



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

RECORD OF DECISION & VOTE

Applicant:

John & Jane Moquin

Date April 10, 2002

Case No. 02-02

Owner:

John & Jane Moquin

Address 55 Turners Falls Road
Turners Falls, MA 01376

Premises Affected

Assessors' Map 11 Lot 133 & 135

55 Turners Falls Road

Turners Falls, MA 01376

Special Permit Application (40A) **(X)**

Variance Application (40A) **(X)**

After a public hearing held on:

Wednesday, March 27, 2002

THE BOARD OF APPEALS VOTED:

To grant variance to section 5.4.5 for the existing 4' to 12' foot setback from a rear lot line to allow the conversion of the accessory garage building to a second one-family Principal Building as per Section 2, Definitions and 5.2.3(a), Permitted Uses.

To grant Variance to Sections 5.4.4 for a reduction in the side yard setback as calculated under Section 5.3.2 for multiple principle uses from 30 feet to the existing 27 feet between buildings.

To grant a Special Permit for the reduction of the required cumulative frontage and lot area as calculated under Section 5.3.2 for multiple principle uses by reducing, pursuant to Sections 5.4.1(c) and 5.4.3(c), the required 45,000 square foot lot area to the existing lot area of about 22,185 square feet and by reducing the required 300 feet of frontage to the existing frontage of about 152 feet.

The Board states the grant of this Special Permit and Variance, with conditions, is for the sole purpose of allowing conversion of an existing garage, without further extension of the non-conforming nature of the existing structure, to a second one-family dwelling on a single undivided property.

The Board finds that the external appearance and function of the lot and structures will not noticeably change and that the proposed change in the intensity of use, including parking, is modest if the property remains as one parcel with access and parking provided in side and rear yards. The Board concludes that a division of the property for two independent one-family lots would result in an undesirable intensification of use, be functionally unworkable and result in a detriment to the neighborhood.

Conditions: The Board requires the two parcels be combined into one property and that the non-conforming setbacks not be further extended for the proposed conversion.

The Board notes the additional requirement of the Montague Planning Board's determination of the adequacy of access and services for multiple principle uses of the property per Section 5.3.2.

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

1. Ernie Brown YES Chairman

4. Dennis Booska YES

2. Walter Sojka YES

5. John Burek YES

3. John Reynolds 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 in the office of the Town Clerk 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