



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

NOTICE OF DECISION & VOTE

Applicant & Owner:

William L. Jacobson - for
Montague Retreat Facility Owner, LLC
8 Church Street
Shelburne Falls, MA 01370

Case No. 12-13

Date October 23, 2012

Premises Affected:

176 & 177 (184) Ripley Road
Montague, MA
Assessors' Map 52 Lots 65 and 94
F Co. Registry of Deeds: Bk 6199 Pg 105

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

After a public hearing held on:

August 15, 2012

Submitted and referenced documents:

1. Montague Retreat Center (MRC) Business Plan (7 pages) & Summary (6 pages)
2. SITE PLAN, Montague Retreat Center;
by SVE Engineering; Douglas MacLeay R.C.E. # 31203 dated 7/17/12
3. Subsurface Disposal System G1705; & composting toilets.
Letter of Douglas MacLeay, PE, June 15, 2012
4. Reference to: EI & Site Plan Review of the Peacemaker Community, Inc. #04-09

The Board of Appeals finds:

- Religious and Educational Uses are allowed in the district.
- The previous owner's use fell under both categories but was primarily characterized by assembly gatherings, meetings, cultural events and personal and group retreats primarily for religious but also for educational purposes.
- The original EI & Site Plan approved an extensive "overnight" residential and dining capacity.
- Not all of the capacity was constructed.

The current non-conformities arise from the expiration of the religious exemption. The absence of the previous owner, a recognized religious organization, renders the primary use and primary structure non-conforming.

The applicant proposes a substantially similar use at a substantially similar scale. The uses will consist of educational services consisting of meetings, group assemblies, and retreats but is proposed to include business retreats, cultural events for admission, weddings and the like as a commercial activity but at a capacity similar to the previous religious use.

The proposed limitation on the intensity of use is 58 overnight guest beds dictated by the approved limitations of the building and septic capacity. An owner's home of 2 bedrooms (4 beds) for a total of 62 beds is anticipated.

The Board of Appeals concludes:

- The previous design, construction and use render this building and property and its infrastructure non-conforming.
- There is an allowed educational component of the proposed use.
- Although business meetings and retreats may have an educational component and weddings and other ceremonial events may have a religious component, the Board does not accept that the use is educational or religious as anticipated by the Zoning By-laws. These uses may not proceed without this Special Permit relief.
- The proposed plan of use is linked to a specific business proposal and is not compatible with an un-encumbered land use right.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit pursuant to Section 5.1.4 (alteration of non-conforming uses and structures) to allow an expansion of the educational use allowed in Section 5.2(a), of the Montague Zoning By-laws. In addition to the educational programs allowed by right, the applicant shall be allowed to include private/public functions for hire with supporting catering or food service (such as weddings and retreats) and cultural performances for admission.

Further allowed is a supporting residential housing component for multi-day retreats to accommodate up to 54 guest beds to be developed in 3 phases, 22 in the "barn"/ assembly building, 20 in new cabins and 12 in the farmhouse. In addition 4 staff beds may be provided in the existing cabin or elsewhere.

The owners 2 bedroom house is proposed as Phase 4 and is not subject to Special Permit approval but shall conform to the Site Plan.

Stipulations:

1. The site shall be developed in substantial compliance with the Site Plan dated 7/17/1012 (submittal #2 & 3) and operated in substantial compliance with the business plan (submittal #1).
2. The Retreat Center shall maintain, in general, unobtrusive hours of active use and operate at sound levels generally anticipated in a rural residential setting.
3. Modification and Approval: Any changes proposed shall be reviewed by the Board of Appeals or its designee. The Chairman or designee may approve changes if in conformance with the intent of the Special Permit or may refer it to the Board. Changes consistent with the purpose of this approval may be allowed by the Board without further hearings. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.
4. This Special Permit is granted to the applicant and shall be valid so long as the applicant has decision making authority over the business use of the land. Transfer of this Special Permit shall be at the discretion of the full Board and subject to Public Hearings if the Board so determines.

1. Ernest L. Brown, Chairman	YES	2. John Burek, Vice-Chairman	YES
3. John Reynolds	YES	4. Robert Sojka	YES
5. Ericka Almeida	YES		

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.

By _____
Ernest L. Brown, Chairman
Clerk

Karen Casey-Chretien,

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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