



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Pioneer Valley Habitat For Humanity, Inc.

By: George E. Ryan

140 Pine Street, P. O. Box 60642

Florence, MA 01062

**Date** November 17, 2004

**Case No.** 04-28

**Premises Affected:**

53 & 55 L Street

Turners Falls, MA 01376

Assessors' Map 4 Lot 86 & 87

Variance Application (40A) (X)

Section 6 Ch. 40A - Finding ( )

Special Permit (X)

Section 8 Appeal ( )

After a public hearing held on:

Wednesday, September 29, 2004

**THE BOARD OF APPEALS VOTED:**

To grant Special Permit pursuant to Sections 5.4.1(c) and 5.4.3(c) to reduce minimum lot area and frontage requirements to allow for the reconfiguration of the property into two independent building lots each with 40 feet of frontage and approximately 2,820 square feet of area, and a third parcel (not to be a building lot) 1,382.5 square feet in area and without frontage. The rear parcel may be conveyed to an abutter or remain with lot 86.

Also granted is a Special Permit for Alteration of a non-conforming use, Section 5.1.4 to allow the construction of two, single-family homes on the independent lots substantially within the footprint of the demolished multi-family building. The new buildings shall be of the same street line setbacks as the original building and in line with the existing buildings on the abutting properties, both 10 feet from L Street and, on lot 87 at #53 and 10 feet from Second Street. Front porches shall be in the building set back area. Section 5.4.2 ((Minimum street line setback for all buildings)

Also granted is Variance to Section 5.4.4 (Minimum side yard setback from property line) to allow the building proposed on lot 86 at #55 to be 5 feet from the common internal side lot line.

**Conditions:**

The new buildings shall be 20' x 30' two story single-family homes with full front porches at least 8 feet in depth constructed in the 10' setback area. A privacy fence shall be installed along the south property line the length of the L Street abutter's line.

Modification and Approval: the Board of Appeals or its designee shall review any changes proposed. The Chairman or designee may approve changes if in conformance with the intent of the Special Permit or may refer it to the Board. The Board without further hearings may allow changes consistent with the purpose of this approval. 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:**

1. <u>Ernest L. Brown, Chairman</u>	<u>YES</u>	4. <u>John Reynolds</u>	<u>YES</u>
2. <u>John Burek, Vice-Chairman</u>	<u>YES</u>	5. <u>Mark Bander</u>	<u>YES</u>
3. <u>Dennis Booska</u>	<u>YES</u>	6. <u>Robert Sojka</u>	<u>not voting</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