



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Richard Young
84 Federal Street, Millers Falls, MA 01349

Case No. 13-04

Date April 30, 2013

Premises Affected:

12 Franklin Street, Millers Falls, MA
Assessors' Map 29 Lots 31 and 33
F Co. Registry of Deeds: Bk 06091 Pg132

Special Permit (X)
Variance Application (40A) (X)
Site Plan Review ()

After a public hearing held on:

Wednesday, April 10, 2013

The Board of Appeals finds:

- The front building of 4 units was in very poor condition.
- The 2 rear units were authorized by SP #04-39 granted in 2004 but never completed.
- Gutting of old section revealed structural deficiencies that were a financial and design constraint for a viable renovation.
- The 8 units are proposed are single bedroom units.
- The lot is one of the largest in the downtown area
- High groundwater is found in the immediate and down gradient neighborhood.

THE BOARD OF APPEALS VOTED:

To grant Special Permit(s) to expand a multi-family use in a Neighborhood Business District to 8 units (Section 5.2.10(b)) on a lot of .46 acre where public water and sewer is available (Section 5.4.1(c)). Approval is for the construction of 8 townhouse style units and a ninth "owners unit" for, mechanical equipment, laundry facilities or other building services or shared uses. Six units will front at or near the building line of the street. Two of the residential units may be in an unconnected building not fronting on the street line. Parking shall be provided on site behind the 6 unit building.

Conditions: Site drainage shall substantially comply with Best Management Practices as referenced the town of Montague Stormwater Management Policy for connection to a public Stormwater Drain System. Infiltration shall be discouraged as a design alternative due to existing high groundwater conditions and proximity to other dwellings. Design and approval of conditions shall be reviewed by the DPW and Conservation Commission for recommendations to the Board of Appeals.

The votes of the Board of Appeals was as follows:

Special Permit:

1. Ernest L. Brown, Chairman **YES with Conditions**
2. John Reynolds **YES with Conditions**
3. Ericka Almeida **YES with Conditions**
4. Allen Ripingill **YES with Conditions**

5. Richard Ruth **YES with Conditions**

THE BOARD OF APPEALS VOTED:

To grand variance of Section 5.4.7 (minimum floor area of 700 sq. ft.) to allow 8 units of 2 stories and approximately 576 square of floor area per dwelling unit.

Variance:

- 1. Ernest L. Brown, Chairman **YES**
- 2. John Reynolds **YES**
- 3. Ericka Almeida **NO**
- 4. Allen Ripingill **YES**
- 5. Richard Ruth **YES**

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 Karen Casey-Chretien, Clerk

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

.....

Notice to be recorded by Landowner