



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

RECORD OF DECISION & VOTE

Applicant:

Daniel J. Chevalier
38 Randall Wood Drive
Montague, MA 01351

Date November 1, 2002
Case No. 02-24
Date of Decision October 16, 2002

Owner:

KTS Nominee Trust
Daniel J. Chevalier, Trustee

Address 38 Randall Wood Drive
Montague, MA 01351

Premises Affected

Assessors' Map 21 Lot 115
Lot #26 (58) Randall Wood Drive
Montague, MA 01351

Comprehensive Permit Modification (X)

After a public hearing held on:

Wednesday, September 18, 2002
Voted Wednesday, October 16, 2002

THE BOARD OF APPEALS FINDS:

The application seeks to delete Condition, IV-B, Open Space, of the Randall Wood Sub-division Comprehensive Permit #89-03 requiring a lot be available for "passive recreational open space." A condition in the original Comprehensive Permit provided for the probable development or reservation of open space or recreational space for the Randall Wood neighborhood as an amenity to the project. The original open space, lot #25, was located on the bluff where a large proposed detention basin was originally planned. A design change resulted in the detention basin not being needed. A petition by the developer to the Board in 1990 for a modification to Comprehensive Permit, case #89-03, was heard and voted November 26, 1990 for the transfer of the open space requirement from lot #25 to Lot # 26. Lot #26 was approximately the site of the excavated "sand pit" on the property. The lot has remained unimproved since the development of the sub-division.

THE BOARD OF APPEALS VOTED:

To deny, without prejudice, the petition for the purpose of allowing the neighborhood and/or the Town of Montague a final opportunity to fulfill the purpose and intent of the original Comprehensive Permit open space requirement.

A majority of the households may form an association or other suitable entity or designate another suitable entity to propose development and management of the area, propose rules and guidelines for use, develop, supervise and maintain the open-space lot area.

Should the Randall Wood neighborhood fail to achieve a majority of households wishing to see an open space or recreational area, or then fail to form a negotiating group to negotiate with the developer, the petitioner may resubmit this request in 9 months from the filing of this decision or final resolution of any appeal.

A good faith effort by all parties is required.

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. Mark Bander 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