



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Yevgeniy Sherstyukov  
40 Eleventh St.  
Turners Falls, MA 01376

Date January 26, 2006  
Case No. 06-01

**Premises Affected:**

40 Eleventh St.  
Turners Falls, MA 01376  
Assessors' Map 5 Lot 62

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

After a public hearing held on:

Wednesday, January 11, 2006

**The Board of Appeals finds** that the proposed 2<sup>nd</sup> egress with a deck within 3' of a lot line is too close and would violate the intent of the rear yard setback By-law. The proposed construction is more intrusive than need be and a viable alternative exists to the driveway side that will not violate Zoning requirements and will not increase the non-conforming nature of the building and its use.

**THE BOARD OF APPEALS VOTED:**

To deny the Special Permit request to alter a non-conforming building and deny Variance to the minimum rear yard setback from property line.

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

1. Ernest L. Brown, Chairman	NO	4. John Reynolds	NO
2. John Burek, Vice-Chairman	NO	5. Mark Bander	NO
3. Dennis Booska	NO	6. Robert Sojka, Alt.	Not Voting
7. Ericka Almeida, Alt.	Not Voting		

**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