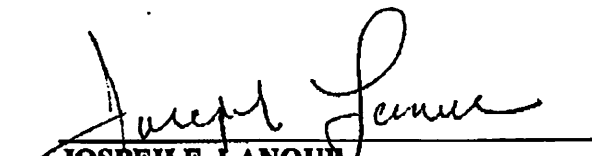
Berkshire Middle District Registry of Deeds
Patricia M. Harris, Register
44 Bank Row
Pittsfield, MA 01201
413-443-7438
berkshiremiddledeeds.com

DEED

We, JOSPEH E. LANOUE and TRACY T. LANOUE, husband and wife, of Frisco, Colorado, for consideration paid in the amount of FOUR HUNDRED FIFTY-FIVE THOUSAND AND 00/100 (\$455,000.00) DOLLARS grant to DIANE THORSON and JEROME THORSON, wife and husband, whose residence and post office address is 7 School Street, Lenox Dale, MA 01240, to hold as TENANTS BY THE ENTIRETY, with QUITCLAIM COVENANTS, the land with buildings, if any, thereon situated in Lenox Dale a village in the Town of Lenox Berkshire County, Massachusetts, bounded and described as follows:

**LOCUS: 7 School Street, Lenox Dale, MA
f/k/a 9-11 School Street, Lenox Dale, MA**

WITNESS my hand and seal this 8 day of December, 2021


JOSEPH E. LANOUE

STATE OF Colorado

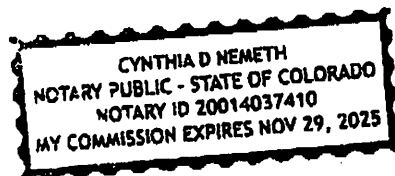
COUNTY OF Summit

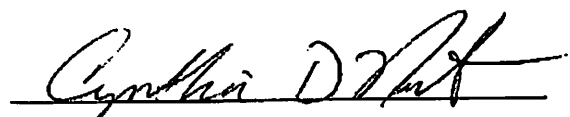
On this 8th day of December 2021, before me, the undersigned notary public, personally appeared JOSEPH E. LANOUE, proved to me through satisfactory evidence of identification, being (check whichever applies):

- ☒ 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 documents in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

[affix seal]





Notary Public

My Commission Expires: 11-29-2025

Beginning in the westerly line of a new road leading northerly from near the school house at Lenoxdale, at the southwesterly corner of the lands to be conveyed;

thence North $88 \frac{1}{3}^{\circ}$ West two hundred and twenty-five and $\frac{8}{10}$ feet passing the northerly end of the aforesaid "school house" lot to land now or formerly of B. Lawton;

thence North $1\frac{1}{2}^{\circ}$ East along said Lawton line one hundred and nineteen and one-half feet to a corner of this real estate;

thence South $82 \frac{1}{2}^{\circ}$ East two hundred and thirty-five and $\frac{6}{10}$ feet to the aforesaid westerly line of said road;

thence South $7 \frac{1}{2}^{\circ}$ West along said westerly line sixty-six and one-half feet to an angle in said line; and

thence westerly along said line twenty-eight and $\frac{2}{10}$ feet to the place of beginning and containing about two-thirds of an acre of land more or less.

Being all and the same premises conveyed to Joseph E. Lanoue and Tracy T. Lanoue by deed of James A. Williams, Sr. dated and recorded May 19, 1988 with the Berkshire Middle District Registry of Deeds in Book 1232, Page 823.

As per M.G.L. c. 188§13, the Grantors, under oath and subject to the pains and penalties of perjury, do hereby depose, state and certify that; (i) we release all rights of homestead in the subject realty, (ii)(that no spouse, no non-owner spouse, former spouse, or any other person resides in the home, and (iii) at the time of delivery of this deed, no spouse, former spouse or any other person is entitled to claim the benefit of an existing estate of homestead.

Real estate taxes for the current fiscal year have been apportioned between the parties hereto, and the grantees herein assume and agree to pay the same.

WITNESS my hand and seal this 8 day of December, 2021

Tracy T. Lanoue
TRACY T. LANOUE

STATE OF Colorado

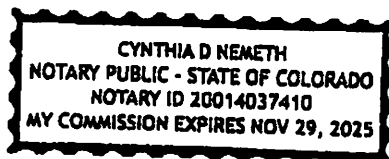
COUNTY OF Summit

On this 8 day of December 2021, before me, the undersigned notary public, personally appeared TRACY T. LANOUE, proved to me through satisfactory evidence of identification, being (check whichever 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 documents in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.

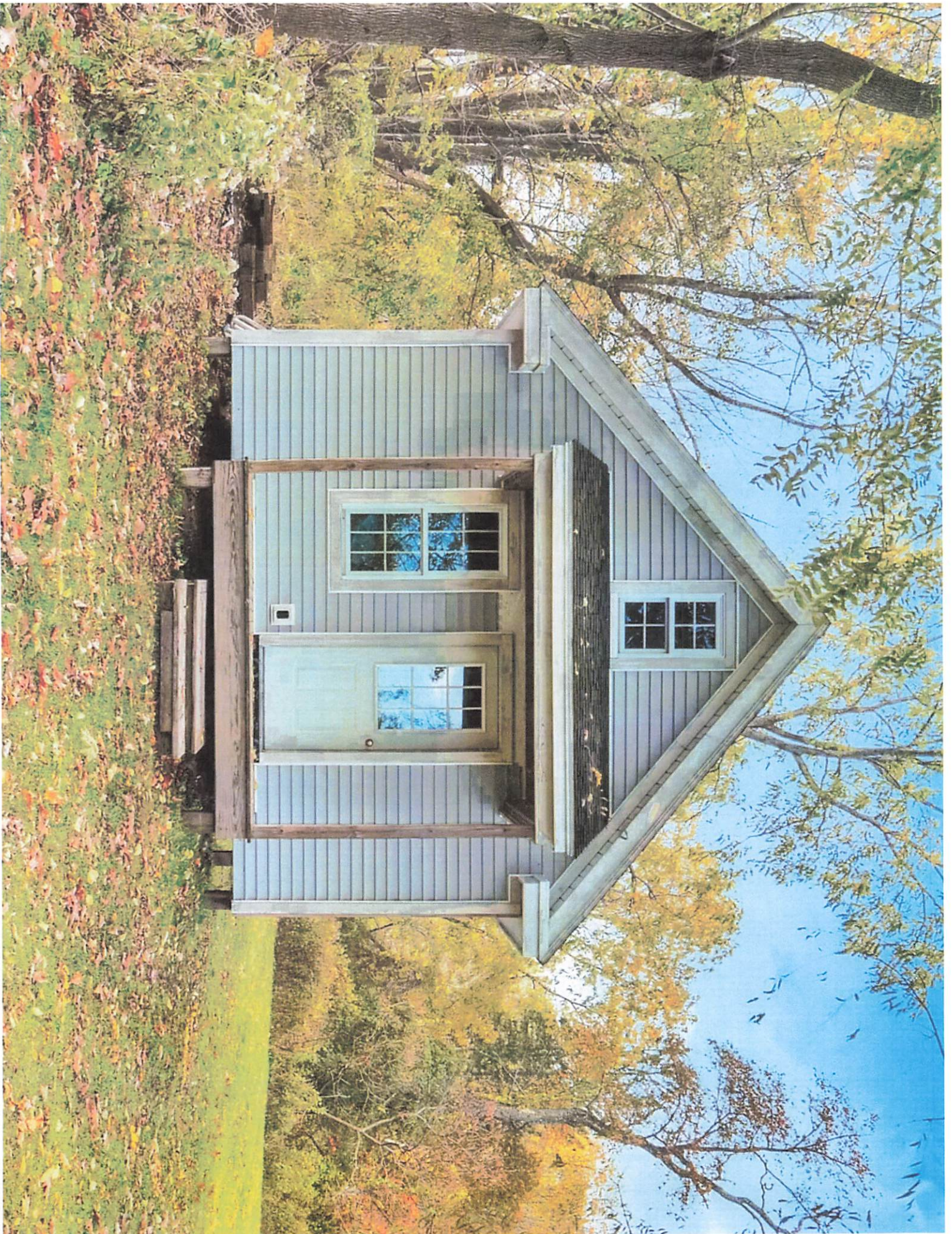
[affix seal]



Cynthia D Nemeth

Notary Public

My Commission Expires: 11-28-2025





TOWN OF LENOX DALE
ZONING BOARD OF APPEALS
SPECIAL PERMIT APPLICATION

RE: 7 SCHOOL STREET, LENOX DALE, MASSACHUSETTS.

We, Diane Thorson and Jerome Thorson, husband and wife, hereby affirm the following facts are true statements.

- a. We are over the age of eighteen (18) years and understand the obligations of an oath.
- b. We are the owners of 7 School Street, Lenox Dale, Massachusetts. (the "Property").
- c. The Property includes our primary residence and a secondary structure with a living unit (the ADU unit).
- d. We will reside in the primary residence as our principal domicile or the ADU, except for bona fide temporary absences.

Signed under the pains and penalties of perjury this ____ day of February 2024.



Diane Thorson



Jerome Thorson

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss

On this 14th day of February 2024, before me, the undersigned notary public, personally appeared Jerome Thorson, proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.



JEFFREY R. LYNCH
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
October 23, 2026

A blue ink signature of Jeffrey R. Lynch, consisting of stylized initials and a surname, written over a horizontal line.

Jeffrey R. Lynch, Notary Public

My Commission expires:

COMMONWEALTH OF MASSACHUSETTS

Berkshire, ss

On this 14th day of February 2024, before me, the undersigned notary public, personally appeared Diane Thorson, proved to me through satisfactory evidence of identification, which were MA Drivers License, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.



JEFFREY R. LYNCH
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
October 23, 2026

A blue ink signature of Jeffrey R. Lynch, consisting of stylized initials and a surname, written over a horizontal line.

Jeffrey R. Lynch, Notary Public

My Commission expires: