



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

NOTICE OF DECISION & VOTE

Applicant:

Gary N. Scranton
13 Laurana Lane
Hadley, MA 01035

Case No. 14-01

Date September 29, 2014

Owner:

Robert L. Adams
16 Hatchery Road
Montague, MA 01351

Premises Affected:

(77) Broadway & part land, a/k/a 10th Av
Lake Pleasant, MA 01347
Assessors' Map 37 Lots 151
Remainder of: F Co. Registry of Deeds:
Book 5081 Page 240

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

After a public hearing held on:
Continued to:

Wednesday, February 26, 2013
Wednesday, March, 12, 2014

The Board of Appeals finds:

- Lake Pleasant is a village consisting of very small lots often consolidated into larger parcels. Most parcels, including combined parcels remain dimensionally non-conforming.
- Public water and sewer is available.
- Property is within the Residential Zoning District.
- The parcels under consideration were previously part of a larger contagious parcel consolidated in a deed, Book 5081 Page 240, from Donna L. Adams-Argy to Robert L. Adams.
- The portion of Lot 141 under consideration here is also known as 10th Ave. Abutters rights, if any, are unknown.
- Robert L. Adams (seller) conveyed a portion Book 5081 Page 240 {land between 9th and 10th Ave} including a home at 4 Ninth Avenue. The home is near, on or over the deeded property line of 10th Ave (portion of Lot 141). Both of these lots were held in common ownership by the seller. The conveyance of 4 Ninth Avenue created a zoning violation under Montague Zoning Bylaws section 5.4.5 (rear yard setback).
- Lot 151, (Book 5081 Page 240, parcel nine) had existed independently since at least 1915 and is equivalent to or larger than most lots in the neighborhood.

- Lot 151 is of sufficient size to comply with building setback requirements.
- A revised house plan was submitted at the March 12, 2014 hearing titled “Plan prepared for Susan Scranton 77 Broadway Lake Pleasant” by Laura’s Arch Drafting and Design. This plan re-oriented the house to comply with building setback requirements, negating the need for rear, side, and front yard setbacks.

THE BOARD OF APPEALS VOTED:

To grant a special permit under Montague Zoning Bylaws section 5.4.1 (c) and 5.4.3 (c) for dimensional relief to lot area and frontage to the existing parcel known as Assessors Map 37 lot 151 with approximate dimensions of 96 feet of frontage and 14,190 sq ft of land more or less, for purpose of constructing a single family house with the following stipulations:

Stipulations:

- Arbor vitae or some other vegetative screening acceptable to the Board shall be planted and maintained along the southerly property line with Lot 146.
- This special permit applies only Assessors Map 37 Lot 151.
- Any building on lot 151 shall comply with zoning setbacks in sections 5.4.2, 5.4.4 and 5.4.5 unless further relief is sought.

The Board states: Any use of Lot 141 is excluded from this decision. Granting zoning relief for this non-conforming parcel is a) not necessary due to the revised house layout plan and b) would be counterproductive to resolving the violation at 4 Ninth Ave, as the violation was created by the owner of lot 141.

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