



**BOARD OF APPEALS
TOWN OF MONTAGUE
1 AVENUE A
TURNERS FALLS, MA 01376**

**Case # 01-25
RECORD OF DECISION & VOTE**

Date of Decision November 28, 2001

Date of Filing December 6, 2001

Applicant

Edward F. Doyle, Jr.

Owner

Darlene A. Reipold

Address 17 Sunset Drive

Turners Falls, MA 01376

Premises Affected

Assessors' Map 15 Lot 91

Special Permit Application (40A) (X)

6 Nadeau Avenue, Turners Falls, MA

After a public hearing held on

Wednesday, November 7, 2001 and a finding on
Wednesday, November 28, 2001

The Board of Appeals – FINDS: The current property use and building to be a protected non-conforming use with a permitted non-conforming structure. The current owner proposes to lease the property to the applicant with an option to buy. The current owner proposes to retain whatever rights and protections available for their business use of the property should they retain it. The historical and current use is a significant impact to the neighborhood and abutters. The board finds that the proposed change of Use is a significant reduction in intensity and impact.

THE BOARD OF APPEALS VOTED: To Grant, with conditions, the special permit to allow for the change of use of the property and building from a bus garage to an auto detailing shop.

The Board concludes and intends that the change of use should be controlled to achieve reasonable autonomy for the business and reasonable protections for the neighborhood. To that purpose the approval of the Change of Use is subject to the following conditions.

Conditions:

Location: All business activities (cleaning, etc.) shall be conducted wholly within the building except for parking and limited vehicle washing. All noise, vibration, heat, smoke, dust, strong or unhealthy odors, or air pollutants shall be wholly contained within the structure.

Hours of Operation: Hours of operation are proposed for 8:00 AM to 6:00 PM Monday to Friday and 8:00 AM to 12:00 PM on Saturday. Hours of operation shall be limited to the period between 7:00 AM to 7:00 PM weekdays and 8:00 AM to 12:00 PM Saturdays.

Vehicles and Parking: The applicant proposes three vehicles to be worked on per employee per day with the potential of up to three persons working plus employee parking. Overnight storage

of vehicles for next day work shall be inside to the extent possible. No storage of junk or unregistered vehicles or vehicles for sale or for purposes unrelated to the permitted Business is allowed without Board approval. The drop-off of vehicles shall not occur outside of the proposed business hours except that a single drop-off parking space may be designated at the street side entrance of the building.

Lighting:

There is no need for exterior lighting except for modest security lighting at the vehicle and personnel entrances. No lighting glare shall be visible from abutting property. Glare from the building lighting shall be shielded from abutting properties.

Setbacks and Fencing: Existing fencing shall be allowed to remain as long as it is maintained by its current owner or it shall be replaced with an equivalent screening or fencing. The business shall observe a 10 foot setback from side and rear property lines for all business activities storage parking or otherwise. The setback area shall be kept free of trash and debris.

Business Growth: The Board assumes reasonable but limited growth of the business and reserves a review and approval authority for changes consistent with the intent of this approval.

Modification and Approval: Any changes proposed shall be reviewed by the Board of Appeals or its designee. The Chairman or designee may approve changes if in conformance with the intent of the Special Permit or may refer it to the Board. Changes consistent with the purpose of this approval may be allowed by the Board without further hearings. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

The current owner purposes to retain rights and protections for their business use should they retain the property. The Board did not consider or review those claims except to state that it is their purpose in this Special Permit approval not to extend those rights to the applicant with this approval but rather to limit those claims for this or future Special Permit uses.

RECORD OF VOTE

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

1. Ernest Brown YES Chairman
2. John Burek YES
3. Dennis Booska YES

4. Mark Bander YES
5. Walter Sojka YES

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

Board of Appeals

By

Ernest L. Brown, Chairman

Douglas S. McIntosh, Clerk