

HELLER & ROBBINS PC

36 CLIFFWOOD STREET
POST OFFICE BOX 823
LENOX, MASSACHUSETTS 01240

Lori A. Robbins, Esq.

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December 8, 2022

Terri Iemolini, Town Clerk
Town Hall, 50 Main Street
Stockbridge, MA 01262

Re: Linda Shafiroff
Special Permit Application, pursuant to Section 6.1.2 to the Board of Selectmen
Property Location: 10 Pine Street, Stockbridge


Dear Ms. Iemolini:

Enclosed for filing with the Stockbridge Board of Selectmen are six sets of a Special Permit Application for Linda Shafiroff and accompanying submittals along with the filing fee of \$200.00.

Please schedule the hearing before the Board of Selectmen on this application at their earliest convenience. Thank you for your attention to this matter.

Very truly yours,

HELLER & ROBBINS PC



Lori A. Robbins

Encl.

cc: Linda Shafiroff via e-mail
Board of Selectmen via e-mail



**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): Linda Shafiroff

Applicant Signature: 

Applicant Mailing Address: P.O. Box 35, Stockbridge, MA 01262

Applicant phone and email: (413) 531-5589 Linda@CBSberkshires.com

On the 8th day of December, 2022 for property shown on the Stockbridge

Assessors Map # 106, Lot # 57 Book 6742, Page 120, Zoning District Business

Owner of property: Linda Shafiroff

Owner's signature: 

Address of property: 10 Pine Street, Stockbridge, MA 01262

Mailing Address: P.O. Box 35 Stockbridge, MA 01262

Description of property: Single family dwelling and barn/garage

Present use of property: Remove dilapidated 2 story barn and build new 2 story structure to be used as a home occupation on ground floor and residence on

Project Description: 2nd story See attached Addendum

Appropriate Section of Zoning Bylaw: 6.1.2

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:

The barn/garage is slightly over the property line in the rear of the property
and infringes on the rear yard setback.

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 seven complete sets of documents, all areas of the above form must be completed and submitted to the Town Clerk with the proper fee paid, or the application will be deemed to be incomplete and returned to the applicant.

ADDENDUM TO SPECIAL PERMIT APPLICATION

Section 6.1.2 - Board of Selectmen

M.G.L., ch. 40A, §6

Linda Shafiroff

Applicant/Owner

Property Location: 10 Pine Street, Stockbridge, MA

The applicant is the owner of a parcel of land in the **Business** zoning district, with a lot size of 13,210 square feet and 86.81 feet of frontage on Pine Street, containing a two story dwelling and a two story garage/barn. The garage/barn is non-conforming with regard to the rear yard setback requirement of 15 feet on the east side in that it is currently slightly over the boundary line. She is seeking a special permit under Section 6.1.2 to demolish the existing two story garage/barn structure and reconstruct a new two story structure that will diminish the existing rear yard set back to 7.41 feet on one side and 5.00 feet on the other side and to change it's use to a garage/home office on the first floor and a studio apartment on the second floor. The lot coverage and height are conforming and the new construction will also comply with the current front and side yard set back, lot coverage and height requirements of the Stockbridge Zoning Bylaw.

The existing garage/barn, with a foot print of 594.0 square feet, has a garage on the first floor and storage space on the 2nd floor. The proposed use of the new structure will include a garage, home office, bathroom and closet on the first floor with a footprint of 734.67 square feet and studio apartment with a 236 sq. ft. living/bedroom and a 201 sq ft. kitchen/dining room and a small laundry room on the second floor.

Section 4.11 (A) (2) of the Zoning Bylaw provides that ***"One family dwelling and two family dwelling units are permitted as of right to be located on a premises in the business district when all residential living areas are located above the ground floor of the structure."*** In addition, Section 4.11 (B)(1) regulating Accessory Uses, provides that the ***"Use of the upper portion or stories of a building, whose principal use is commercial, for residential purposes."*** is allowed by right in the Business district and Section 4.11(B) (2) provides that Home Occupations are allowed by right in the Business district.

Section 6.1.2 provides that ***"The Board of Selectmen may authorize by special permit, any change, extension, alteration or reconstruction of a pre-existing nonconforming structure or use to provide for its use for substantially different purpose or for the same purpose in a***

substantially different manner or to a substantially greater extent, if such change, extension or alteration or reconstruction will not be in greater nonconformity with open space, yard and off street parking requirements or any other requirements of this bylaw, provided that the selectmen find in accordance with Chapter 40A of the General Laws that such extension, alteration, reconstruction will not be more detrimental than the existing nonconforming structure or use to the neighborhood.”

In the case of Nichols v. Board of Zoning Board of Appeals of Cambridge, 26 Mass App. Ct. 631 (1988) the court held that a special permit is required to change the use of a structure that is nonconforming as to dimensional requirements, if the structure will be “altered”. In that case, the applicant sought permission to renovate a garage to an architect’s home office. The findings required for such an alteration is that the reconstruction will not be more detrimental than the existing nonconforming structure or use to the neighborhood.

The applicant is a designer and builder of residential and commercial structures. She will not be meeting with clients in the home office, nor will she have any employees, but will use the space to do her drafting and other computer related work.

The following is a summary of the existing and proposed setbacks for the garage/barn, lot coverage and height.

ZONING TABLES

DISTRICT: Business (TAX MAP #106, LOT #57)				
REQUIREMENT			EXISTING	PROPOSED
LOT WIDTH/FRONTAGE:		----	86.81	N/C
MIN. SET BACK	FRONT (W):	10'	>125' ±	>100' ±
	SIDE (N):	15'	24.21 ±	24.41 ±
	SIDE (S)	15'	28.37 ±	28.58 ±
	REAR (E):	15'	0'±	7.43 ± and 5.00±
BUILDING HEIGHT:		35'	>35' ±	24.5 ±

Included with this submission is a “Survey of Land in Stockbridge Massachusetts Prepared for Linda Shafiroff November 10, 2022” by Taconic Land Consultants showing the existing conditions and proposed changes, locations of all structures and buildings; floor plans

prepared by Creative Building Solutions showing: the proposed façade as viewed from the front, footprint of the Existing House with it's lot coverage of 1,629 sq ft, the footprint of the proposed new structure of 734.67 sq ft demonstrating that the total lot coverage proposed will be 2,363 sq ft that is in compliance with the 50% maximum lot coverage, which would be 6,605 sq ft., 1st floor plans, 2nd floor plans and elevations showing a height of 24.5 for the new structure; the Stockbridge Assessors Map 104 showing the site in proximity to other lots; deed to the current owner, and a photograph of the exiting garage/barn.

The applicant has applied to the Stockbridge Historic Preservation Commission for an Application for Demolition and is awaiting a hearing date.

The proposed reconstruction is in compliance with Section 6.1.2 as follows:

1. The new structure will not be in greater nonconformity with respect to the East side yard setback and will in fact be making the building more conforming by removing it from over the property line to more than 7 feet away from the property line on one side and 5 feet on the other side and will be in compliance with off-street parking requirements, front yard, side yard setbacks, building height, and lot coverage.
2. The reconstruction will not be substantially more detrimental than the pre-existing, nonconforming structure or use to the character of the neighborhood. The current garage/barn is in the very back of the lot and is in disrepair. The new structure will be a much more appealing building. The use of the new structure in the Business district as a home occupation and a studio apartment will not be detrimental to 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 new two-story structure will **not** be in greater nonconformity with open space, yard and off street parking requirements and will **not** be more detrimental than existing nonconforming structure to the neighborhood. 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

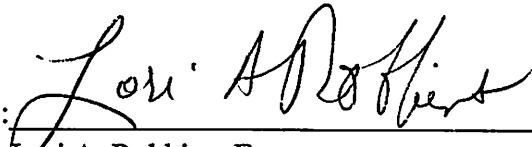
public convenience and welfare at the proposed location. The upgrading of the existing structure is a benefit to the public.

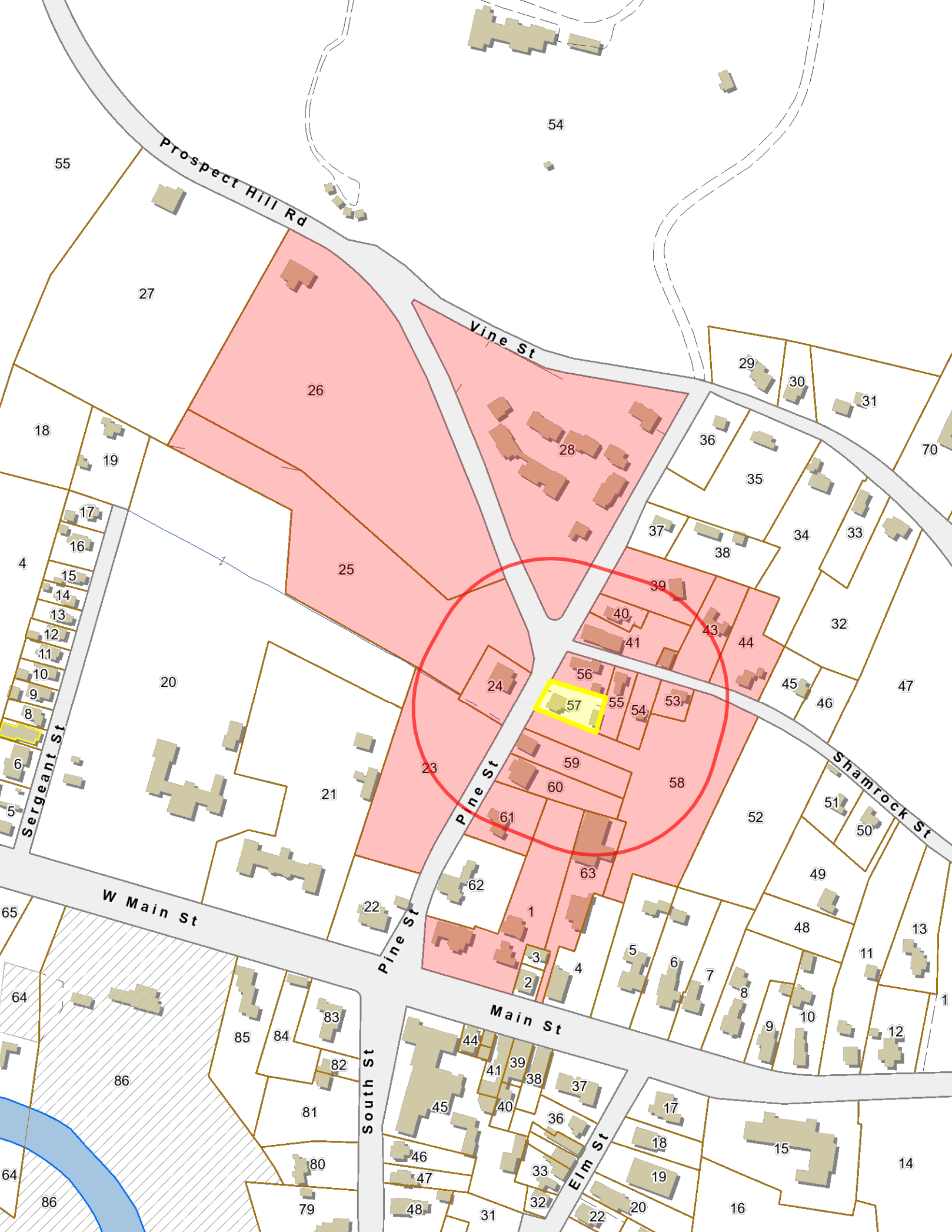
c. The alteration and reconstruction will not be detrimental to adjacent uses or to the established or future character of the neighborhood. Although this property is in the Business zone the neighborhood consists of a mixture of single-family and multifamily dwellings and businesses. All finish elements of the architecture of the proposed structure have been proportionately designed to complement its setting and the character of the other structures in the neighborhood, so that there will not be any adverse impact on the environment, public health or safety.

d. The addition will not create undue traffic congestion or unduly impair pedestrian safety. The first floor of the new structure will be used as a home occupation for the existing dwelling owner and the second floor will provide a very small apartment, and therefore there will not have an adverse impact on vehicular or pedestrian traffic.

e. The proposed expansion will not overload any public services to the location. The new structure will continue to be served by a town water and town sewer.

Linda Shafiroff
Applicant/Owner

By: 
Lori A. Robbins, Esq.
Heller & Robbins PC
36 Cliffwood Street, P.O. Box 823
Lenox, MA 01240
413-637-2255





Property Card: 10 PINE ST

Town of Stockbridge, MA

Parcel Information

Parcel ID: 106-057-000-000 Vision ID: 1248 Owner: SHAFIROFF LINDA Co-Owner: Mailing Address: 82 MAPLE AV - 2ND FL GREAT BARRINGTON, MA 01230	Map: 106 Lot: 57 Use Description: TWO FAMILY Zone: B Land Area in Acres: 0.29
Sale History	Assessed Value
Book/Page: 6742/ 120 Sale Date: 10/13/2020 Sale Price: \$385,000	Land: \$104,100 Buildings: \$262,600 Extra Bldg Features: \$1,600 Outbuildings: \$0 Total: \$368,300

Building Details: Building # 1

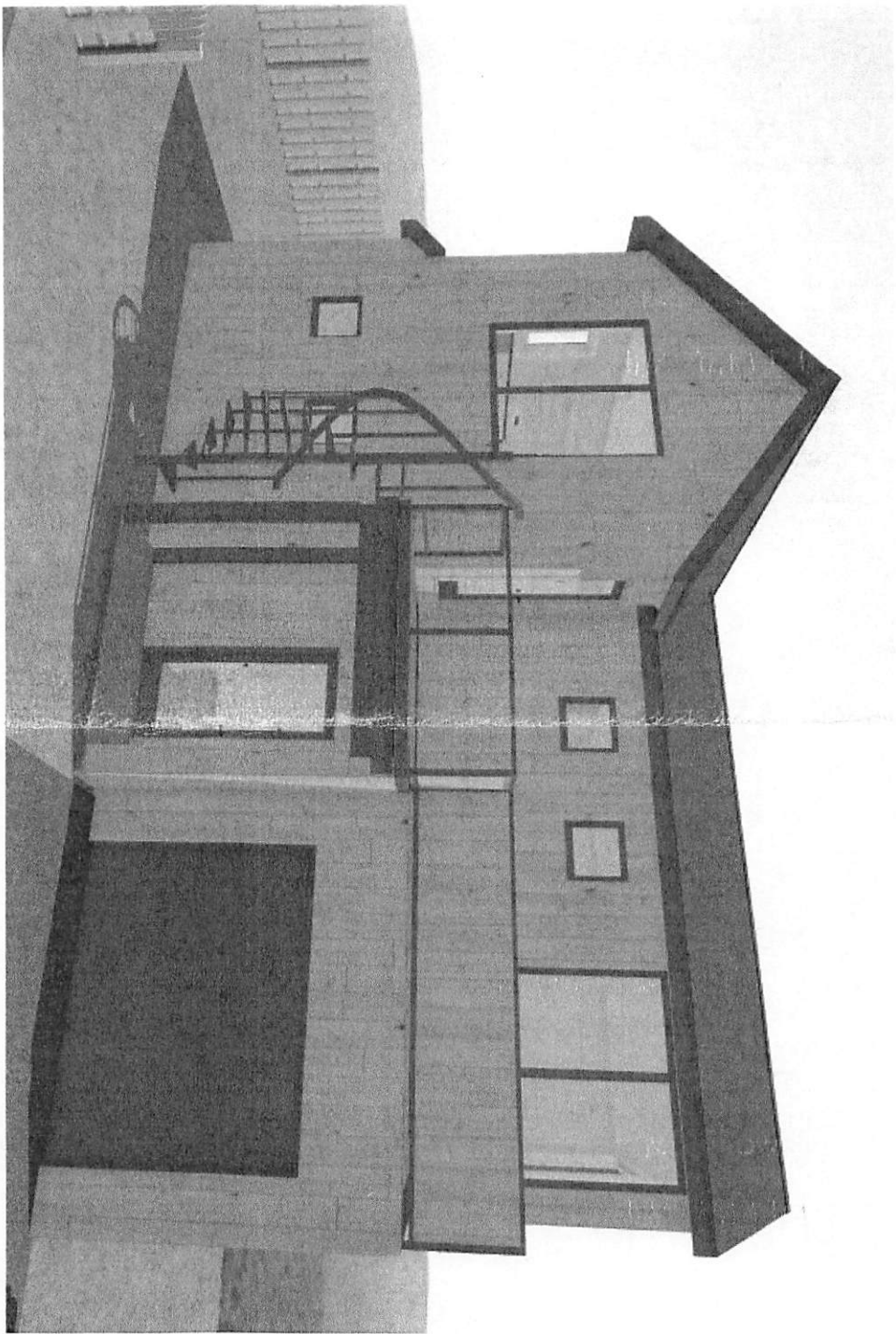


Model: Residential Living Area: 2138 Appr. Year Built: 1900 Style: Conventional Stories: 2 Occupancy: 2 No. Total Rooms: 4 No. Bedrooms: 02 No. Baths: 2 No. Half Baths: 0	Int Wall Desc 1: Drywall/Sheet Int Wall Desc 2: Ext Wall Desc 1: Wood Shingle Ext Wall Desc 2: Roof Cover: Asph/F GlS/Cmp Roof Structure: Gable/Hip Heat Type: Forced Air-Duc Heat Fuel: Gas A/C Type: None
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www.cai-tech.com

Data shown on this report is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this report.



SHAFIROFF

10 PINE STREET, STOCKBRIDGE, MA

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

SHAFIROFF
10 pine street
stockbridge, ma

CREATIVE BUILDING SOLUTIONS
great barrington, ma
413.528.4935

DATE:

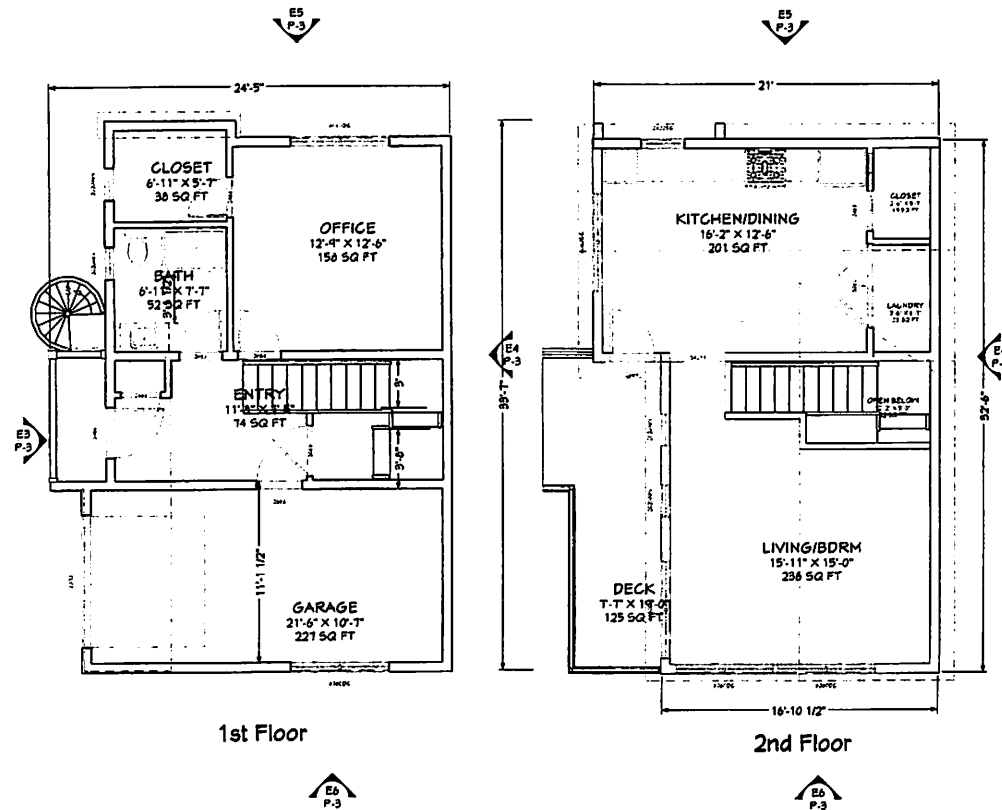
10-11-2022

SCALE:

as noted

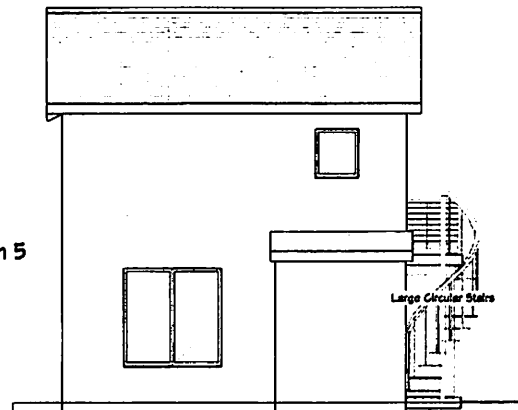
SHEET:

P-1

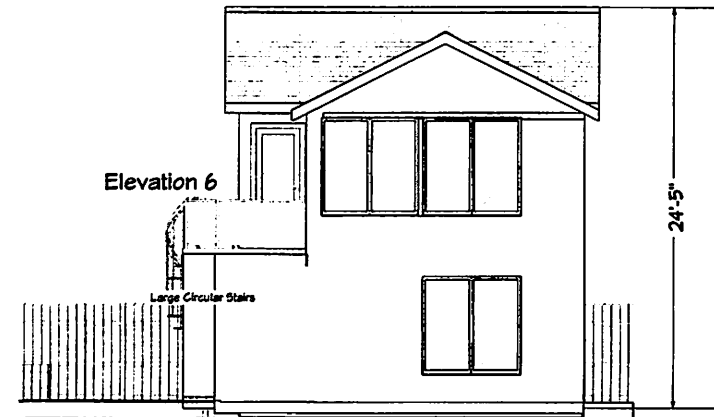


PROPOSED PLANS

Elevation 5



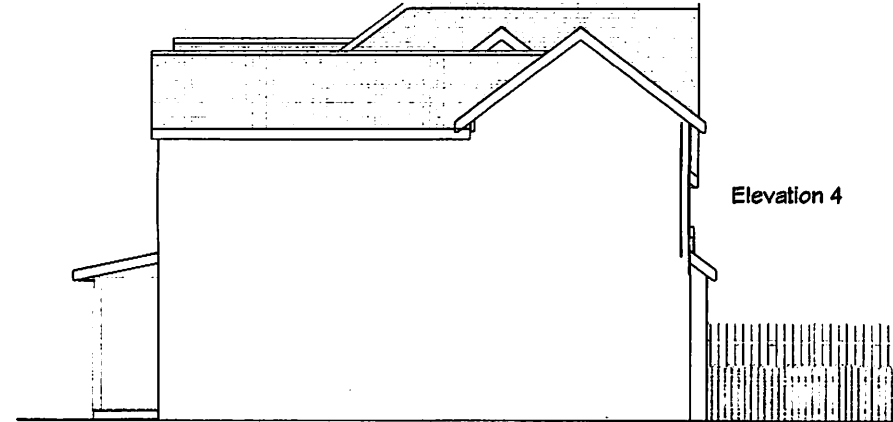
Elevation 6



Elevation 3



Elevation 4



REVISION	DATE	DESCRIPTION

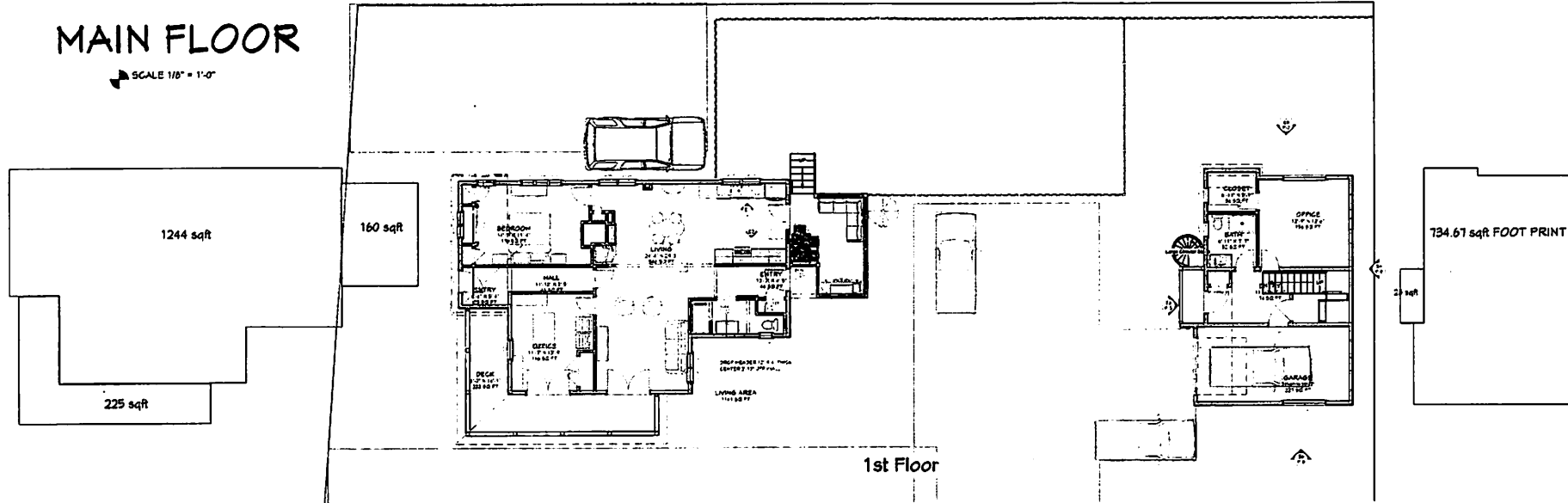
SHAPIROFF
10 pine street
stockbridge, ma

CREATIVE BUILDING SOLUTIONS
great barrington, ma
413.528.4935

DATE:
10-11-2022
SCALE:
as noted
SHEET:
P-3

MAIN FLOOR

SCALE 1/8" = 1'-0"



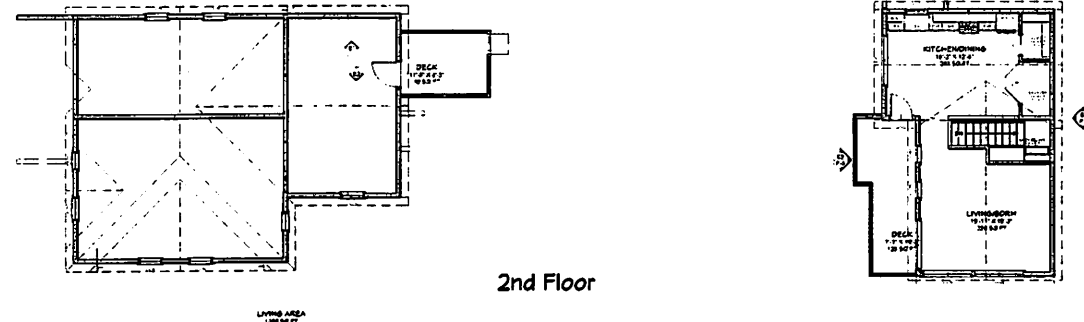
EXISTING HOUSE (YELLOW/GRAY)
MAIN FLOOR FOOT PRINT 1629 SQFT

LOT SIZE 13,210 SQFT
LOT COVERAGE ALLOWED 50% = 6605 SQFT
TOTAL LOT COVERAGE PROPOSED 2363 SQFT

PROPOSED STRUCTURE (BLUE/GRAY)
MAIN FLOOR FOOT PRINT 734 SQFT

2ND FLOOR

SCALE 1/8" = 1'-0"



2nd Floor

NUMBER		DATE	REVISION	DESCRIPTION

SHAFIROFF
10 pine street
stockbridge, ma

CREATIVE BUILDING SOLUTIONS
great barmington, ma
413.528.4935

DATE:

10-17-2022

SCALE:

as noted

SHEET:

P-2

SURVEY OF LAND
in
STOCKBRIDGE, MASSACHUSETTS

Prepared for
LINDA SHAFIROFF

November 10, 2022

BEING THAT LAND DESCRIBED IN
MIDDLE BERKSHIRE REGISTRY OF DEEDS:

BOOK: 6742 ~ PAGE: 120

GRANTOR: Raymetree Realty Corporation

GRANTEE: Linda Shafiroff

DATED: October 7, 2020

TAX MAP INFORMATION

LOT 1 IS TAX MAP 106, LOT 57

LOT 1 IS ZONED: B

ZONING INFORMATION

LOT 1 IS ZONED: B

Note: 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.

NOTE: SEE FILED PLAN ENTITLED:

* SUBDIVISION OF LOTS C, D, & E SHOWN ON
PLAN 12378-B FILED WITH CERTIFICATE 1435
LAND IN STOCKBRIDGE, MASSACHUSETTS
JUNE 19, 1937 - SCALE 1" = 30'
BY: ADOLPH J. KOHLHOFER
RECORDED: PLAN COURT PLAN 12378-C
SEE ALSO PLAT H, PAGE 63
SEE ALSO PLAT Q, PLAN 251

LOCUS FRONTAGE

BOOK 524, PAGE 24 = 69.56'
BOOK 524, PAGE 252 = 40.00'
BOOK 578, PAGE 78 = 25.00'
TOTAL = 134.56'
MINUS BOOK 776, PAGE 290 = 56.00'
TOTAL REMAINING FRONTAGE = 134.56' - 56.00' = 78.56'
ACTUAL MEASURED IN THE FIELD = 86.81'
HOLDING SOUTH LINE OF THE DRIVE WAY
AS A PHYSICAL MONUMENT
BOUNDARY LINE AGREEMENT RECOMMENDED
TO RESOLVE ISSUES ON THIS LINE

NOTE: SEE FILED PLAN ENTITLED:

* PLAN OF LAND IN *
STOCKBRIDGE, MASSACHUSETTS
PREPARED FOR
STOCKBRIDGE HOUSING AUTHORITY
DECEMBER 12, 1975 - SCALE 1" = 60'
BY: JOHN J. UNWIN
RECORDED: PLAN BOOK 4171, PAGE 79

REGISTRY USE

NOTE: SEE FILED PLAN ENTITLED:

* PLAN OF LAND *
BEING CONVEYED BY
HELEN RICE
TO
AUSTIN RIGGS CENTER, INC.
STOCKBRIDGE, MASSACHUSETTS
SCALE 1" = 60' - FEBRUARY 20, 1970
BY: JOHN J. UNWIN
RECORDED: PLAN BOOK 4171, PAGE 183

N/F LAND OF
NEW ENGLAND TELEPHONE &
TELEGRAPH COMPANY
(BK 688 PG 422)
(BK 688 PG 423)

NOTE: SEE FILED PLAN ENTITLED:

* PLAN OF LAND *
STOCKBRIDGE, MASSACHUSETTS
TO BE PURCHASED BY THE
NEW ENGLAND TELEPHONE &
TELEGRAPH COMPANY
SCALE 1" = 30' - MARCH 6, 1959
BY: BRENTON V. SCHOFIELD
RECORDED: PLAN BOOK 4171, PAGE 75

TABLE OF COURSES

#	BEARING	RADIUS	LENGTH ARC LENGTH
L1	N34 47'58"E		7.54'
L2	N34 47'58"E		4.73'
L3	S22 41'56"W		8.00'
L4	S80 16'18"W		26.39'
L5	N72 33'18"W		27.73'
L6	S66 31'32"E		59.78'
L7	N34 05'19"E		11.15'
L8	N34 09'19"E		18.09'
L9	N34 09'19"E		11.64'
L10	N34 47'59"E		7.94'
L11	N63 02'34"W		39.19'
L12	N67 55'28"W		21.15'
L13	N38 25'02"E		16.08'
L14	N32 08'01"E		22.82'
L15	N24 34'03"E		6.24'
C1	R=12.00'		L=18.82'
CHORD	= N20 21'43"W		18.95'
L16	S24 42'40"W		18.00'
C2	R=12.00'		L=18.88'
CHORD	= S89 38'25"W		18.99'
L17	S24 34'03"W		7.32'
L18	S26 55'10"W		40.00'
L19	N34 28'37"E		3.41'
L20	N65 11'07"W		9.23'

N/F LAND OF
AUSTIN RIGGS CENTER, INC.
" THE TENNIS COURT LOT "
(BK 621 PG 30)

LEGEND

○	IRON PIPE SET OR TO BE SET
●	IRON PIPE FOUND
—	FIELD STONE WALL FOUND
***	REMAINS OF FENCE FOUND
■	MONUMENT FOUND
—	OUTLINES 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

SURVEYOR CERTIFICATIONS

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

I declare that the property lines shown hereon are
the lines dividing existing ownerships, and the lines
of streets and ways shown are those of public or
private streets or ways already established, and that
no new ways are shown.

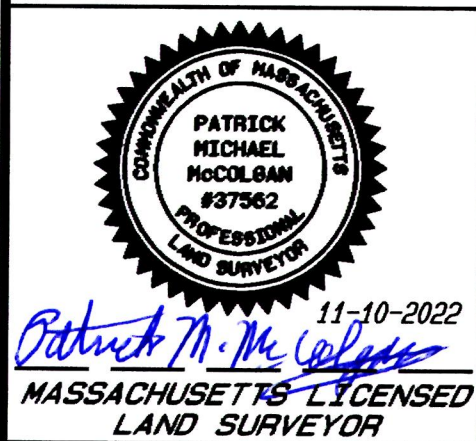
Patrick M. McLaughlin DATE: NOVEMBER 10, 2022
MASSACHUSETTS LICENSED LAND SURVEYOR

TACONIC LAND CONSULTANTS
LAND SURVEYORS & GEOLOGISTS
ENVIRONMENTAL CONSULTANTS
44 IMPERIAL STREET
LANESBOROUGH, MA 01237
(413) 499-9976 - 499-1512 FAX

JOB NUMBER: 20-194-7
COMPUTED BY: PMM
FIELD CREW: PMM & MJB
DRAFTED BY: PMM
EQUIPMENT USED: NIKON NPL 632 - 2" TOTAL STATION & STEEL TAPE

CHECKED BY: PMM
DEED RESEARCH BY: PMM
FIELD NOTE BOOK: JOB FOLDER
DATA DISK: 20-194

SURVEYOR SEAL

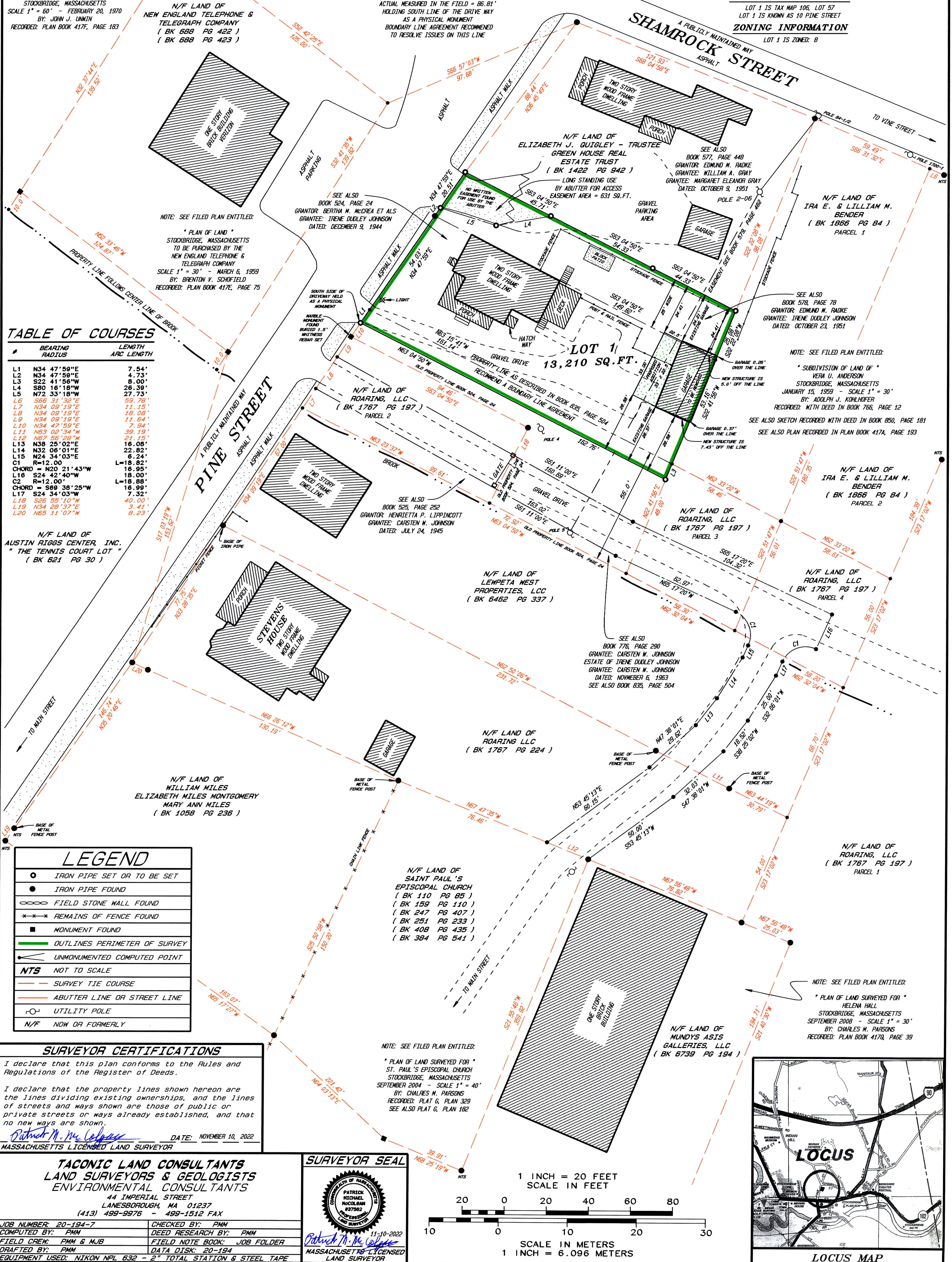
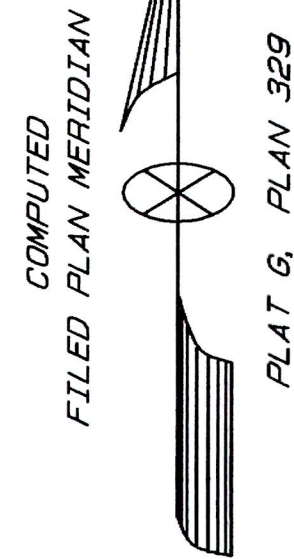


NOTE: SEE FILED PLAN ENTITLED:

* PLAN OF LAND SURVEYED FOR *
ST. PAUL'S EPISCOPAL CHURCH
STOCKBRIDGE, MASSACHUSETTS
SEPTEMBER 2004 - SCALE 1" = 40'
BY: CHARLES M. PARSONS
RECORDED: PLAT G, PLAN 329
SEE ALSO PLAT G, PLAN 182

11-10-2022

Patrick M. McLaughlin
MASSACHUSETTS LICENSED
LAND SURVEYOR





Zanetti, Theresa

From: Katherine Fletcher
Sent: Tuesday, December 13, 2022 11:30 AM
To: Selectmen
Cc: Canales, Michael; Baldwin, Ned
Subject: Fw: Review of Selectmen's Special Permit Application
Attachments: cover letter to Town Clerk.pdf; Special Permit Application (6.1.2).pdf; Addendum.pdf; abutters map.pdf; assessors card.pdf; photo of existing 2 story barn garage.docx; plans.pdf; Site Plan for Shafiroff.pdf

This looks to me to be an accessory use request which would require Planning Board review as indicated in the Table of Uses, assuming that the barn predates 1990.

Also in the Zoning Bylaws, under the Table of Dimensional Requirements Section 5.5 (i) there is wording on building height "in the event that a building is less than six (6) feet from a creek, river, stream, pond or lake, the maximum building height shall be two and one half stories but not more than 25 feet maximum."

Kate Fletcher

From: Zanetti, Theresa
Sent: Tuesday, December 13, 2022 10:02 AM
To: Selectmen; Charles Kenny; Katherine Fletcher; Ron Brouker; Carmichael, Jennifer; Baldwin, Ned; Jim Wilusz; Schuler, Tom
Subject: Review of Selectmen's Special Permit Application

TO: Special Permit Review Agencies **DATE:** December 13, 2022
Board of Health - Chairman
Board of Selectmen - Chairman
Planning Board - Chairman
Conservation Commission - Chairman
Sewer-Water Commission - Chairman
Building Inspector
Tri-Town Health Sanitarian
Zoning Board of Appeals
Town Clerk

FROM: Theresa Zanetti, Administrative Assistant, Board of Selectmen

RE: Special Permit Application

A Hearing has been scheduled for Thursday, January 26, 2023 at 6:30 p.m., for the property of Linda Shafiroff located at 10 Pine Street. The applicant is requesting authorization, pursuant to Section 6.1.2 of the Zoning Bylaws to allow the extension, alteration reconstruction or change of use of a nonconforming single-family dwelling. The property is in a Business zone.