



**TOWN OF EGREMONT**  
**Board of Appeals**  
**171 Egremont Plain Road**  
P.O. Box 368  
Egremont, MA 01258-0368  
Phone 413-528-0182 ext 10 fax 413-528-5465  
email: [tegremont@egremont-ma.gov](mailto:tegremont@egremont-ma.gov)

**NOTICE OF DECISION**  
**APPEAL OF DECISION OF BUILDING INSPECTOR**

Date: May 16, 2023

Appellant: 50 Prospect Lake LLC

An application was made by 50 Prospect Lake LLC to appeal the denial of a building permit, dated March 2, 2023, on the grounds that the Cliff House had not been used for camp purposes.

The Board of Appeals, at a zoom meeting held on Tuesday, May 16, 2023, made a decision with reference to the above application by voting as follows:

To overturn the decision of the Building Inspector and to grant the building permit.

Signed: \_\_\_\_\_

Fred Gordon

Chairman, Board of Appeals

The decision of the Board, together with detailed record of its proceedings stating the reasons for the decision, shall be filed in the office of the Town Clerk within 14 days after said decision.

An appeal of the decision may be made by any person aggrieved pursuant to MGL Chapter 40A, Section 15 as amended, within twenty (20) days after the date of filing in the office of the Town Clerk.

This notice shall be mailed forthwith to the petitioner, abutters, and owners of the land within 300 feet of the property line of the said property, the Board of Selectmen, the Building Inspector, the Planning Board, the Planning Boards of any abutting municipalities, and to person present the public hearing who requested such notice and stated the address to which such notice was to be sent, as provided in Section 15, Chapter 40A, as amended.



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Date: May 16, 2023

As chair of the Board of Appeals, I hereby certify that the following is a detailed record of all its proceedings relative to this application of 50 Prospect Lake LLC.

The applicant appealed the March 2, 2023 decision of the Building Inspector to deny a building permit based on the grounds that the Cliff House had not been used for camp purposes.

The premises affected are located at 50 Prospect Lake Road, Egremont MA.

1. On April 3, 2023, an application, of which a true copy marked "A" is made a part of this record, was presented to the Board of Appeals.
2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Berkshire Eagle, a newspaper published in Great Barrington Mass, on 04/28/2023 and 05/05/2023.
3. Notices of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to the petitioner and parties in interested as specified in Section 11, Chapter 40A, as amended, on 04/26/2023.
4. On, Tuesday, May 16, 2023, a hearing was held with the members of the Zoning Board of Appeals present via zoom, and the applicant and interested parties present via Zoom (as allowed under the Governor's order) at which hearing opportunity was given to all those interested to be heard in favor or opposition to said application.

Members present: Voting: Fred Gordon, Rolfe Tessem, Mark Holmes.

Specifically, the Members used the Chukran/Powers Criteria to reach their decision,

- 1) Whether the use reflects the nature and purpose of the use prevailing when the zoning by-law took effect
- 2) Whether there is a difference in the quality or character, as well as the degree of use
- 3) Whether the current use is different in kind in effect on the neighborhood

Based on these guidelines, the building inspector's decision is vacated, overruled and the permit is hereby granted.

The Board voted unanimously at its meeting on Tuesday, May 16, 2023 as detailed below, To overturn the decision of the Building Inspector and to grant the building permit.

Members:

Fred Gordon - yes: Rolfe Tessem - yes: Mark Holmes- yes

(NOTE: Show the vote of each member upon each question, or, if absent or failing to vote, indicate such fact and set forth clearly the reason or reasons for the Board's decision and for its other official actions.)

Signed: \_\_\_\_\_  
Fred Gordon, Chair, Board of Appeals



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**50 Prospect Lake LLC, Appeal of denial of building permit by Building Inspector**

**CERTIFICATE BY THE TOWN CLERK FOR FILING OF THE DECISION IN THE  
REGISTRY**

This is to certify that twenty (20) days have elapsed since filing of the above decision with this office and no appeal has been filed, or appeal has been filed and denied in this case.

\_\_\_\_\_  
Signature and Seal of the Town Clerk

Date: \_\_\_\_\_