



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

RECORD OF DECISION & VOTE

Applicants:

Norman L. Jacques & Cheryl Cetrone
384 Main Street
Easthampton, MA 01027

Date April 9, 2003
Case No. 03-02
Date of Decision February 19, 2003

Owner:

Robert Giknis & Laura St. George
9 Winchester Drive
Endicott, NY 13760-4267

Premises Affected

Assessors' Map 3 Lot 19 & 71
(181) Avenue A
Turners Falls, MA 01376

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

After a public hearing held on: Wednesday, February 5, 2003 and continued to
Wednesday, February 19, 2003

The Board of Appeals Finds:

The applicant seeks to develop a three-story, 4 apartment, 2 storefront, mixed use building consistent with current downtown building uses. The proposed building design will be compatible with but not a replication of the period architecture of the downtown. Parking and residential access and trash removal is proposed from the alley. The commercial floor loading requirements will be from the Avenue A sidewalk side of the building. Fire suppression is proposed for the building.

Plan Submitted: Presentation Board Plan, Titled: The Jacques Building, Avenue A, Montague MA, dated 10/30/02 revised 1/29/03.

The Board of Appeals Voted:

To approve, with conditions, Special Permits for: multi family use pursuant to Sections 5.2.11(b), dimensional relief 5.4.1(c) and 5.4.3(c), parking 6.2.1, and loading 6.2.3, and Variance to Section 5.4.4 of the Montague Zoning Bylaws, to allow construction of a three-story mixed-use building consisting of a commercial use ground floor and four dwelling units on the upper floors.

The Board stipulates the following conditions:

1. The mixed-use building shall be constructed in substantial compliance with plans and specifications submitted.
2. The building's north sideline setback shall be no less than eight feet and the south sideline setback shall be no less than four feet.
3. The front setback shall be in line with abutting buildings.
4. The front facade construction shall be of brick masonry.
5. Four (4) apartments are approved for the upper two floors.
6. Four residential parking spaces are required and shall be of sufficient off street depth so as not to impede snowplowing.
7. An access space to loading and trash handling will be provided at the rear of the lot.
8. Any mechanical or noise making equipment shall be placed away from abutting residences and screened for noise to the extent practical.
9. The owner of the building shall provide to the Board and keep updated a residential management plan.

Modification and Approval: Final engineering and design, or proposed changes shall be reviewed and approved if consistent with the findings, Special Permit, Variance and conditions of the Board. Significant changes will be referred to the Board, which may allow the changes without further hearings if within the project scope and consistent with the project concept. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

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

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| 1. <u>Ernest Brown</u> YES <u>Chairman</u> | 3. <u>John Reynolds</u> YES |
| 2. <u>John Burek</u> YES | 4. <u>Mark Bander</u> 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