



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Paul D. Viens
278 Main Street, Suite 302
Greenfield, MA 01301

Case No. 06-06
Date April 26, 2006

Premises Affected:

132 L Street
Turners Falls, MA
Assessors' Map 4 Lot 245 and 246
Franklin Co. Registry of Deeds: Bk 4912 Page 166

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

Environmental Impact and Site Plan Review
(X)

After a public hearing held on:
Continued to:

Wednesday, March 22, 2006
Wednesday, April 26, 2006

THE BOARD OF APPEALS FINDS:

The existing building is condemned and unused. It consists of 8 partially renovated units and one illegal unit. The building has not been occupied since 1996. The lot has access from 2 streets the front on L Street and the back on T Street. Accesses from each street is at a different elevation. Parking is proposed in a 52' by 80' area off of T Street and in the front yard on L Street.

The capacity of the drain line on T Street is often exceeded. The soil conditions were not tested but circumstantial evidence in the area indicates that it may be poorly draining clay or bedrock.

The neighborhood consists primarily of 1 to 4 family homes. Parking in the area is referred to as congested, primarily in the winter.

THE BOARD OF APPEALS VOTED:

Not to grant a Special Permit to increase Multi-family use from 8 units to 13 units pursuant to Section 5.2.10(b), Variance to Section 5.4.7 where all of the proposed apartments are less than 700 square feet in area and a Special Permit pursuant to Section 6.2.1 to reduce required parking,

By extension the board does not grant exception to Minimum lot area and frontage where public water and sewer are available.

Conclusion: Two members voting not to grant conclude that the number of units proposed for the building greatly exceeds the current neighborhood norms for density. Further, the parking demand for the proposed number of units cannot be reasonably, safely or aesthetically accommodated on site. The drainage provisions of the Environmental Impact and Site Plan Review proposed are inconclusive to determine if feasible without undue impact on neighbors and town infrastructure.

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

1. <u>Ernest L. Brown, Chairman</u>	YES	4. <u>John Reynolds</u>	NO
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 voting
7. <u>Ericka Almeida</u>	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