# SPECIAL PERMIT 6.1.2 - PINCUS Pre-Existing Non-Conforming - Select Board Proposed House Replacement, Septic System Replacement and Related Work 

Property Location:
8 Hawthorne Road
Map 205 Lot 65
Stockbridge, MA

Owner/Applicant:
Daniel and Becky Pincus The Peanut Gallery LLC
c/o Martin \&Oliveira
75 Church Street, Pittsfield MA 01201

Civil Engineer:
Foresight Land Services, Inc.
1496 West Housatonic Street
Pittsfield, MA 01201

May 2022

FLS Project\# E2942

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Managers of The Peanut Gallery LLC

- Special Permit Application
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## - EXHIBITS

Exhibit A - Survey of Land in Stockbridge, Mass. Prepared for Doriot Anthony Dwyer, dated February 26, 1981, by Dennis C. Drumm

Exhibit B - Engineering Plans by Foresight Land Services, Inc.

- SAS-1 Subsurface Wastewater Disposal System Plan, dated January 19, 2022
- C-2 Proposed Site Plan, dated March 23, 2022

Exhibit C - Site Photos

Exhibit D - INOA Architectural Plan Set - Floor Plans \& Elevations

- A100.00 Basement and First Floor Plans
- A101.00 2nd Floor and Roof Plan
- A200.00 Building Elevations
- A201.00 Building Elevations


## Town of Stockbridge Special Permit Application (6.1.2)

( $\$ 200$ Application Fee plus the cost of publication of notice of public hearing and postage costs paid by applicant prior to hearing)

Application for: Extension, Alteration, Reconstruction, or Change of Use of Nonconforming Structures, Uses and Lots per zoning bylaw section 6.1.2:

Application is hereby made to the Board of Selectmen by:
Applicant (name): Daniel \& Becky Pincus, Managers of The Peanut Gallery LLC
Applicant Signature:


Applicant Mailing Address: C/O Martin \& Oliveira, 75 Church Street, Pittsfield, MA 01201
Applicant phone and email: Phone\#\#: 917-566-5992 Email: danielpincus@mac.com
On the $\qquad$ 9 day of $\qquad$
$\qquad$ , 2.022 for property shown on the Stockbridge

Assessors Map \# 205 , Lot \# 65 _Book 06962 ,Page 137
Owner of property:
Daniel \& Becky Pincus, Managers of The Peanut Gallery LLC
Owner's signature:
Address of property:
8 Hawthorne Road, Map 205, Lot 65
Mailing Address:
C/O Martin \& Oliveira, 75 Church Street, Pittsfield, MA 01201
Description of property:
Present use of property:
Project Description:
See attached sheet
Single Family House
See attached sheet

## Appropriate Section of Zoning Bylaw:

6.1.2-1

Describe the reason you believe that the lot and/or structure to be in nonconformance with the current Zoning Bylaw: i.e. lacks frontage, lacks area square footage, height of structure, infringement on setbacks:

See attached

1. Attach six sets of scale drawings or prepared site plan with measurements showing the existing conditions and proposed changes, including location, size and height of proposed building.
2. Also attach six plot plans showing the locations of all structures and buildings with scaled measurements to all lot lines and between all structures,
3. along with a total of five copies of this application, six complete sets of documents.
4. Submit digital plans and application to: selectmen@stockbridge-ma.gov

All applications must be accompanied by six complete sets of documents, all areas of the above form must be completed, and the proper fee paid, or the application will be deemed to be incomplete and returned to the applicant.

# ADDENDUM TO SPECIAL PERMIT APPLICATION <br> Section 6.1.2 - Board of Selectmen <br> M.G.L., Ch. 40A, §6 <br> Daniel and Becky Pincus Managers of The Peanut Gallery LLC <br> Applicant/Owner <br> Property Location: 8 Hawthorne Road, Stockbridge, MA <br> Map 205, Lot 65 

The applicant is the owner of an existing one-story single-family dwelling located in the R-4 zone on a . 91 -acre lot with 100 feet of frontage on Hawthorne Road. The lot is nonconforming with regard to frontage, acreage, and side yard setbacks. The existing lot is shown on a plan entitled "Survey of Land in Stockbridge, Mass, Prepared for Doriot Anthony Dwyer Feb. 26,1981 ". The property has approximately 100 feet of frontage on the east side of Stockbridge Bowl. The property is located just east of the Hawthorne Road causeway. The existing dwelling was built approximately 1955 and is a camp style house with one floor and a front deck. The lot is accessed by a gravel drive off Hawthorne Road to the front of the house.

The owner is seeking a Special Permit under Section 6.1.2 and M.G.L. Ch. 40A Section 6 , to demolish the existing structure and reconstruct a new two-story dwelling that will have a poured foundation with a lower floor garage, first floor, and second floor. The proposed structure is proposed to be accessed by a stone driveway with access to a new built in garage. The driveway will be in the same location as the existing driveway.

The following is a summary of the existing and proposed setbacks, lot coverage, and density.

## ZONING TABLE

| DISTRICT: R-4 (TAX MAP \#205, LOT \#65) |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: |
| REQUIREMENT |  |  | EXISTING | PROPOSED |
| LOT | IDTH/FRONTAGE: | $300{ }^{\prime}$ | 100 | N/C |
| 定 | FRONT (S):House | $50^{\prime}$ | 72.6 ' ${ }^{\text {a }}$ | 90.6 |
|  | FRONT Septic Wall | $50^{\prime}$ | 0 | $10^{\prime}$ |
|  | SIDE (E): | $50^{\prime}$ | 51.8 ' $\pm$ | 33.6 ' |
|  | SIDE (W): LAKE | $50^{\prime}$ | 43.4' house, 32.6' deck | 47' |
|  | REAR (N): | $50^{\prime}$ | 146.3 ' | 51.2' |
| HEIGHT |  | 35' | <20 | 34.9 ' |


|  | EXISTING |
| :--- | :---: |
| TOTAL LOT SIZE: | 0.9 Acres (37,750 SF) |
| COVERAGE ALLOWED: | $10 \%(3,775 \mathrm{SF} \pm)$ |
| MASS ALLOWED: | $20 \%(7,550 \mathrm{SF} \pm)$ |


|  | EXISTING |  | PROPOSED |  |
| :---: | :---: | :---: | :---: | :---: |
|  | COVERAGE | MASS | COVERAGE | MASS |
| HOUSE | $992 \mathrm{SF} \pm$ | $992 \mathrm{SF} \pm$ | $2,784 \mathrm{SF} \pm$ | $2,784 \mathrm{SF} \pm$ |
| DECK | 509 SF | 509 SF | 796 SF | 796 SF |
| LOWER/GARAGE | 0 | 0 |  | $1,127 \mathrm{SF}$ |
| $2^{\text {nd }}$ FLOOR Cantilever | 0 | 0 | 197 | $1,853 \mathrm{SF}$ |
| TOTAL AREA: | $1,501 \mathrm{SF} \pm$ | $1,501 \mathrm{SF} \pm$ | $3,775 \mathrm{SF} \pm$ | $6,560 \mathrm{SF} \pm$ |
| TOTAL | $4 \% \pm$ | $4 \% \pm$ | $10 \% \pm$ | $17.4 \% \pm$ |
| PERCENTAGE: | 4 |  |  |  |

Included with this submission are plans prepared by Foresight Land Services showing the existing conditions and proposed conditions, locations of all structures and buildings with scaled measurements to all lot lines; architectural floor plans showing the proposed floor plans, proposed elevations and an artistic rendering of the proposed dwelling showing the Lake view.

The property is in the Lake and Pond Overlay District and is the subject of an application for a LPOD Special Permit from the Planning Board that has been approved and issued and an Order of Conditions from the Conservation Commission which has closed the meeting and are in
the process of issuing an Order of Conditions. The septic system design plan has been approved by Tri-Town Health Department.

The proposed reconstruction is in compliance with Section 6.1.2 as follows:
The parcel fronts on Hawthorne Road and lies in the R-4 Residence zone. The lot is also subject to the Lake and Pond Overlay District (LPOD) within 150 feet of the High-Water mark of Stockbridge Bowl. The parcel is preexisting non-conforming and contains approximately 0.90 acres of land with approximate 100 feet of frontage. The R4 zoning district requires 4 acres and 300 feet of frontage. The site is currently developed with the same use (residential) as proposed. The existing house is setback from the west side line at $32.5^{\prime}$ ( $50^{\prime}$ req.) to the existing deck and meets all other setback distances and is setback to the High-Water mark of Stockbridge Bowl by approximately 71 feet to the deck. The proposed new construction will meet the front and rear zoning setback distances. The side setbacks are proposed as $47^{\prime}$ to the west and $33.6^{\prime}$ to the east being no closer than the existing $32.5^{\prime}$ existing side yard setback. The proposed structure will not encroach on the rear or lakeside (LPOD) setbacks any more than the existing structure with a new deck at 71 feet. The proposed house coverage 3775 SF meets the $10 \%$ coverage of the parcels 37,750 SF size. House coverage includes the first floor and deck and an overhang of the second floor.

A new septic system is proposed to replace the existing non-conforming (Title 5) septic system. The new septic system is located in a very limited area, testing witnessed and approved by Tri-Town Health Department. Soil exploration in the remainder of the parcel resulted in shallow to ledge conditions, not suitable to support a conforming septic system. A replacement septic design for the proposed use has been approved by Tri-Town Health Department. The remainder of the parcel is also within the 100 -foot setback restriction to existing wells on the
subject parcel and the abutting parcels to the north and east. To meet Mass State sanitary regulations (Title 5), the new septic system is proposed as a raised system requiring a surrounding retaining wall because of site constraints. The septic system has been designed to fit between existing ledge conditions to the east, the existing and proposed driveway to the west, and as much possible setback from Hawthorne Road and required house setback and ledge conditions to the north. The proposed septic system is within the 50 ' front setback to zoning and proposes an approximate 8 -foot tall retaining wall offset 10 feet from the front line. The height of the proposed septic system and retaining wall has been reduced by two feet by the use of Alternative Technology in accordance with Title 5 regulations.

The proposed septic system is both within the $50^{\prime}$ west side and $50^{\prime}$ front setback and has a retaining wall, varying in height but at the tallest near to Hawthorne Road is 8 feet, required by Title 5, greater than 6 feet in side yard, and 4 feet front zoning requirement. The wall is proposed to be semi terraced with two 16 " setback shelves at 2 feet height and 5 feet height that are proposed to have native vine plantings, such as Virginia Creeper and Clematis. Similar trailing planting are proposed from the top and the base of the wall also. The intention is to mask the wall with vegetation. There is no alternative septic location on the site. The project proposes that the septic system is required for the lot being a buildable site and constitutes a site related hardship per location/topography.

The reconstruction will not be substantially more detrimental than the pre-existing, nonconforming structure or use to the character of the neighborhood:
3. The proposed alteration and reconstruction is in conformity with Section 6.3.6 as follows:
a. The alteration is in compliance with all provisions and requirements of the
bylaw, and in harmony with its general intent and purposes. The existing cottage, built in the 1950 's, is in a very deteriorated condition. The upgrading of property in Stockbridge is consistent with Section 1.3, Purposes, as it will conserve the value of land and buildings within the town.
b. The proposed alteration and reconstruction is essential and desirable to public convenience and welfare at the proposed location. The upgrading of the existing structure and septic are a benefit to the public in that it will increase the conformity of the site components to current codes and the septic will improve absorption discharge treatment. The project should have no impact to public convenience, though it will improve access to the site for emergency purposes.
c. The alteration and reconstruction will not be detrimental to adjacent uses or to $\underline{\text { the established or future character of the neighborhood. The proposed project will }}$ improve the character of the neighborhood by eliminating a deteriorated existing structure and construction of a new code compliant structure. The project will not have adverse impact on the environment, public health or safety.

## d. The addition will not create undue traffic congestion or unduly impair

 pedestrian safety. The dwelling on the property will remain a single-family dwelling, and therefore there will not be any adverse impact on vehicular or pedestrian traffic.e. The proposed expansion will not overload any public services to the location. The single-family dwelling property will continue to be served by onsite septic and well, not impacting public services. A new electrical service is proposed. The project will not overload any public services.









GFRC CLADDING



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