



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

**NOTICE OF DECISION & VOTE**

**Applicant:**

Dale M. Jones  
411 Warren Wright Rd.  
Belchertown, MA 01007-9364

Case No. 13-01  
Date April 18, 2013

**Premises Affected:**

97 Lake Pleasant Rd.  
Lake Pleasant, MA 01347  
Assessors' Map 33 Lots 60 & 61  
F Co. Registry of Deeds: Bk 4679 Pg 45

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

After a public hearing held on:  
Request was altered and continued to:

Wednesday, February 27, 2013  
Wednesday, April 10, 2013

**The Board of Appeals finds:**

- An old and unused 40'x 12' cabin exists on an Industrial zoned lot. (Map 33 Lot 60)
- The Residential use is non-conforming. The building is non-conforming.
- The lot is long and narrow with only 40 feet of frontage but 500 in depth)
- The cabin is adjacent to another small home in the Industrial zone and across the road from the Village of Lake Pleasant which is zoned Residential.
- Public water and sewer is available.
- The applicant proposes to acquire the abutting lot (#61) with 45 feet of frontage and merge the two for a single lot for a single family use.

**THE BOARD OF APPEALS VOTED:**

To grant a Special Permit to alter a non-conforming use and structure (Section 5.1.4) to allow the removal of the cabin and allow it to be replaced with a single family house in substantial conformance with plans submitted at the second hearing. No variances are granted. Frontage relief is allowed provided that public water and sewer is available and utilized (Section 5.4.3(c)). The new (2<sup>nd</sup>) proposal shall meet or exceed dimensional setbacks.

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

1. <u>Ernest L. Brown, Chairman</u>	<u>YES</u>	2. <u>Ericka Almeida</u>	<u>YES</u>
3. <u>John Reynolds</u>	<u>YES</u>	4. <u>Robert Sojka</u>	<u>YES</u>
5. <u>Richard Ruth</u>	<u>YES</u>		

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.

**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*