



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Timothy Rieman & Mary E. Boyle

199 Old Sunderland Rd.

Montague, MA 01351

Case No. 23-02

Date March 22, 2023

Premises Affected:

199 Old Sunderland Rd.

Montague, MA 01351

Assessors' Parcel ID: 50-0-08

F Co. Registry of Deeds: Bk 6700 Pg 05

Special Permit (X)

Variance Application (40A) ()

Section 6 Ch. 40A - Finding ()

Site Plan Review ()

After a public hearing held on:

Wednesday, March 22, 2023

THE BOARD OF APPEALS VOTED:

To allow to construction of a detached accessory apartment at 199 Old Sunderland Rd pursuant to Section 8.5.3(c) AF District of the Montague Zoning Bylaws, subject to the following conditions and findings:

FINDINGS:

- The proposed detached accessory apartment at 199 Old Sunderland Road is consistent with the standards for an accessory dwelling unit found in Section 8.5.4 of the Montague Zoning Bylaws.
- The proposed detached accessory apartment at 199 Old Sunderland Road will not create a significant adverse effect to the neighborhood or to the Town of Montague in accordance with the Special Permit Criteria identified in Section 9.2.3 of the Montague Zoning Bylaws.
- The granting of this Special Permit for an accessory apartment is found to be not inconsistent with the Special Permit issued on May 26, 2015 that allowed for primary access over a rear lot line and a common driveway shared between 199 and 201 Old Sunderland Road. Said decision is filed in the Franklin County Registry of Deeds Book 6700 Page 14.

CONDITIONS:

- Residency Requirement: In accordance with the Zoning Bylaw 8.5.4(c), the owner or their successors must continue to occupy at least one of the two dwelling units as their primary residence. This shall be memorialized in a restrictive covenant filed with the Franklin County Registry of Deeds.
- Transfer of Ownership: In accordance with the Zoning Bylaw 8.5.4(g), when the property is sold, the new owner(s), if they wish to continue to exercise the Permit, must,

within thirty (30) days of the sale, submit a notarized letter to the Building Inspector stating that the owner will occupy one of the two dwelling units on the premises as their primary residence.

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>Robert Obear</u>	<u>YES</u>	4. <u>Alan Ripingill</u>	<u>YES</u>
5. <u>David Jensen</u>	<u>YES</u>		

Modification: Any proposed modifications to the approved final plans, including but not limited to changes, alterations, or expansions shall be submitted to the Zoning Board of Appeals for approval at an open meeting in accordance with Zoning Bylaw Section 9.2.5.

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
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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