



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Robert W. Koch
15 Fort Sq.
Greenfield, MA 01301

Date December 13, 2004

Case No. 04-37

Premises Affected:

98 Turners Falls Road
Turners Falls, MA 01376
Assessors' Map 15 Lot 168

Variance Application (40A)	()
Section 6 Ch. 40A - Finding	()
Special Permit	(X)
Section 8 Appeal	(X)

After a public hearing held on:

Wednesday, December 8, 2004

THE BOARD OF APPEALS VOTED:

To deny the applicants Appeal and uphold the Inspector of Buildings' determination that a Special Permit is required for the proposed alteration of a non-conforming use.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit to alter the previous non-conforming use pursuant to Section 5.1.4 (Alterations), to allow for the applicant's relocation of a limited Class II used auto sales with minor repair work and provide for a towing business with a secure yard for storage of vehicles, with the following conditions:

Conditions:

- Vehicle storage: The approximately 200' x 80' vehicle storage area shall be fully fenced and also buffered on 3 sides (North, South and West) with solid sound deadening fence and screened with a planted row of arborvitae 5 feet on center added as a visual screen. The rear fence shall be setback 10 feet from rear property line with the arborvitae plantings 5' high and centered in that area. Vehicle storage on the site shall not exceed 20 excluding employee, customer and business vehicles.
- Hours of commercial operation: The hours of operation may not extend beyond the hours of 9:00 am to 6:00 pm Monday through Saturday. There shall be no Sunday hours.
- Towing and storage: Towing, drop off and customer re-possession shall observe the allowed hours of operation.
- Car Sales: Three vehicles may be displayed for sale. The display area shall be the paved

area on the south side of the building. The Class II license may be for up to the twenty vehicles allowed on the site. All vehicles, except the three for display shall be stored in the secure fenced and screened area at the rear of the property.

- Site: The driveway, parking and vehicle display area shall be paved. The front of the property shall be landscaped. Lawn and shrubs shall be planted consistent with residential appearance and use.
- Lighting: – No exterior lighting beyond the hours of operation is allowed except one light on a low pole located mid way down the driveway and must be shielded and light may only be directed onto the driveway & building door area. Lighting levels shall be compatible with a residential use. The current pole location is not approved. (It is too high and located too far back on the lot)

The Board also approved a Special Permit to increase the permitted sign area from 4 square feet to 12 square feet.

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

- | | | | |
|-------------------------------------|------------|-------------------------|--------------------|
| 1. <u>Ernest L. Brown, Chairman</u> | YES | 4. <u>John Reynolds</u> | YES |
| 2. <u>John Burek, Vice-Chairman</u> | YES | 5. <u>Mark Bander</u> | YES |
| 3. <u>Dennis Booska</u> | NO | 6. <u>Robert Sojka</u> | not present |

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