



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Patrick Smith

17 Dell St.

Turners Falls, MA 01376

Premises Affected:

17 Dell St.

Turners Falls, MA 01376

Assessors' Map 10 Lot 146

Date July 13, 2004

Case No. 04-18

Special Permit ()

Variance Application (40A) ()

Appeal Chapt. 40A Section 8 (X)

After a public hearing held on:

Wednesday, June 30, 2004

THE BOARD OF APPEALS FINDS:

- 1.) The Inspector of Buildings issued a proper Order to remove a commercial parking area from a residential lot and cease commercial use of the residential property.
- 2.) That the appellant's Home Occupation Permit Application for a home office use complies with the Order and the By-law.
- 3.) That the paved area was constructed and used for parking and loading of trucks and employee parking. The appellant has agreed to cease this activity.

The Board concludes that if the "Order to Cease Commercial Activity" is complied with the paved area in question can be used for residential purposes as a residential driveway.

THE BOARD OF APPEALS VOTED:

To modify the Order by partially and conditionally modify the Inspector of Buildings order to remove the commercial parking area from a residential lot but to uphold the requirement to cease commercial use of the residential property. The Board states that that the paved area may remain as long as all commercial activity, except that authorized by the Home Occupation Permit, shall cease. Should commercial activity resume the Inspector of Buildings Order shall become fully enforceable.

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

1. Ernest L. Brown, Chairman **YES**

4. John Reynolds **YES**

2. Dennis Booska **YES**

5. Mark Bander **YES**

3. Robert Sojka, Alt **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

Karen M. Casey, Clerk