



INSPECTOR of BUILDINGS *Town of Montague*

*1 Avenue A
Turners Falls, MA 01376*

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NOTICE OF DECISION

Date October 11, 2000

Date of Filing October 11, 2000

Applicant

Town of Montague

Case No. 00-19b

Owner

Inhabitants of Montague

Address 1 Avenue A

Turners Falls, MA 01376

Premises Affected

Assessors Map 4 Lots 62, 82 and 69

Variance Petition (40A) (see #00-19a)

Special Permit Application (X)

Site Plan Review (X)

85 Avenue A

Turners Falls, MA 01376

After a public hearing held on September 6, and September 12, 2000 and concurrent with hearing #00-19a the Board of Appeals VOTED to APPROVE with CONDITIONS Special Permit and Environmental Impact and Site Plan Review Petition. (also see Special Permit, Site Plan and Variance #00-19a)

RECORD OF VOTE

SITE PLAN REVIEW and SPECIAL PERMIT

The vote of the Zoning Board of Appeals was as follows:

1. Ernest Brown **YES** Chairman
2. Mark Bander **YES**
3. Walter Sojka **YES**

4. John Burek **YES**
5. John Reynolds **YES**

Plans and Submittals: "Colle Building Rehabilitation - Response to 8.3 Environmental Impact of the Project" by Frank Abbondanzio; "Colle Building Redevelopment - Community Development Action Grant Final Application for Funding", dated April 2000, Appendix C; "Colle Opera House Site Development Project - (Parking) Scheme Design, Cutlery Site Plan - SP1" dated Sep 5, 2000 as modified 9/12/00.

In APPROVING the SITE PLAN and SPECIAL PERMIT (see variance #00-19a) the Board finds substantial proposed improvement to the site and that no public detriment would result from the requested relief and that approval, with conditions, is consistent with the intent of the by-law.

Environmental Impact Statement:

The Board finds that the statement of Environmental Impact of the Project by Frank Abbondanzio and Appendix C by William Austin & Associates and Studio One adequately describes the impact of the project. The Board concludes that the project, as presented, is a significant enhancement to the immediate area and to the Town. The Utility Assessment by Sara Campbell, PE concludes that the available infrastructure is adequate but that all utility connections will require replacement or upgrading.

Site Plan Review (Building): #00-19b

The Board approves the proposed alterations and renovation of the 19,200 sq. ft. of floor area on the three floors of the Colle Building, 85 Avenue A and the current façade improvements. The first floor to be primarily retail sales and services and the upper floors primarily office use in conceptual conformance with Appendix C - Preliminary Building Plan with Appendix 3.

Site Plan Review (Parking and site development): Hearings #00-19a and #00-19b

The Board concludes that Site Plan Review, Special Permit parking location and reduction and Variance request for backing onto a public way as presented in Hearings #00-19a and #00-19b are not separable decisions.

1. The Board finds that the applicants' proposals to satisfy all or part of their required off street parking on adjacent land currently owned by the other is reasonable.
2. The Board finds no public detriment for shifting the parking requirements of the Cutlery building, 61-99 Third Street (hearing #00-19a), to the adjacent lot, Assessors Lot 82 (#4 on Cutlery survey).
3. The Board finds that the Colle site (hearing #00-19b) is so constrained that the only possibility for the provision of parking must be off site. It further finds that the adjacent lot, Assessors Lot 69 (#3 on Cutlery survey) is of limited available area but convenient and functionally available.
4. No proposal to subdivide or convey land was presented to the Board. The applicants propose that they shall assure that the access to and availability of parking will be by mutual easements.

The Board's vote APPROVES the SITE PLAN (parking and site development) and SPECIAL PERMIT (with Variance #00-19a) as an advantageous solution for both projects and the site as a whole, with the following conditions.

CONDITIONS:

1. Building: Alteration and development of the building(s) shall be in substantial conformance with plans, drawings and renderings submitted to the Board. (see "Submittals:" in decision #00-19a and #00-19b)
2. Site: Site improvements shall be constructed in substantial compliance with the Site Plan titled: SP1, Colle Opera House Site Development Project, (Parking) Scheme Design, Cutlery Site Plan, by Studio One, Inc. dated September 5, 2000, as modified at the hearing September 12, 2000.
3. Parking: Special Permits are granted for allowing off site accommodation and the reduction of parking requirements pursuant to section 6.2.1. Parking shall be provided as designated in the Site Plan SP1 as modified at the September 12th hearing. The spaces shall be segregated and allotted as shown on the modified plan with 20 spaces and loading facilities behind the Colle and an additional 10 spaces along the alley totaling 30 spaces on lot 69 (#3 on Cutlery Survey) dedicated and available to the Colle building. The remaining 50 of 52 proposed spaces, 30 of which are located on lot 82 (#4 on Cutlery Survey), shall be dedicated and available to the tenants of the Cutlery Block. Variance to section 6.2.2 is granted so as to allow the 10 contiguous diagonal spaces to back onto the public way.

4. Curb Cuts and Public Way: Vehicle approaches and entrances may be modified as shown in the Site Plan. No entrance shall be allowed near the corner of Third and L Street. Drainage shall be properly designed and reviewed pursuant to Condition 6 .
5. Landscaping and Site Lighting: Landscaping, curbs and islands shall be provided to at least the level of detail shown on the site plan. Exterior site lighting shall be consistent with design guidelines for the use and public safety standards. Final design shall be subject to review pursuant to Condition 8.
6. Other Permits or Approvals. This approval does not presume to evaluate all technical requirements but assumes and requires that good engineering practices will be applied. This approval is contingent on the applicant obtaining all the relevant permits and approvals governed by other Departments of the Town or Agencies of the Commonwealth.
7. Easements: Proposed mutual easements meant to assure accesses and availability of parking off site shall be reviewed by the Board to assure that the purpose of the Special Permit is met.
8. Modification and Approval. Minor changes to the site and building plans, consistent with this approval, may be allowed by the Inspector of Buildings. Other changes shall be reviewed by the Chairman of the Board of Appeals to determine the degree of conformance to the Special Permit or Site Plan. The Chairman shall approve the change or refer the change to the Board or a designee for approval. Approval shall not be unreasonably withheld.

IMPORTANT: Any appeal from the decision of the Town of Montague Board of Appeals must be made to the Court pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed in the office of the Town Clerk within twenty (20) days after the date of filing of this decision with the Town Clerk.

Board of Appeals

By

Ernest L. Brown, Chairman

Wendy M. Bogusz, Clerk