



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

NOTICE OF DECISION & VOTE

Case No. 22-02
Date March 28, 2022

Applicant:

Fred Range, Susanne Burgess Range,
Karen Schweitzer, Mitch Gaslin, Jack
and Joan Coughlin, and Lisa Harvey
154 N. Leverett Rd., 162 N. Leverett Rd.,
142 N. Leverett and 163 Ripley Rd.,
Montague, MA 01351

Owner:

Montague Retreat Facility Owner LLC
C/O William Jacobson
8 Church St.,
Shelburne Falls, MA 01370

Premises Affected:

176-177 Ripley Rd.
Montague, MA 01351
Assessors' Map 52 Lots 065 and 094
F Co. Registry of Deeds: Bk 6199 Pg 105

Special Permit ()
Variance Application (40A) ()
Section 6 Ch. 40A - Finding ()
Site Plan Review ()
Appeal from the Decision of the Zoning
Enforcement Officer (X)

After a public hearing held on:
And continued to:

Wednesday, March 9, 2022
Wednesday, March 23, 2022

THE BOARD OF APPEALS FOUND:

- On 10/23/2012 Montague Retreat Facility Owner, LLC (MRC) obtained a Special Permit and Site Plan Approval to allow the operation of a retreat center with 54 guest beds at the premises to be developed in three phases, including the construction cabins accommodating 20 guest beds.
- On 4/29/2021 MRC obtained a demolition permit to remove the existing farmhouse at 177 Ripley Road due to the condition of the building and the cost of rehabilitation. The building was permitted for twelve (12) guest beds.
- On 11/8/2021 MRC submitted plans to construct three (3) guest cabins totaling six (6) beds in the vicinity of the former farmhouse. Since cabins were not previously permitted for this location, the Building Inspector referred the matter to the chairman of the Zoning Board of Appeals (ZBA) pursuant to Special Permit stipulation #3 relating to modifications of the Site Plan.
- On 11/22/2021 the ZBA Chair determined that the proposed Site Plan changes are consistent with the purpose of the Special Permit and that a further hearing was not required.

- On 11/23/2021 the Montague Building Inspector granted a foundation -only permit to allow construction of the three (3) guest cabins.
- On 12/7/2021 the above named applicants, collectively abutters to the subject premises, submitted a complaint letter and a request for the Building Inspector to take zoning enforcement action to stop construction of the cabins alleging that the work was non-compliant with Montague Zoning Bylaws and the Special Permit.
- On 01/10/2022, the Building Inspector declined to act on the zoning enforcement request regarding the ongoing construction, finding that the construction was consistent with the earlier granted and unappealed Special Permit. That decision was appealed to the ZBA by the above-named applicants on 1/27/2022.
- The ZBA held a hearing on 3/23/2022 at which the Board found that the applicant's plans to construct three (3) cabins at 177 Ripley Road is in substantial compliance with SP 12-13 for the following reasons:
 - The plan will not increase the amount of permitted guest beds beyond the 54 total permitted for the premises in SP12-13. The six (6) beds from the three (3) proposed cabins are offset by the loss of twelve (12) beds from the former farmhouse, representing a net loss of six (6) guest beds.
 - The proposed cabins are substantially within the footprint of an area (former farmhouse) permitted for guest lodging.
 - The plan will reduce the guest bedroom density at the location of the former farmhouse. Twelve (12) beds were permitted in the 1,770 square foot 'farmhouse'. The proposed cabins will have six (6) beds in 1,120 square feet of building area.
 - The Special Permit is valid because construction had begun within the first two years of issuance and was permitted for phased construction.

THE BOARD OF APPEALS VOTED:

To overturn the January 10, 2022 decision of the Montague Building Inspector to deny the request for zoning enforcement action regarding ongoing construction at the Montague Retreat Center.

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

1. <u>William Doyle IV, Chairman</u>	NO	2. <u>Allan Rippingill</u>	YES
3. <u>Richard Ruth</u>	NO	4. <u>Robert Obear</u>	NO

The Motion Failed.

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