



Received at the Office of the City Clerk

Date:

Time:

Received by:

Fee:

FEB 08 2021

11:30 AM

\$125.00

Deborah M. Pedercini

CITY OF NORTH ADAMS, MASSACHUSETTS

Planning Board

SPECIAL PERMIT APPLICATION

ALL REQUIRED INFORMATION MUST BE SUBMITTED BY THE APPLICATION DUE DATE OR
THE APPLICATION WILL NOT BE PROCESSED.

1. Name of applicant: Walkaway House LLC
2. Name of property owner (if different): Carolyn Clayton and Benjamin Westbrook
3. Name of legal counsel (if appropriate): _____
4. Address of project: 165 East Main Street
5. Zoning district(s) of project: Central Business District
6. Use classification of project (consult use schedule): #26: Libraries, museums, art galleries
7. The record title to project address stands in the name(s), address(es): _____
Carolyn Clayton and Benjamin Westbrook, 165 East Main Street, North Adams, MA 01247

by a deed duly recorded in the Northern Berkshire Registry of Deeds in Book 923 Page 267

**A COPY OF THE PROPERTY DEED MUST BE ATTACHED TO THIS APPLICATION FOR
THE APPLICATION TO BE PROCESSED.**

8. Type of special permit:

a. Use permits:

- ☐ Nursery schools/day care
- ☐ Theaters, taverns
- ☐ Shopping centers
- ☐ Industrial uses
- ☐ Solid waste facilities
- ☐ Research, experimental and testing laboratories
- ☐ Other: _____

b. Site plan approval:

- ☒ A change of use
- ☐ A change of land use
- ☐ New construction
- ☐ Addition to an existing use of a building or structure greater than 200 square feet
- ☐ Other: _____

9. If the site plan approval is required:

- ☒ Site plan materials are attached with application. See application checklist.
- ☒ Narrative is attached. See attached checklist for criteria to be explained within narrative.
- ☐ Please check here if the property in any district* will be creating or maintaining more than ten (10) new parking spaces. If yes, please provide detailed parking plan pursuant to Section 6 "Off Street Parking" in the North Adams Zoning Ordinance.
- ☒ Please check here if the proposed project will require additional signage. Please provide color elevation renderings of proposed signage. Please note if the dimensions, setback, duration, scale, or components of the signage will require a special permit by the Zoning Board of Appeals.
- ☐ Please check here if any part of the new construction will be sited within two hundred (200) feet of a river.** If yes, please provide a drainage plan for the site that ensures that safe runoff into catch basins, culverts, swales, etc.


10. Determination of applicability from the Conservation Commission is:

- ☐ Attached
- ☐ In progress. Hearing is scheduled for: _____
- ☐ Not required. Please explain why: _____

11. Is a request for a Determination of Applicability from the Massachusetts Department of Environmental Protection necessary? _____ If yes, request was filed (date): _____

12. Are there other boards to which this proposed project would be providing information? If yes, please list board and date of hearing/meeting: _____

13. Would you be willing to add a bike rack to the exterior of your business? _____ If yes, please show on your site plan where the bike rack would be located.



Signature of Property Owner (REQUIRED)
Application will not be processed without it.



Signature of Applicant

2/7/2021

Date

Carolyn Clayton

Printed Name

413-320-3556

Phone Number

165 East Main Street, North Adams, MA 01247

Address of Applicant

*Excluding CBD districts

**A river is defined as any natural flowing body of water that empties to any ocean, lake, or other river and which flows throughout the year. For additional information, please consult the Office of Community Development for information on the "Rivers Protection Act", Chapter 258, MGL c.131 40.

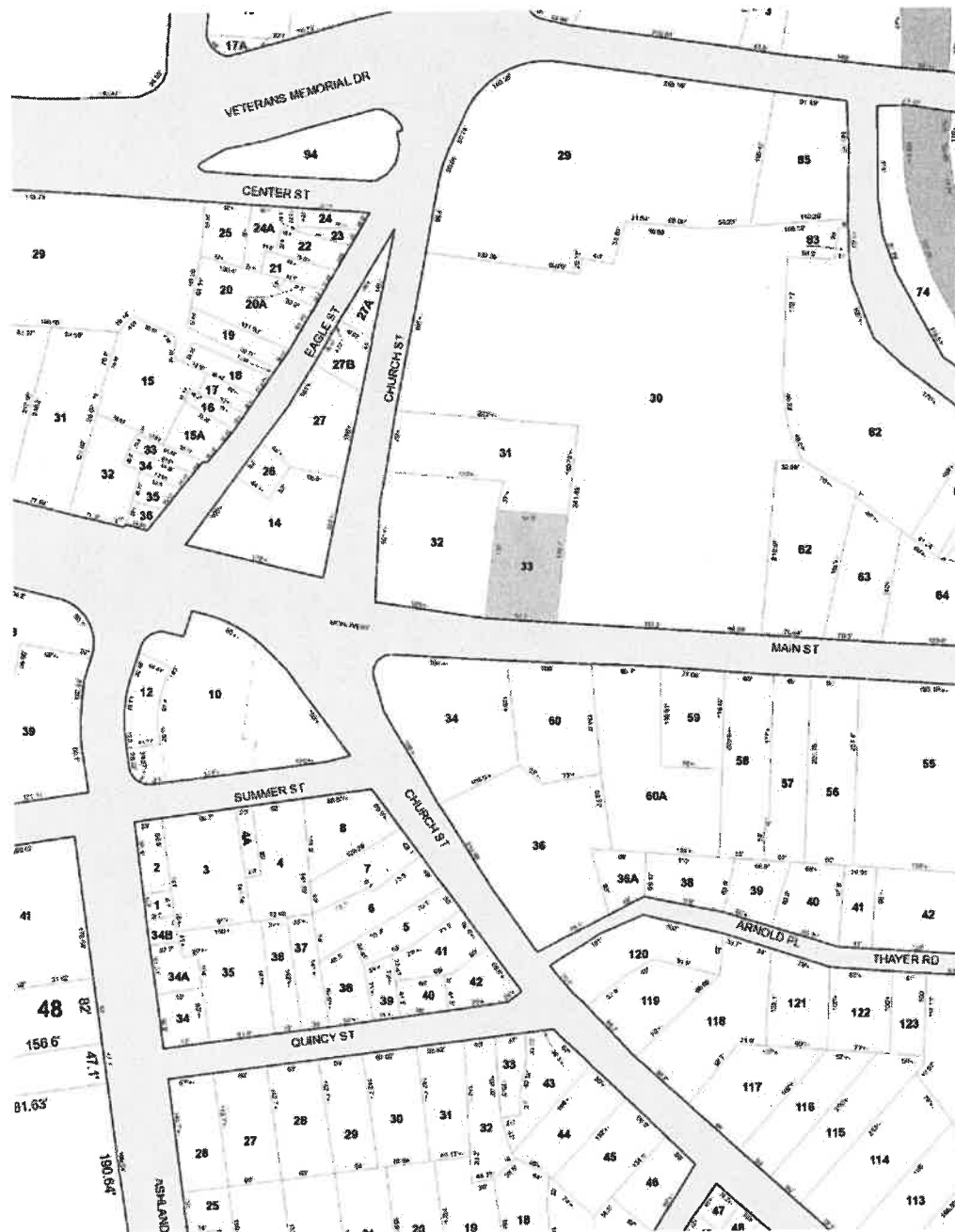
CORRIDOR GALLERY

(at the Walkaway House)

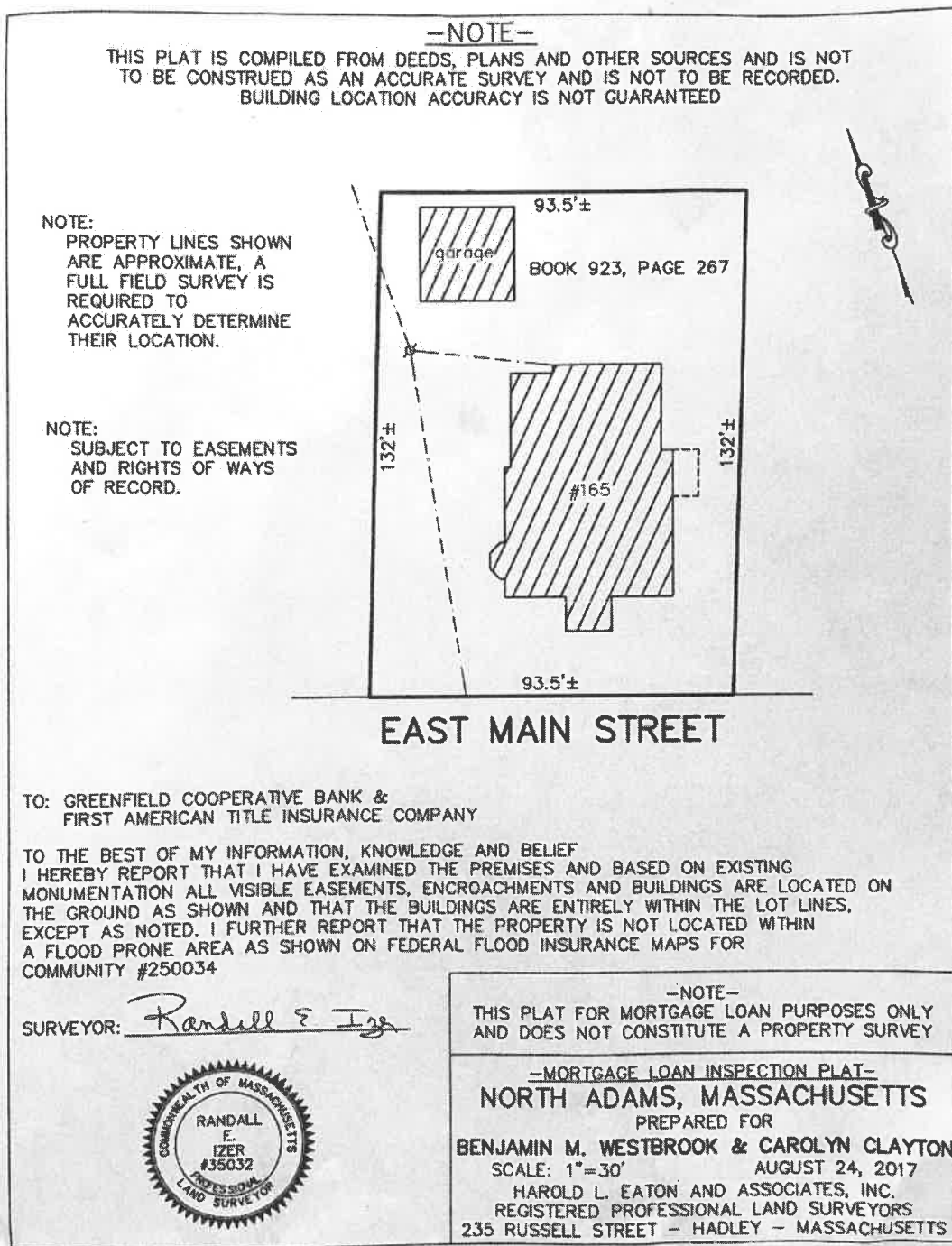


165 East Main Street
North Adams, MA

2. Assessor Map (certificate of title attached)



3. Site plan

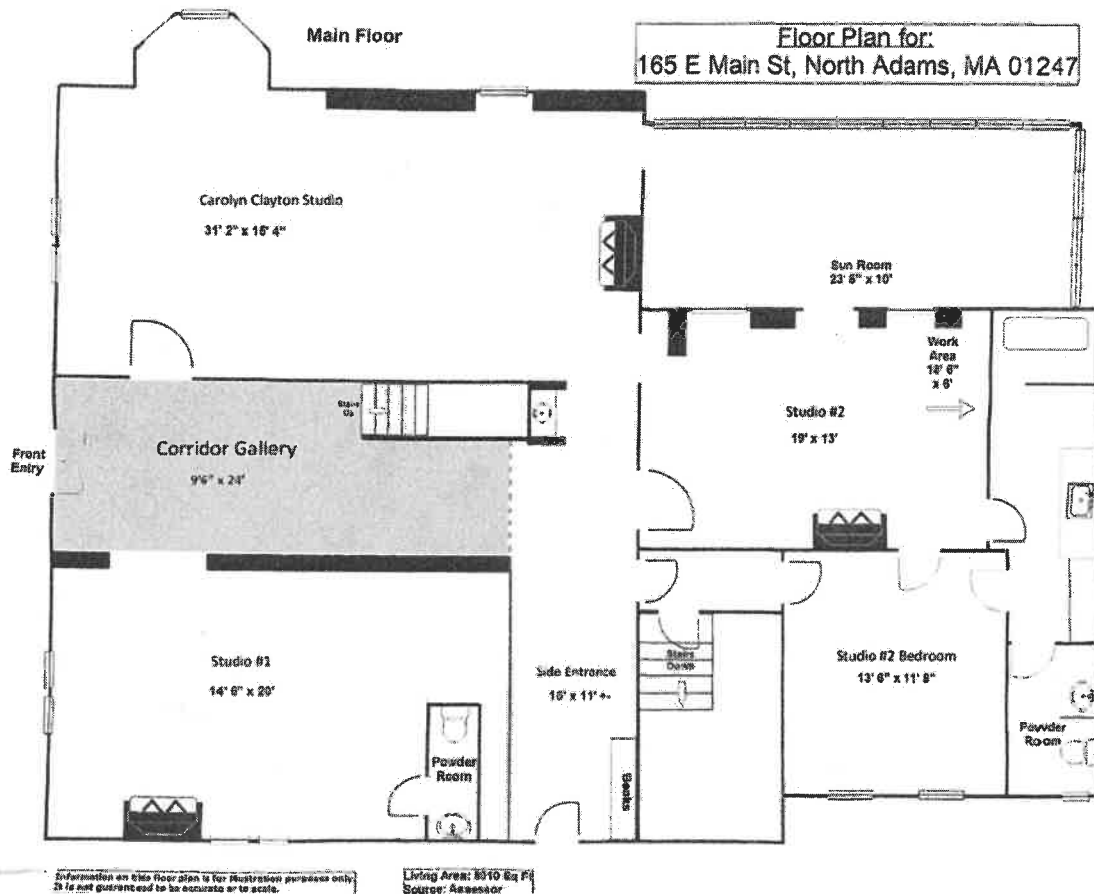


4. Narrative

Ben Westbrook and Carolyn Clayton purchased the mixed use commercial/residential building at 165 East Main Street in August 2017. Since then the building has been their primary residence and Carolyn's personal art studio, *Carolyn Clayton Studio*. In 2021 they formed the Walkaway House LLC.

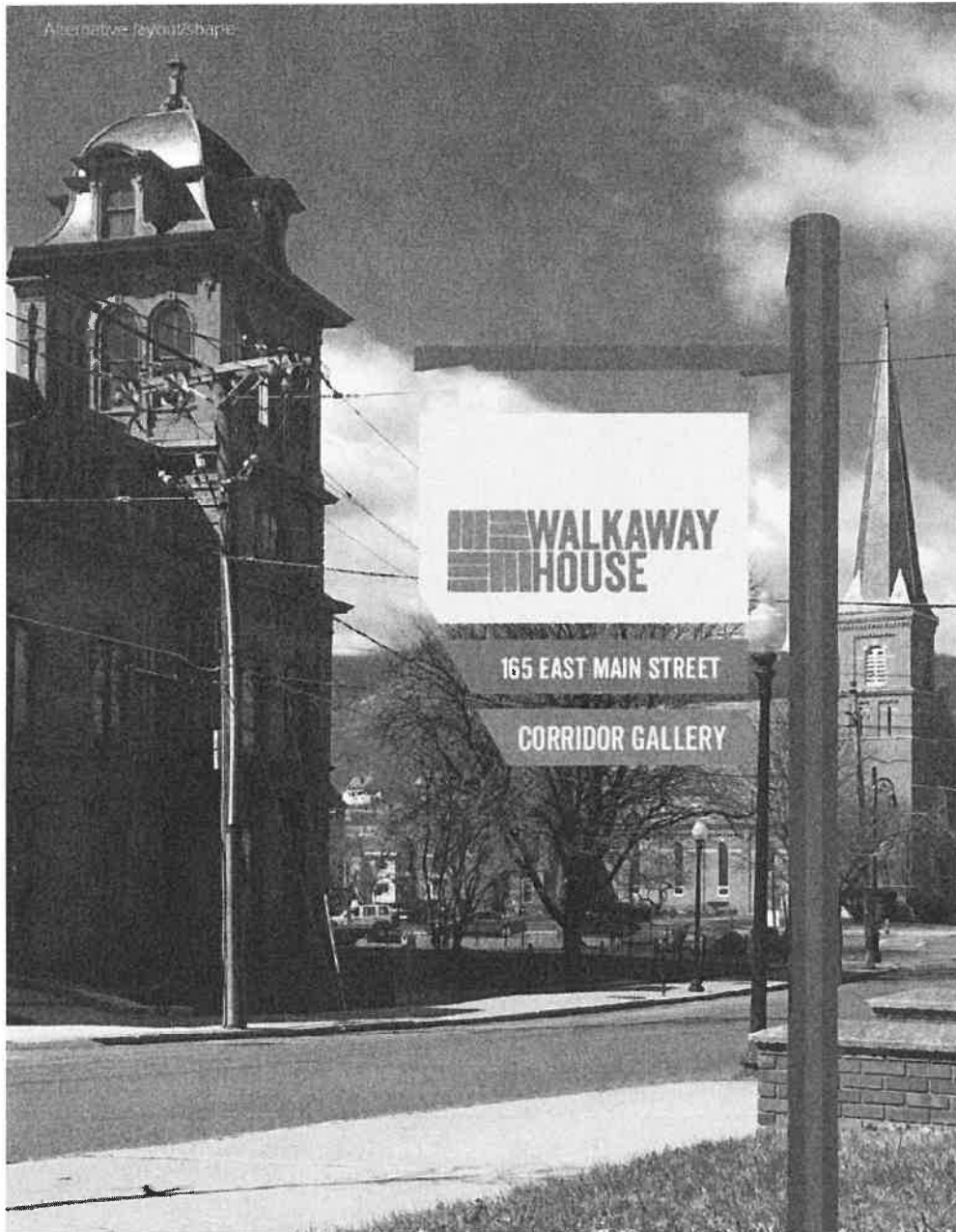
The Walkaway House LLC plans to open an art gallery, the Corridor Gallery, in a 228 sqft space on the first floor of the building. The Corridor Gallery will host three contemporary art shows a year by local, regional and international artists. Shows will take place in the spring, summer and fall, with an additional holiday exhibition/sale in November and December. Improvements to the space will simply be a fresh coat of paint.

5. Interior Site Plan



6. Signage

The sign will be hung from the existing uphill sign post in the front yard.
Dimensions: 28"x 28" max



7.8.9.10.

N/A - No changes will be made to the exterior of the building from it's current state as a residence (besides a small hang sign detailed above). We will not have public parking. Street parking and Library parking are available close by.

11. Rubbish Removal

Rubbish removal will be the same as our residence. Casella Waste Systems collects our trash and recycling bi-weekly on Monday.

12. Hours of Operation

Friday: 4-8pm

Saturday: 12-4pm

(+ by appointment)

13. N/A

14. Traffic

We don't expect a change or increase in traffic on lower East Main Street (except hopefully foot traffic from Main Street on Fridays and Saturdays!).

15.16.17 N/A

18. Change of Use Detail

We are applying for a change of use for 228 sqft of the building's grand entryway from residential space to a gallery space. The building is zoned as mixed-use commercial and residential.

19. Exterior Lighting/Parking

No exterior lighting will change. The parking lot will remain residential only.

20. Deliveries

We don't expect to be receiving deliveries in a different fashion than we currently do for our residence through the post office, UPS and Fedex. Artwork will be shipped through regular mail or delivered in-person by exhibiting artists (4x per year).

21. N/A

CERTIFICATE OF TITLE

To: Greenfield Cooperative Bank

Mortgagor(s): Benjamin M. Westbrook, Carolyn Clayton

Subject Property: 165 East Main Street
North Adams, Massachusetts 01247

I have examined the title to the premises described in a mortgage dated AUGUST 25, 2017 given to the Greenfield Cooperative Bank by the mortgagors in the records of the Registry of Deeds and of the Probate Court for the County of Berkshire and I hereby certify that at thdtime I recorded said mortgage the Mortgagor(s) holds a good and sufficient record title to the premises, free from all encumbrances, excepting only matters which are expressly enumerated in the Certificate of Title or in Schedule "A" attached to this Certificate of Title, and the Mortgagee holds a good and sufficient record first mortgage to the premises, subject only to matters excepted by this Certificate and said Schedule.

I certify that I have given the Mortgagor(s) a Certificate of Title which complies with M.G.L. , Chapter 93, Section 70, as revised by Chapter 448 of the Acts of 1980.

As to the Mortgagor(s), my liability in connection with the rendering of this Certificate is limited to the original principal amount of the consideration shown on the deed, as to the Mortgagee, my liability is limited to the original principal amount secured by the mortgage. This Certificate of Title is effective for the benefit of the Mortgagee only as long as the original debt secured by the mortgage remains unpaid.

This Certificate of Title expressly excludes any opinion as to the effect on the title of the following listed exceptions.

1) Real Estate Taxes, betterments and other municipal assessments and sewer and water use charges which are a lien against the property, but which are not evidenced by instruments recorded with the aforesaid Registry of Deeds.

Information provided by the Town/City of North Adams indicates that the real estate tax bill due August 1, 2017 has been paid.

2) Any existing federal or state laws, Municipal Ordinances or By-Laws which may affect the use and physical condition of the premises, including but not limited to existing zoning and subdivision control laws and regulations, State Sanitary Code, State Building Code and Lead Paint Law.


3) Defects, liens, encumbrances, easements, adverse claims or other matters affecting the title which either have not been recorded with the aforesaid Registry of Deeds or Registry of Probate or are not required to be so recorded to affect the title.

4) Any state of facts or error of description which may be revealed by a personal inspection or accurate survey of the premises.

5) Rights of tenants, lessees, occupants or other parties in possession.

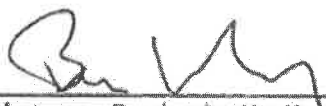
6) Any opinion to the physical condition of the premises.

Date 8/25/2017

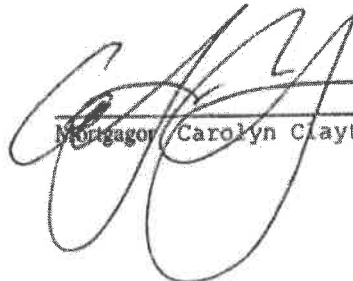


Certifying Attorney
Patrick A. Corliss, Esq.

I/We hereby acknowledge that I/we have received a copy of this Certificate of Title.



Mortgagor Benjamin M. Westbrook Date 8/25/2017



Mortgagor Carolyn Clayton Date 8/25/2017

Mortgagor Date

Mortgagor Date

Mortgagor Date

Mortgagor Date

Note: Search of title should commence with a source of title recorded at least 50 years prior to date, with the earliest instrument to be a warranty or quitclaim deed which on its face does not suggest a defect in said title. Date of Certification must be date on which mortgage is recorded in the Registry of Deeds. A Certificate of Title need be made to the Mortgagor(s) only when the Mortgagor(s) is required or agrees to payor be responsible for any fee or expense charged or incurred by any attorney acting for or on behalf of the Mortgagee in connection with the rendering of a certification of title to the mortgaged premises.

SCHEDULE "A"

Restrictions under a Variance granted by the North Adams Board of Appeals dated July 22, 1985 and recorded with the Berkshire County Northern District Registry of Deeds at Book 749, Page 92, insofar as the same may be of current force and effect.

Restrictions under a Variance granted by the North Adams Board of Appeals dated July 22, 1985 and recorded with the Berkshire County Northern District Registry of Deeds at Book 1000, Page 699.

Taking by the City of North Adams for the relocation of Main Street, dated June 8, 1954, and recorded at Book 507, Page 306; as revised by a Taxing dated August 31, 1954, and recorded at Book 508 Page 316.



2017 00005142

Bk: 1633 Pg: 291 Doc: DEED NB

Page: 1 of 3 08/25/2017 04:05 PM

QUITCLAIM DEED

That we, **EUGENE E. MESSENGER, D.D.S. and DONNA M. MESSENGER**, husband and wife, both of Clarksburg, Berkshire County, Massachusetts, for monetary consideration paid in the amount of **TWO HUNDRED SEVENTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$277,000.00)**, grant to **BENJAMIN M. WESTBROOK and CAROLYN E. CLAYTON**, husband and wife, whose post office address is 213 S. Hamilton Street, #B, Ypsilanti, MI 48197, to hold as **TENANTS BY THE ENTIRETY**, with **QUITCLAIM COVENANTS**, the land with any and all buildings thereon situate on the northerly side of Main Street, so-called, in North Adams, Berkshire County, Massachusetts, bounded and described as follows:

PROPERTY: 165 East Main Street, North Adams, MA 01247

MASSACHUSETTS EXCISE TAX
Northern Berkshire ROD #3 001
Date: 08/25/2017 04:05 PM
Ctrl# 032512 20670 Doc# 00005142
Fee: \$1,263.12 Cons: \$277,000.00

Commencing at a point on the Northerly side of Main Street at the Southwest corner of land formerly of Shepherd Thayer, deceased, now owned by the City of North Adams.

Thence running Northerly on the Westerly line of said land by the City of North Adams about one hundred and thirty-two (132) feet to the Southerly line of lands of the Trustees of the Methodist Church;

Thence Westerly on the Southerly side of said lands of said Trustees about ninety-three and one-half (93 1/2) feet to a square stone;

Thence Southerly on the Easterly line of land formerly owned by W. A. Richardson, deceased, and now supposed to be owned by said Trustees and George A. Hastings, about one hundred and thirty-two (132) feet to Main Street;

and thence Easterly on the Northerly side of said Main Street about ninety-three and one-half (93 1/2) feet to the place of beginning.

Together with the rights granted by a Zoning Variance by the North Adams Zoning Board of Appeals dated July 22, 1985 and recorded with the Berkshire Northern District Registry of Deeds in Book 749, Page 92.

Together with the rights granted by a Zoning Variance by the North Adams Zoning Board of Appeals dated January 24, 2000 and recorded with the said Registry of Deeds in Book 1000, Page 699.

Subject to Order of Relocation taking by Berkshire County Commissioners regarding Main Street via instrument dated September 16, 1954 and recorded with said Registry of Deeds in Book 508, Page 316, as it may affect the premises.

Subject to an Order of Taking by City of North Adams regarding Main Street via instrument dated July 20, 1954 and recorded with said Registry of Deeds in Book 507, Page 306, as it may affect the premises.

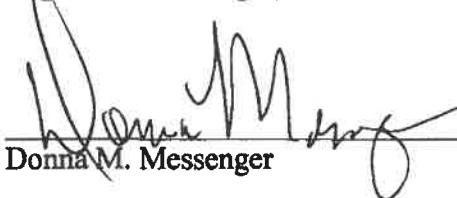
MEANING and INTENDING to convey and hereby expressly conveying, in mortgage, al and the same premises conveyed to Eugene E. Messenger, D.D.S. and Donna M. Messenger by deed of Richard A. Genova, dated September 12, 1996 and recorded with the Berkshire Northern District Registry of Deeds in Book 923, Page 267.

The Grantors herein certify that the above-described premises was not their principal residence and that there are no other persons entitled to the protection of the Homestead Act.

Real estate taxes for the current fiscal year have been apportioned between the parties and the Grantee herein assumes and agrees to pay the same.

WITNESS our hands and seals this 21st day of August, 2017.

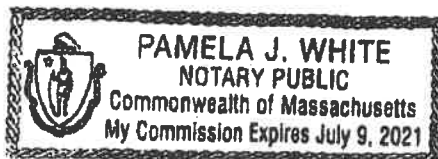

Eugene E. Messenger, D.D.S.



Donna M. Messenger

COMMONWEALTH OF MASSACHUSETTS

Berkshire County, ss.

On this 21st day of August, 2017, before me, the undersigned notary public, personally appeared Eugene E. Messenger, D.D.S. and Donna M. Messenger 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 or the identity of the signatory, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose, as their free act and deed.




Notary Public
My Commission expires: _____

Z:\MainOfficeFiles\Office Forms\Real Estate\Deeds\EastMainStreet.165.NorthAdams.2017.doc

END OF DOCUMENT
Northern Berkshire Registry of Deeds

City of North Adams



2022

Type:	12 - MULTI-CONV		
Sty Ht:	2A - 2A		
(Liv) Units:	1	Total:	1
Foundation:	3 - MASONRY		
Frame:	1 - WOOD		
Prime Wall:	7 - BRICK		
Sec Wall:			%
Roof Struct:	5 - MANSARD		
Roof Cover:	2 - SLATE		
Color:	BRICK		
View / Desir:			

Full Bath:	1	Rating:	GOOD
A Bath:	1	Rating:	AVERAGE
3/4 Bath:		Rating:	
A 3QBth:		Rating:	
1/2 Bath:	3	Rating:	AVERAGE
A HBth:		Rating:	
OthrFix:	4	Rating:	AVERAGE

Kits: 1	Rating:	GOOD
A Kits:	Rating:	
Frpl: 2	Rating:	AVERAGE
WSFlue:	Rating:	

Location:	
Total Units:	
Floor:	
% Own:	
Name:	

Grade:	B - GOOD
Year Blt:	1900
Alt LUC:	
Jurisdic:	
Const Mod:	
Lump Sum Adj:	

Avg Ht/FL:	STD		
Prim Int Wal	2 - PLASTER		
Sec Int Wall:			%
Partition:	T - TYPICAL		
Prim Floors:	4 - CARPET		
Sec Floors:	2 - SOFTWOOL	50 %	

Phys Cond:	GD - Good	31.8%
Functional:		
Economic:		
Special:		
Override:		
	Total:	31.8%

Basic \$ / SQ:	56.00
Size Adj.:	0.62828970
Const Adj.:	1.06018400
Adj \$ / SQ:	37.302
Other Features:	65600
Grade Factor:	1.33
Neighborhood Inf:	1.00000000
LUC Factor:	1.00
Adj Total:	440755
Depreciation:	140160
Depreciated Total:	300595

APT. ON 2ND. FL.. 6/2015 FFL VACANT
BUSINESS GONE.

1st Res Grid		Desc: Line 1										# Units 1	
Level	FY	LR	DR	D	K	FR	RR	BR	FB	HB	L	O	
Other													
Upper													
Lvl 2													
Lvl 1													
Lower													
Totals	RMs: 3		BRs: 3		Baths: 1		HB 3						

Exterior:	
Interior:	
Additions:	
Kitchen:	
Baths:	
Plumbing:	
Electric:	
Heating:	
General:	

No	Unit	RMS	BRS	FL
1		3	3	2
Totals				
1		3	3	

[illegible]

Code	Description	Area - SQ	Rate - AV	Undepr Value	
BMT	BASEMENT	2,554	16.790	42,871	
FFL	1ST FLOOR	2,554	44.760	114,322	
SFL	2ND FLOOR	2,290	37.300	85,421	
ATC	ATTIC	612	27.980	17,133	
WDK	WOOD DECK	264	13.500	3,564	
CPT	CARPORT	204	9.000	1,836	
OPF	OPEN PORCH	72	9.000	648	
Net Sketched Area:		8,550	Total:	265,795	
Size Ad	5456.4000	Gross Area	9469	FinArea	8010

e	Sub	%		%	Qu	#
71	Area	Usbl	Descrip	Type		Ten
22	BMT	100	FLA	100	A	0
21	FFL	100	OFC	100	A	0
33						
64						
36						
48						
95						
10						

[illegible]

125 0 33

AssessPro Patriot Properties, Inc.



More: N

Total Yard Items:	23,100
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Total Special Features:

Total:	23.100
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