



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Michael J. Fuller  
48 Randall Rd.  
Montague, MA 01351

Case No. 09-03

Date February 25, 2009

**Premises Affected:**

13 and 15 Twelfth St.  
Turners Falls, MA 01376  
Assessors' Map 5 Lot 65  
F Co. Registry of Deeds: Bk 5463 Pg 117

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

After a public hearing held on:

Wednesday, February 11, 2009

**THE BOARD OF APPEALS VOTED:**

To grant a Special Permit to establish a boundary where two pre-existing structures existed on one lot as generally allowed by the Subdivision Control Law Chapter 41 Sect 81-L. The Board voted to allow the division of the land in half pursuant to Section 5.4 1(c) and 5.4.3(c) (Exceptions to minimum lot area and frontage) and to grant variance to Section 5.4.4 and 5.4.5 (Minimum side and rear yard setbacks from property lines) allowing a side yard setback of 14 feet and a rear yard set back of 20 feet for a new single family dwelling at 15 12<sup>th</sup> St. pursuant to Section 5.1.4 (Alteration of non-conforming buildings) of the Montague Zoning Bylaws, by extending it within its existing 4' setback and eliminating a section that is within 2' of the abutting property line.

Conditions:

- The existing non-conforming building at 15 Twelfth Street shall be removed.
- The new proposed single family shall be no larger than 24' x 30' and comply with the street line setback exception (section 5.4.2(a) allowing 11' and the variances above.

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

- |                                     |            |                                     |                    |
|-------------------------------------|------------|-------------------------------------|--------------------|
| 1. <u>Ernest L. Brown, Chairman</u> | <u>YES</u> | 2. <u>John Burek, Vice-Chairman</u> | <u>YES</u>         |
| 3. <u>John Reynolds</u>             | <u>YES</u> | 4. <u>Dennis Booska</u>             | <u>YES</u>         |
| 6. <u>Robert Sojka</u>              | <u>YES</u> | 7. <u>Ericka Almeida</u>            | <u>Not Present</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  
Clerk

\_\_\_\_\_  
Karen Casey-Chretien,

\*\*\*\*\*

Received for filing by Town Clerk: \_\_\_\_\_  
Time Date

Twenty day appeal period ends: \_\_\_\_\_  
Time Date

I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

\_\_\_\_\_  
Montague Town Clerk

\_\_\_\_\_  
Date

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*Notice to be recorded by Landowner*