



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Michael Dagilus  
63 W. Leyden Rd  
Leyden, MA 01337

Case No. 21-05

Date September 21, 2021

**Premises Affected:**

South St  
Montague, MA 01351  
Assessors' Map 49 Lot 41  
F Co. Registry of Deeds: Bk 7217 Pg 110

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

After a public hearing held on:

Wednesday, September 15, 2021

**THE BOARD OF APPEALS VOTED:**

To grant a dimensional variance to permit construction on a 2.06 acre corner lot in the Rural Business District that does not meet the 200 foot minimum frontage requirements per Section 5.5.1 of the Montague Zoning Bylaws. Said parcel has 95.81 feet of frontage on South Street and 103.91 feet of frontage on Federal St. The lot lacks adequate frontage due to an 1827 County Way discontinuation that left the lot with a unique shape that cut off access to the corner of South and Federal Streets. The proposed use is for a tree removal service, a permitted use in the Rural Business District. The Zoning Board of Appeals voted to grant the variance with the following stipulations:

1. Lot access and egress will be from South Street. A permanent barrier to Route 63 shall be installed before completion;
2. Lighting should be on motion sensors, shielded and down casted within the property footprint during operating hours;
3. Natural screening or post fencing on South Street to interrupt line of sight; and
4. Operating hours to conform to the State Regulations.

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

|                                   |            |   |            |
|-----------------------------------|------------|---|------------|
| 1. <u>Joshua Lively, Chairman</u> | <u>YES</u> | 2. <u>William Doyle IV, Vice-Chairman</u> | <u>YES</u> |
| 3. <u>Alan Ripingill</u>          | <u>YES</u> | 4. <u>Richard Ruth</u>                    | <u>YES</u> |
| 5. <u>David Jensen</u>            | <u>YES</u> |   |            |

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 \_\_\_\_\_  
Joshua Lively, 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*