



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

NOTICE OF DECISION & VOTE

Applicant Owner:

James Mussoni
P.O. Box 262
Montague, MA 01351

Case No. 13-10

Date June 18, 2013

Premises Affected:

10 Eighth Street,
Turners Falls, MA 01376
Assessors' Map 6 Lot 348
F Co. Registry of Deeds: Bk 5337 Pg 163

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

After a public hearing held on:

Wednesday, June 5, 2013

The Board of appeals finds:

The two-family building is 3 stories located on a small lot. The rear 2 story flat roof section has a rear yard set back of approximately 3 feet and side yard set back of 2 feet. The flat roof is accessed by a door from the 3rd floor.

Most of the roof area is proposed to be a roof deck. The deck will remain within the building footprint and be 7 feet from the rear lot line.

The Board of Appeals concludes that the proposed deck is of minimum impact and does not significantly increase the non-conforming nature of the structure. Variance is not required.

The vote of the Zoning Board of Appeals was as follows for Section 6 Finding:

- | | | | |
|--------------------------------|------------|--------------------------|------------|
| 1. <u>John Burek, Chairman</u> | YES | 2. <u>John Reynolds</u> | YES |
| 3. <u>Robert Sojka</u> | YES | 4. <u>Ericka Almeida</u> | YES |
| 5. <u>Richard Ruth</u> | YES | | |

THE BOARD OF APPEALS VOTED:

To grant a Special Permit to allow the 3rd floor roof deck as an alteration of a non-conforming building, pursuant to Section 5.1.4 of the Montague Zoning Bylaws.

The vote of the Zoning Board of Appeals was as follows for the Special Permit:

- | | | | |
|---------------------------------------|------------|--------------------------|------------|
| 1. <u>John Burek, Acting Chairman</u> | YES | 2. <u>John Reynolds</u> | YES |
| 3. <u>Robert Sojka</u> | YES | 4. <u>Ericka Almeida</u> | YES |
| 5. <u>Richard Ruth</u> | 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.

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

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Notice to be recorded by Landowner