



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Joseph P. Burek
4 Burek Dr.
Montague, MA 01351

Date July 28, 2004

Case No. 04-20

Premises Affected:

(21) Dry Hill Rd.
Montague, MA 01351
Assessors' Map 44 Lot 29

Special Permit ()
Variance Application (40A) (X)
Appeal Chapt. 40A Section 8 (X)

After a public hearing held on:
Continued:

Wednesday, June 30, 2004
Wednesday, July 21, 2004

THE BOARD OF APPEALS FINDS:

The Inspector of Buildings Zoning Opinion of June 11, 2004 is in error. Based upon revised assumptions, a detailed Zoning History and consultation with Town Counsel regarding the conclusion of the Revised Zoning Opinion dated June 19, 2004 the Board accepts that the revised opinion is correct. The Board concludes that the lot is protected pursuant to MGL Chapter 40A Section 6. The Board further finds that strict compliance with the current side yard setbacks of 50 feet would effectively and improperly prevent single family residential use otherwise protected.

THE BOARD OF APPEALS VOTED:

To uphold the appeal of the June 11, 2004 Zoning Opinion as being in error and accept, in its place, the revised Zoning Opinion dated June 19, 2004.
To grant variance for a minimum side lot setback of 20 (twenty) feet.

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

1. <u>Ernest L. Brown, Chairman</u>	<u>YES</u>	4. <u>John Reynolds</u>	<u>YES</u>
2. <u>Dennis Booska</u>	<u>YES</u>	5. <u>Mark Bander</u>	<u>YES</u>
3. <u>Robert Sojka, Alt</u>	<u>YES</u>		

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