



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Dale J. Descavich
23 Turner Falls Rd.
Greenfield, MA 01301

Case No. 09-17
Date December 16, 2009

Premises Affected:

20-22 H Street and (#18)
Turners Falls, MA 01376
Assessors' Map 3 Lots 60 & 57
F Co. Registry of Deeds: Bk 5762 Pg 24

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

After a public hearing held on:

Wednesday, December 9, 2009

The Board of Appeals finds:

1. The second floor apartment (#18 at rear) has not been used for some time.
2. The apartment space was not integrated with other apartments in the building.
3. The removal of the bathroom walls could indicate attempted renovation rather than a change of use or abandonment.

The Board of Appeals Concludes: There is no compelling evidence of abandonment of the 3rd apartment. The preservation of the apartment, significantly intact and independent of the remainder of the house, is adequate to preserve the non-conforming use status.

THE BOARD OF APPEALS VOTED: That the apartment at #18 has not been abandoned and in the opinion of the Board has not lost the non-conforming use status. The proposal to renovate it "as is" does not require Special Permit relief. The Inspector of Buildings may issue permits reflecting continued 3-family use of the property.

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>
5. <u>Robert Sojka</u>	<u>YES</u>	6. <u>Ericka Almeida</u>	<u>Absent</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