



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Thomas Wyman  
316 Log Plain Rd.  
Greenfield, MA 01301

Case No. 16-02  
Date April 7, 2016

**Premises Affected:**

451 Millers Falls Road  
Millers Falls, MA 01349  
Assessors' Map 29 Lot 89  
F Co. Registry of Deeds: Bk 5043 Pg 170

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

After a public hearing opened on:  
and continued to

Wednesday, February 24, 2016  
Wednesday March 9, 2016

**The Board of Appeals finds:**

The aproxamatly 1900 year old building and its use pre date Zoning in Montague.  
The area was zoned Residential (RS) in 1970. Residential use abutts the property.  
All current uses are non-conforming.  
The office, storage and garage use is protected. (grandfathered)  
There is a long historical consistency to the uses, which periodically included retail sales and services.  
The reason for the hearing is the Inspector of Building interpretation that retail sales and services are not protected and requires a Special Permit to continue.

**THE BOARD OF APPEALS VOTED:**

To grant a Special Permit to allow the electric motor repair shop with its retail component to continue operating. (Section 5.1.4 of the Montague Zoning Bylaws)

**Conditions:**

1. This permit is granted to the current owner (applicant) and does not transfer on sale of the property.
2. Parking spaces shall be delineated and parking so arraigned as to limit or control on street parking.
3. The dumpster shall be screened or fenced on its own pad.
4. The owner states that efforts will be made to enhance the façade control any noise and otherwise maintain maximum neighborhood compatibility.

**The Board states:**

This decision acknowledges there are existing protected non-conformities. The Board did not decide the question of whether the retail use is protected. (grandfathered)

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

1. <u>Ernest L. Brown, Chairman</u>	<b>YES</b>	2. <u>William Doyle, alternate</u>	<b>YES</b>
3. <u>Richard Ruth</u>	<b>YES</b>	4. <u>Robert Sojka</u>	<b>YES</b>

**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,

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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*