



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Powers Block Properties LLC

By: Robert Obear

47 W. Chestnut Hill Rd.

Montague, MA 01351

Case No. 15-13

Date December 22, 2015

Premises Affected:

34-R & 34 East Main Street

Millers Falls, MA 01349

Assessors' Map 29 Lot 179 and 177

F Co. Registry of Deeds: Bk 6643 Pg 259

Special Permit (X)

Variance Application (40A) ()

Section 6 Ch. 40A - Finding ()

Appeal (Section 8) (X)

After a public hearing held on:

Wednesday, December 2, 2015

The Board of Appeals finds: The Applicant states the intention to combine lots 179 with 177 as stipulated in ZBA Case #12-14; Conditions. This request and Appeal does not violate or alter the approval granted in Case #12-14 which noted that Multiple principal uses (section 5.3) is a pre-existing non-conforming condition. Furthermore minimum lot areas and frontages were resolved in Case #12-14.

Appeal findings and decision:

- The Inspector of Buildings interpretation of two "street levels" may be justified in other circumstances, but the Board chooses not to view the grade access by easement to #34-R from Bridge Street to the proposed apartment as a "street level" use.
- The conversion of the building at #34 (lot 177) to a street level commercial use and the retention of the commercial use on the lower level of #34-R makes the residential component an "accessory" use".
- In this case, the retention of a single "street level" commercial use at #34-R is sufficient to satisfy the requirements of section 5.2.11(a).

THE BOARD OF APPEALS VOTED: To grant a Special Permit to allow conversion of the upper floors of an existing commercial garage at 34-R East Main St. (lot 179) to a single apartment retaining the lower level as commercial garage/storage pursuant to Section 5.1.4 of the Montague Zoning Bylaws; (alterations of non-conforming uses & structures).

Condition: The two properties will be merged as allowed by ZBA Case #12-14.

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|------------------------------|------------|------------------------------|------------|
| 1. Ernest L. Brown, Chairman | YES | 2. John Burek, Vice-Chairman | YES |
| 3. Robert Sojka, Member | YES | 4. Richard Ruth, Member | YES |
| 5. William Doyle, Alternate | YES | | |

Board of Appeals

By Ernest L. Brown, Chairman Karen Casey-Chretien,
Clerk

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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