



**Town of Sandisfield
Select Board
(413)-258-4711 Ext. 3
sandisfieldma.gov**

Town of Sandisfield Special Permit Application

Case No. _____
Date: _____
(Board use only)

I, the undersigned, hereby:

Check one:

<input checked="" type="checkbox"/>	Make application to the Board for a SPECIAL PERMIT under Section <u>5</u> of the Zoning Bylaws of the Town of Sandisfield for the purpose(s) described below. (Attach a copy of all plans for any proposed construction involved.)
<input type="checkbox"/>	Petition the Board to vary the terms of Section _____ of the Zoning Bylaws of the Town of Sandisfield so as to allow: (Describe in detail below the nature of the variance sought and attach plot plan and any construction plans involved.)
<input type="checkbox"/>	Appeal to the Board, under Section 7.12 of the Zoning Bylaws of the Town of Sandisfield, for relief from the decision of _____, a copy of which is attached hereto.

PREMISES AFFECTED:

Address/ Location: 38 West Street, Sandisfield, MA, 01255

Assessor's Map and Lot No: Map 407, Lot 26


Record Title stands in the name of: Roy M. Lattin, Jon P. Lattin, and Patricia Lee Lattin

Whose address is: Roy Lattin, 14 Blackwood Road, Brookfield, CT 06804

By a deed duly registered in the Southern District, Berkshire County Registry of Deeds in Book 2355, Page 132 or Registry of District Court, Cert. # _____ Book _____ Page _____

Describe **IN DETAIL** below or in attachment the nature of Special Permit, Variance, or Relief requested by this application:

Applicant seeks a Special Permit under Section 5b to remove the existing structure and reconstruct on a slightly larger footprint. See attached addendum.

Signature: 

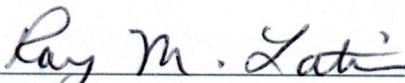
Name (Print): Leslie Harrison

Address: 1002 St. Albans Road


City/ State/ Zip: Idlewylde, MD 21239

Telephone: 413-717-7912

Signature of property owner, if other than applicant:


Roy M. Lattin


Jon P. Lattin


Patricia Lee Lattin

DO NOT WRITE BELOW THIS LINE.

Certification of Town Clerk:

This is to certify that the forgoing application/ petition/ appeal was filed with the office on

_____ at _____

Date

Time

SIGNATURE AND SEAL OF THE TOWN CLERK

Addendum to Special Permit Application

Applicant: Leslie Harrison
Owner: Roy M. Lattin, Jon P. Lattin, and Patricia Lee Lattin
Premises: 38 West Street

Exhibits:

- 1-10** Photographs of the exterior and interior of the structure
- 11** Property Record Card
- 12** Assessor's Map
- 13** Deed
- 14** Site Plan
- 15** Floor Plans and Artistic Renderings

Section 5 of the Town of Sandisfield Zoning Bylaw reads:

“Section 5 Nonconforming Structures, Uses and Lots

- a) The provisions of this bylaw shall not apply to structures or uses lawfully in existence or lawfully begun at the time of the adoption of this bylaw as provided in Section 6, Chapter 40A. (G.L.)
- b) Pre-existing nonconforming structures or uses may be extended, altered, or changed to another nonconforming use by special permit from the Board of Selectmen provided that the Board finds that such change, extension, or alteration shall not be substantially more detrimental than existing nonconforming use to the neighborhood.”

This property is a non-conforming lot lawfully in existence at the time of the adoption of the bylaw. Specifically, this lot was created in 1927 and the house was built in 1940. The lot is 0.899 acre, just shy of the 1-acre minimum lot size as outlined in the bylaws. It is one of five such lots on this section of West Street. Three of the five lots, including this one, have single family residences on them. We are seeking to extend/alter/change a nonconforming lot by special permit pursuant to Section 5b of the Zoning Bylaw as follows:

The house, built as a summer house, cannot be saved. It has not been used as a dwelling in more than 20 years. The present owners (grandchildren of the builder) do not know if the concrete block foundation goes below frost line. The foundation was not built high enough above grade and a substantial portion of the dwelling has floor joists that have rotted into the ground. The house has multiple holes in the walls covered in tarpaper and plywood, mold, and extensive water damage incurred before the present owners replaced the roof approximately 10 years ago. The construction is wood frame of 2x4s, and cannot be brought up to code. It is largely uninsulated as far as can be determined. We had a licensed contractor, Thomas Spencer of Undermountain Road in Lenox, inspect and evaluate, and his determination is that the house cannot be saved. Please see photographs, attached as EXHIBITS 1-10.

The Town's property record card lists the building area as 776 sq. ft. including a simple open front porch. The structure is irregular (see property record card, attached as EXHIBIT 11).

I, Leslie Harrison, the applicant, want to purchase this property from the present owners and am asking for a special permit to raze the existing building and build a new single-family dwelling in its place. If the house, irregular in shape, were squared off to its widest dimensions excepting the porch (see Exhibit 11), this would create a footprint of 22x42 feet, or 924 sq. ft. I am asking that the Special Permit grant me permission to build within a 924 sq. ft. or less footprint so long as the house conforms to all town setback requirements. I am 61 years old and will be building my permanent residence. I have a strong desire, due to a wish to age in place, for a single-story dwelling, which is why I am asking to square off and therefore increase the dimensions rather than to build up. In addition, the neighborhood is dominated by smaller houses, many single story. The houses in close proximity—at 42, 51, and 36 West Street—are all single story or 1.5 stories and most of the houses on the street are modest in size. I desire to keep this house in harmony with surrounding houses and to build a single-story house to replace this single-story house. Attached, as exhibit 15 are the floor plans and artistic renderings showing the proposed new dwelling.

I understand that I must stay within the 30-foot setbacks stipulated in the zoning bylaws for the new construction, and that I must be able to also site a septic system and well on the property. I am working with a surveyor and soil engineer, who will work with the Board of Health, to accomplish this. A recent survey done by Kelly, Granger & Parsons identifies the boundaries of the lot and shows the 30-foot setback. The proposed new house would be built in conformity with the current zoning setbacks. See Exhibit 14. This application for special permit is in conformity with Section 10(d) of the Zoning Bylaw as follows:

1. The proposed reconstruction will be in compliance with all provisions and requirements of this Bylaw and in harmony with its general intent and purpose with the exception of the lot size, which is the origin of its pre-existing non-conforming status. Section 4 requires a minimum lot size of 1 acre and the lot size of the premises is 0.899 acre, as stated above.
2. The proposed reconstruction is desirable to the public convenience or welfare at the proposed location. The existing structure is in a state of disrepair, as evidenced by the attached photos. The proposed reconstruction will remove blight from the neighborhood.
3. The proposed reconstruction will not be detrimental to adjacent uses or to the established or future character of the neighborhood. The adjacent uses are also single-family dwellings. The existing structure is a single-family dwelling, and the proposed new structure is a single-family dwelling, a by right use.
4. The proposed reconstruction will not create undue traffic congestion or unduly impair pedestrian safety as there is an existing single-family dwelling on the premises and the proposed reconstruction is also a single-family dwelling.

5. The proposed reconstruction of a single-family dwelling will not overload any public water, drainage or sewer system or any other municipal facility to such extent that the proposed use or any existing use in the immediate area of the Town will be unduly subjected to hazards affecting the public health, safety or general welfare.

The special permit will continue to encourage the most appropriate use of the land throughout the town and protect the health, safety and general welfare of the inhabitants of the Town of Sandisfield, consistent with Section 1A Purpose of the Zoning Bylaw. For the reasons stated herein, the Applicant respectfully requests that the Select Board grant a special permit pursuant to Section 5b of the Zoning Bylaw.

EXHIBIT 1





EXHIBIT 3



EXHIBIT 4
















Assessment Field Card

Town of Sandisfield, Massachusetts



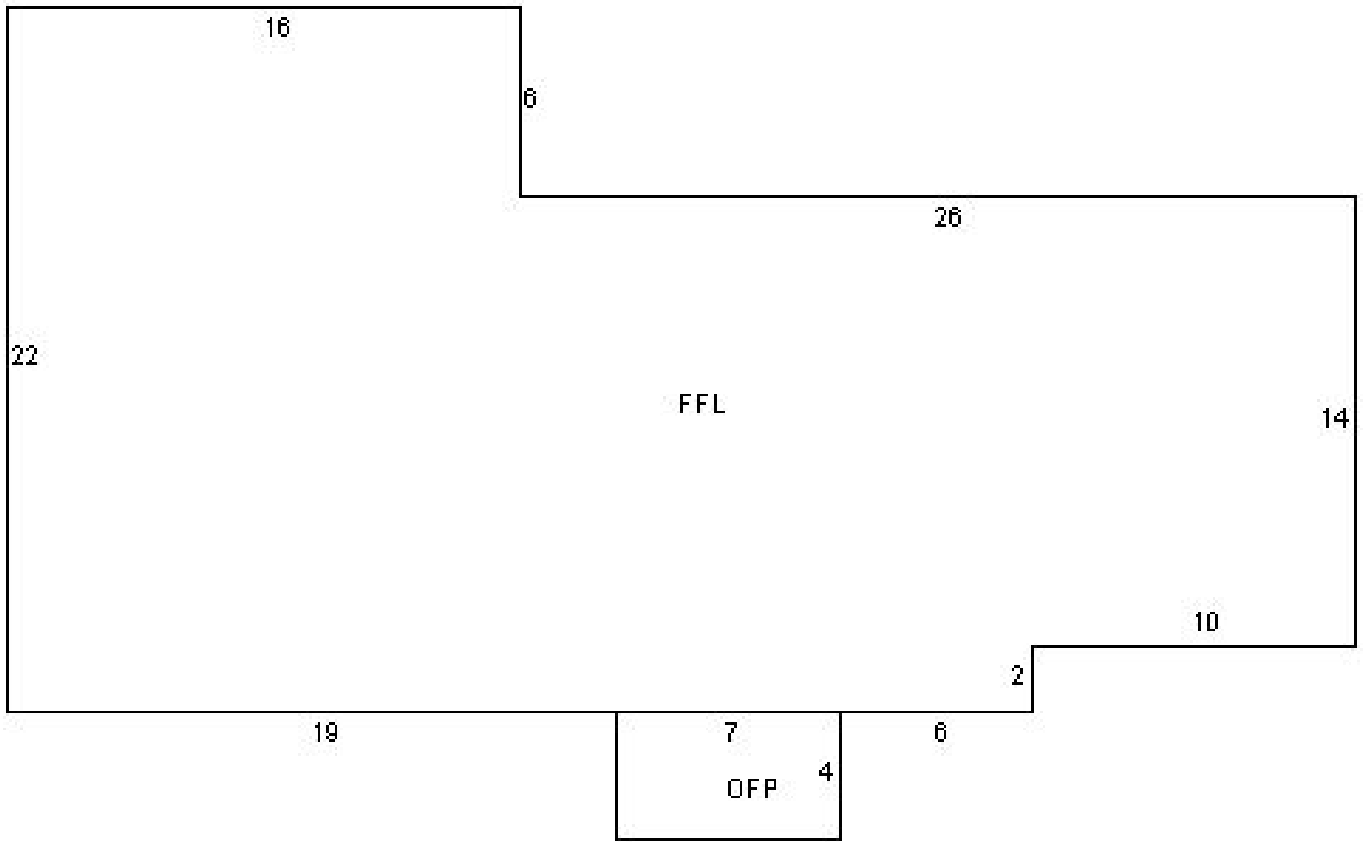
Parcel Information	
	<p>Address: 38 WEST ST Map-Lot: 407-0-26 Patriot Account #: 1376 Owner: LATTIN ROY M & JON P Co-Owner: LATTIN PATRICIA L & DANA R Mailing Address: 14 BLACKWOOD RD BROOKFIELD, CT 06804</p>
Building Exterior Details	General Information
<p>Building Type: CAMP,SEAS Year Built: 1940 Grade: C Frame Type: WOOD Living Units: 1 Building Condition: Fair Roof Cover: ASPHALT SH Roof Type: GABLE Exterior Wall Type: ASPHALT Pool: False</p>	<p>Total Acres: 0.9183 Land Use Code: 101 Neighborhood Code: Owner Occupied: N Condo Name: Condo Unit: Zone: Utility Code 1: Utility Code 2: Utility Code 3:</p>
Building Area	Ownership History
<p>Gross Area: 776 sqft Finished Area: 748 sqft Basement Area: 0 sqft Garage Area: 0 sqft Detached Garage: sqft Basement Garage: 0 sqft</p>	<p>Sale Date: 5/4/2016 Sale Price: \$0 Nal Description: FAMILY Grantor (Seller): LATTIN ROY M & JON P, Book/Page: 2355-142</p>
Building Interior	Assessed Value
<p>No. Total Rooms: 4 No. Bedrooms: 2 No. Full Baths: 1 No. Half Baths: 0 Bath Rating: FAIR No. Kitchens: 1 Kitchen Rating: FAIR Building Framing: WOOD Interior Wall Type: PLYWD PANL Fireplaces: 0 Solar Hot Water: False Central Vac: False Floor Type: SOFTWOOD Heat Type: FORCED H/A Heat Fuel: GAS Percent A/C: 0</p>	<p>Assessed Yard Value: \$400 Assessed Land Value: \$39,500 Assessed Bldg Value: \$29,200 Total Assessed Value: \$69,100</p>



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.

EXHIBIT 11



www.cai-tech.com

EXHIBIT 12



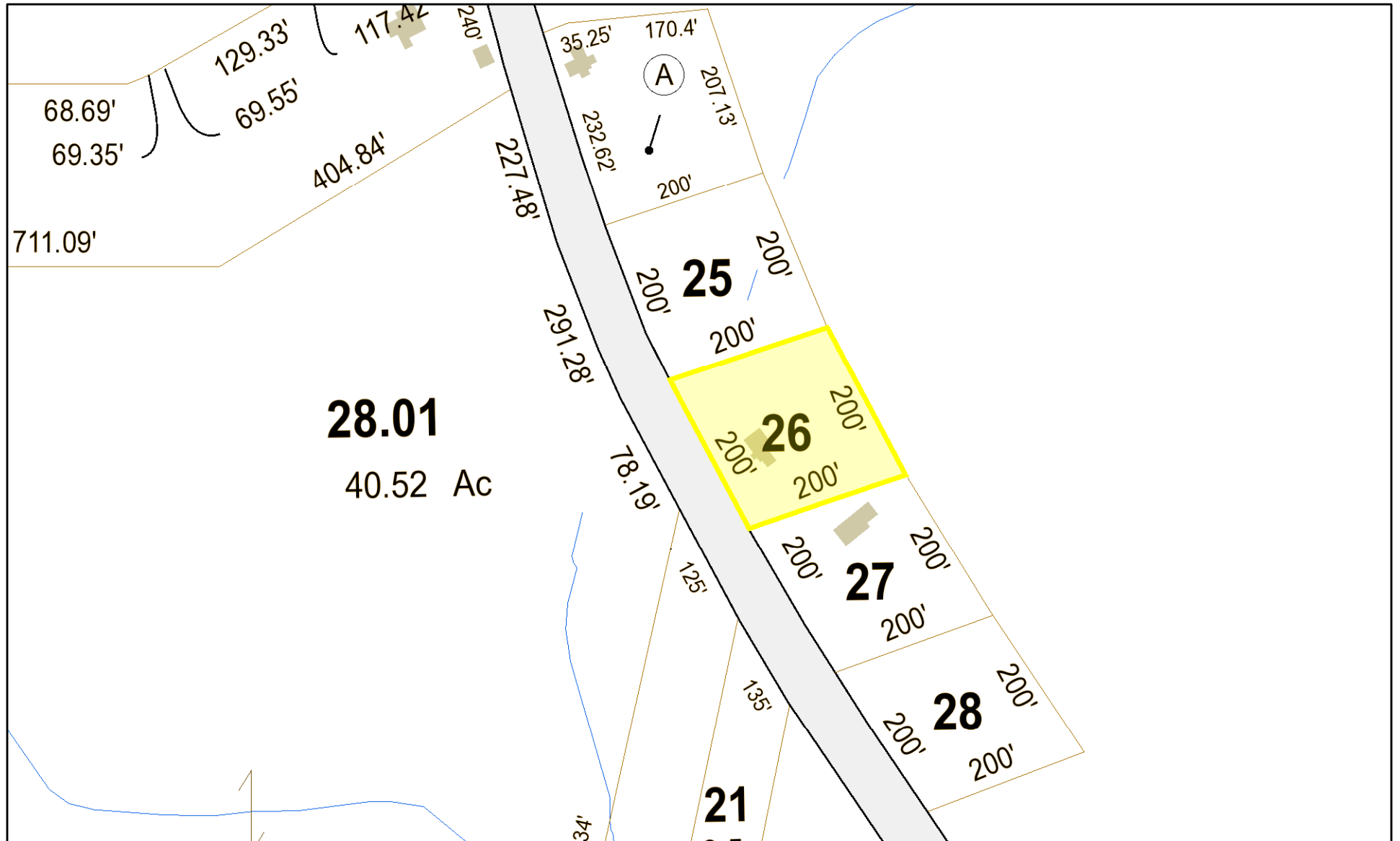
Sandisfield, MA



July 13, 2023

1 inch = 167 Feet

www.cai-tech.com



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2016 00239134

Bk: 2355 Pg: 142 SBRD

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KNOW ALL MEN BY THESE PRESENTS

THAT WE, ROY M. LATTIN, of Scarsdale, New York, JON P. LATTIN of Ossining, New York, PATRICIA LEE LATTIN of Eastchester, New York and DANA R. LATTIN of Eastchester, New York, for no consideration as this constitutes a transfer and not a sale, grant to ROY M. LATTIN whose residence and post office address is 7 Winding Lane, Scarsdale, New York 10583, JON P. LATTIN whose residence and post office address is 4 Duers Court, Ossining, New York 10562, PATRICIA LEE LATTIN whose residence and post office address is 23 Leary Street Eastchester, New York 10709, to hold as Tenants in Common, with Quitclaim Covenants, that certain piece or parcel of land with the buildings thereon situated in Sandisfield and described more particularly as follows:

Beginning at a point on the easterly side of West Street, 700 feet southerly from the northwesterly corner of land deeded by Calvin B. Humphrey to Louis Wool, by warranty deed dated June 4, 1931 and recorded June 5, 1931 in the Registry of Deeds for Southern Berkshire County, Massachusetts, in Book 247, Page 346; running thence easterly at right angles to West Street, 200 feet; thence southerly at right angles 200 feet; thence westerly at right angles 200 feet to the easterly side of West Street, thence northerly along the easterly side of West Street 200 feet to the point or place of beginning.

Being part of the premises conveyed to Calvin B. Humphrey by warranty deed of Almeda G. Hawley and Mary S. Hawley, dated June 30, 1927 and recorded in the Registry of Deeds for Southern Berkshire County, Massachusetts, in Book 243, Page 178.

38 West Street, Sandisfield, MA

EXHIBIT 13

Being the same premises conveyed by Louis Wool, Jr. and Elizabeth Wool his wife to Antoinette Wool Brunale on the 28th day of May, 1954 which deed was recorded in the Berkshire S.S Registry Gt. Barrington June 18, 1954 in Book 307, Page 99.

Being all and the same premises conveyed to Louise Brunale Lattin by deed of Donato Brunale a/k/a Dan Brunale, dated October 5, 1972 and recorded in the Southern Berkshire Registry of Deeds in Book 384, Page 133 on October 12, 1972.

Said Louise Brunale Lattin having deceased title vests in the grantors herein. See paragraph second of the Will of Louise Brunale Lattin at the Berkshire Probate Court Docket #91D0023-E1.

Being all the same premises conveyed to the grantors herein by deed dated October 27, 1995 and recorded November 7, 1995 in said Registry in book 950 page 104.

WITNESS our hands and seals this 27 day of April, 2016.


 ROY M. LATTIN


 JON P. LATTIN


 PATRICIA LEE LATTIN


 DANA R. LATTIN

STATE OF NEW YORK
 COUNTY OF WESTCHESTER ss.;

On the 27 day of April, 2016 before me the undersigned notary public personally appeared Roy M. Lattin proved to me through satisfaction identification being my own personal knowledge of the identity of the signatory to be the person who name is signed on the preceding or attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

THERESA LATTIN
 Notary Public, State of New York
 No. 4767325
 Qualified in Westchester County
 Commission Expires August 31, 2018


 Notary Public

EXHIBIT 13

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.;

On the 27 day of April, 2016 before me the undersigned notary public personally appeared Jon P. Lattin proved to me through satisfaction identification being my own personal knowledge of the identity of the signatory to be the person who name is signed on the preceding or attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

THERESA LATTIN
Notary Public, State of New York
No. 4767325
Qualified in Westchester County
Commission Expires August 31, 2018


Notary Public

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.;

On the 27 day of April, 2016 before me the undersigned notary public personally appeared Patricia Lee Lattin proved to me through satisfaction identification being my own personal knowledge of the identity of the signatory. to be the person who name is signed on the preceding or attached documents, and acknowledged to me that she signed it voluntarily for its stated purpose as her free act and deed.

THERESA LATTIN
Notary Public, State of New York
No. 4767325
Qualified in Westchester County
Commission Expires August 31, 2018


Notary Public

STATE OF NEW YORK
COUNTY OF WESTCHESTER ss.;

On the 27 day of April, 2016 before me the undersigned notary public personally appeared Dana R. Lattin proved to me through satisfaction identification being my own personal knowledge of the identity of the signatory to be the person who name is signed on the preceding or attached documents, and acknowledged to me that he signed it voluntarily for its stated purpose as his free act and deed.

THERESA LATTIN
Notary Public, State of New York
No. 4767325
Qualified in Westchester County
Commission Expires August 31, 2018


Notary Public

EXHIBIT 14

THIS PARCEL IS SUBJECT TO AND WITH THE BENEFIT OF ALL RIGHTS, RESTRICTIONS, CONDITIONS, EASEMENTS, LEASES, ENCUMBRANCES AND APPURTENANCES OF RECORD.

UNLESS OTHERWISE NOTED HEREON, THIS SURVEY PLAN SHALL NOT BE CONSTRUED AS DEPICTING THE PRESENCE, ABSENCE, OR LIMITS OF ANY OR ALL REGULATED WETLANDS OR FLOODPLAINS. ANY SURFACE WATER FEATURES SHOWN, SUCH AS STREAMS OR PONDS, ARE NOT REPRESENTED AS INDICATING LIMITS OF WETLAND RESOURCE AREAS.

LOCUS DEED: BK - 2355 PG - 142
 OWNERS ON RECORD: ROY M., JON P., & PATRICIA LEE LATTIN
 PROPERTY ADDRESS: 38 WEST STREET

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ATTORNEY'S ABSTRACT OF TITLE AND/OR TITLE REPORT AND IS SUBJECT TO ANY STATEMENT OF FACTS SUCH ABSTRACT OR REPORT WOULD HAVE REVEALED. THIS PROPERTY WAS SURVEYED BY THE POSSESSION LINES FOUND AT THE TIME THE SURVEY WAS MADE.

MERIDIAN FROM PLAT FILE Q-83

ZONING REGULATIONS
 MIN. LOT SIZE: 1 ACRE
 MIN. FRONTAGE: 200'
 MIN. LOT DEPTH: 150'
 FRONT YARD SETBACK: 30'
 REAR YARD SETBACK: 30'
 DISE YARD SETBACK: 30'

LOT SIZE
 0.899 - ACRES

- LEGEND**
- △ POINT COMPUTED
 - IRON PIPE/ROD FOUND
 - ⊗ WELL
 - UTILITY POLE
 - OVERHEAD UTILITY LINES
 - ⊞ STONE WALL



SPECIAL PERMIT ACQUISITION PLAN PREPARED FOR
ROY M., JON P., & PATRICIA LEE LATTIN
 SANDISFIELD, MASSACHUSETTS
 SEPTEMBER - 2023 SCALE 1" = 20'
 KELLY, GRANGER, PARSONS & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS

312 MAIN STREET P.O. BOX 88
 GREAT BARRINGTON, MASSACHUSETTS 01230
 FAX (413) 528-1912 PHONE (413) 528-3291
 C:\Carlson Projects\SANDISFIELD\WEST STREET\LATTIN\LATTIN0923.dwg

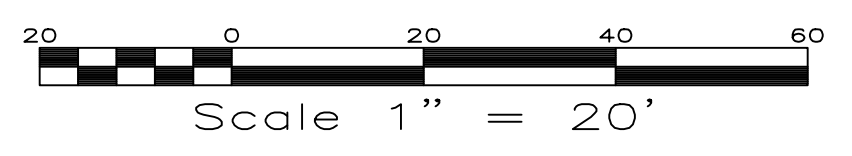


EXHIBIT 15

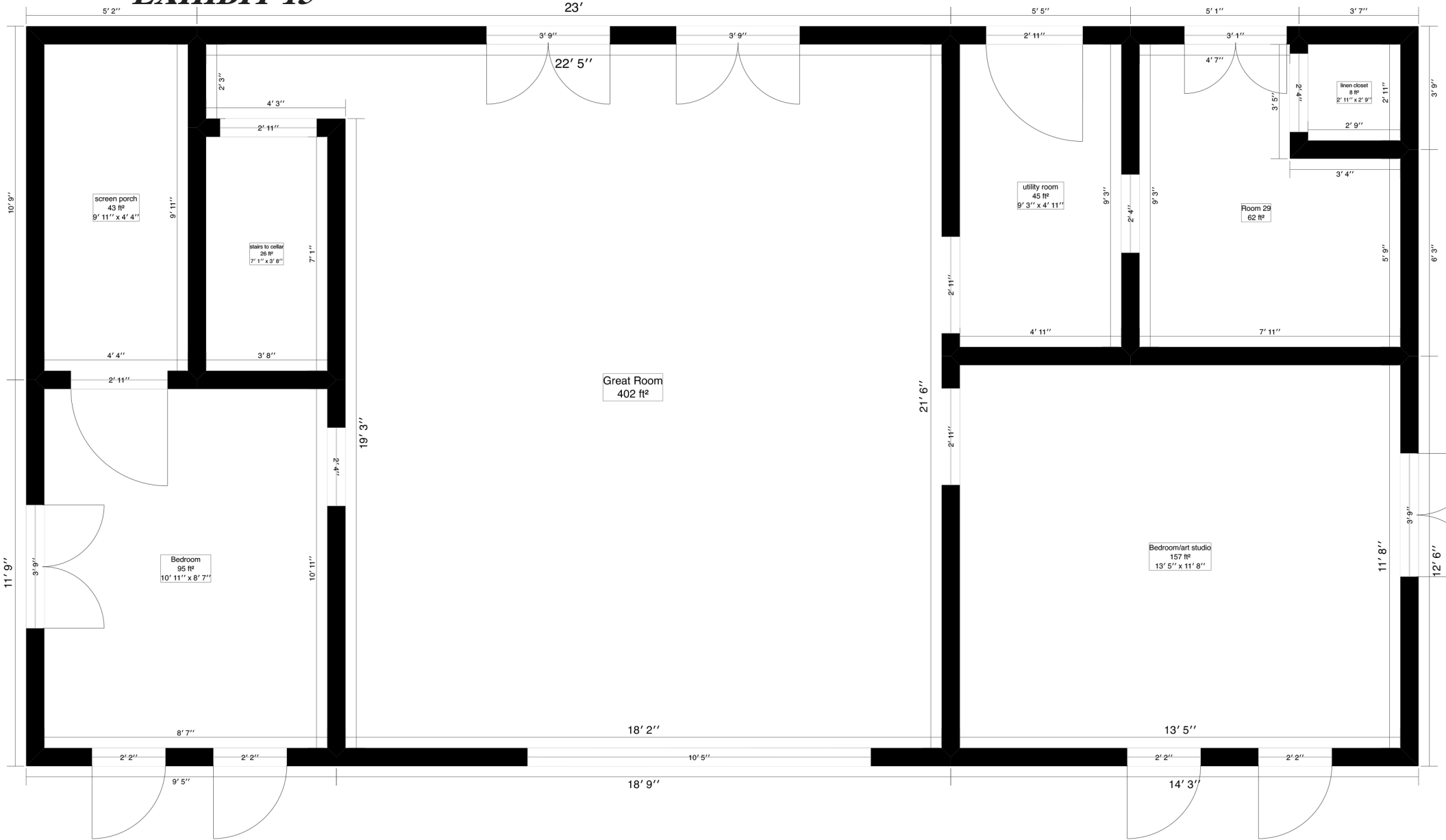


EXHIBIT 15



EXHIBIT 15

