



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

**APPROVED MINUTES FROM ZBA APRIL 26TH 2023
NOTICE OF PUBLIC HEARINGS #23-07
6:30 PM in the Upstairs Conference Room and VIA ZOOM
1 Avenue A
Turners Falls, MA 01376**

Due to COVID-19 Public Participation will be by:

Join Zoom Meeting:

<https://us02web.zoom.us/j/88270799034?pwd=lgnfX1b7svqmiIBgzzmcz9goEnwI9C.1>

Meeting ID: 875 3637 8963 Password: 209154

Dial into meeting: +1 312 626 6799 or +1 646 558 8656 or +1 301 715 8592

Meeting being taped.

Votes may be taken:

ZBA #23-07 206 Turnpike Rd, Turners Falls Ma, 01376

**PRESENT: Joshua Lively Chairman, Richard Ruth Member, David Jensen Member, Robert Obear Member,
William Ketchen Zoning Enforcement Officer, and Karen Casey, Clerk
Applicant: Shirley & Everett Smith**

Hearing opened approx. 6:45pm

ZBA #23-07

KC: Notice is hereby given that the Montague Zoning Board of Appeals will hold a public hearing on Wednesday April 26th 2023 at 6:45pm VIA ZOOM and IN PERSON at the Montague Town Hall, upstairs conference room, One Avenue A Turners Falls Ma at the request of Shirley & Everett Smith for a Special Permit pursuant to Sections 5.5.3(b) for a side yard



setback relief for a proposed garage within the RS-1 Zoning District. The 576 square foot garage will be located 0' from the side yard setback, whereby 10' is required. The filing is available for review at Town Hall and remote participation instructions are at www.montague-ma.gov/calendar

The above-named property is located at 206 Turnpike Rd., Montague Ma and identified as Assessor's parcel ID 22-0-13

so we have 18 sent 2 return 2 Did not object.
0 objects, 0 undecided, and no written

JL:: Thank you, Karen. Shirley if you guys want to come up to the table talk about your yard

JL: So first one I've ever seen 0 feet.

ES: the most reasonable area to allow us, as we all know. When kids get their licenses. Our daughter's getting there's next year.

We want to give an extra space for her to pull in there. So by putting it on the line it gives us an ample space to basically get a car and a half between from the garage and the house.

Jl: Yeah, who's the butter?

DJ: No reaction from the school? Did they even know?

KC: I have to abutters list right here, notices were sent out to all abutters

WD: So that that small wooded area left is technically the school, but they leave it.

ES: actually the fence there is actually right on the line. I discussed that with them when we put the fence in. we discussed putting it right on the line.

DJ: and you're sure of your boundary lines?

ES: yes, theres a pin right out front and stated in the last one. That's where it was, you know, right back to the neighbors that were there.

They knew their line, and it's with the back fences. And I talked to the Pre. The Park owner on that, as to do all that when we put the fence up in which that there was just replacing what was there for our fence, which was already on the line.

DJ: Yeah. what are the dimensions of this garage?

ES: 25 by 24,



DJ:: so two car garage

ES: yes.

DJ: this is a shed there now, that's Is that getting moved?

ES: No, the shed is still there,

DJ: it's exactly 24 feet from the shed to the property line?

Building Inspector: No. when you come up, turnpike road, Our driveway comes in, and there's a section of grass. We have a hedge there now, which will come out. We will be putting the garage on the edge of the hedge, coming back 24 feet that would leave us a space between here and the shed. I don't have that exact dimension right now. But

DJ: oh, oh, yeah, we didn't get, or at least I never got a plot plan. So I'm ending up with a lot of questions.

WD: Well, there's 2, Just trying to add some clarity. It looks like you have 2 car ports right now, so there's one closer to the road, and then there's a larger one that's set back that has like a camper.

ES: Yes,

WD: is the garage taking the place of one of those car ports?

ES: where the carport is up next to the hedge, that one will go, and that, We will come in and actually go closer to the house to make the turn.

DJ: My problem is this; 0 is in my opinion, a big deal. Yeah, we've granted 3 feet often. but you know your eaves or on other people's there's no way to maintain it. Let's get permission from the other person. I'm sure the school is a great neighbor.

but Still. I just want to throw out

that, and not having a plot plan like where exactly this is and what's existing.. it just leaves me with the heebie jeebies.

JL: Yeah, me, too. I 100% agree

ES: We'll probably end up coming to the line with the original plot.

but they're saying they need space. So we're probably going to be 3 to 4 feet in from there at this point from the line.

JL: I think I should also mention that since we're only a meeting with a board of 4 tonight. You need to be unanimous. You need all 4 of us to say yes, to go forward. If we had 5. We don't still need the same 4 or 5 voices instead of 4.



Dj: so the location from the street to the garage is gonna what.

JL: That's probably 25 minimum right there right?

BK: requirement right now. 15 there, 15.

WD: What you're saying is, Where the bushes are. Because we stopped on our way, and we saw those bushes. The hedges, sorry, how far from the street?

ES: it's more than 15 feet from the property, the front property, you know, on the street property line.

DJ: you said you found the PIN in the front. Where is it in relationship to the hedge?

ES: that is out by the sidewalk and just in the edge of our last post.

DJ: you're saying there's 15 FT between the sidewalk, and that PIN and your edge.

ES: That PIN is the in from the edge of the sidewalk there was a tree there that died and was cut down by the town to be in a storm. Yeah.

DJ: But it the way I just understand you're talking from the street

ES: There is more than 15 feet from the street to the hedge.

DJ: I need to know from the PIN to the proposed building.

BK: It's the pins, from the pins to the building is more than 15 feet.

ES It's probably close to the 15 ft

WD: Would that be a condition with this to go through that there,

DJ there's no request for relief from the front.

WD Right? That's what makes it have to be asked. Right? So let's say it, and it would be another one. Yeah.

DJ: What I was thinking was had to be 25

BK: No, that's the only district where it 15. Everything else is 25.

JL: is it RS1 or 2,



Bk: RS one. Everything else is 25 other than NB.

ES: Now with that PIN, Where's it start. They have it back from the sidewalk either way, because when they plow they take that PIN right out of there, so that the sidewalk where that's where.

DJ: Yeah? Well, the PIN should be on the corner, not offset unless..
does the deed indicate this is an offset?

ES: I think the PIN is only there because it was a fence there. When we got there was a fence already there for their dog. so I mean, I don't even think it was a boundary PIN per se, I think.

DJ: according to the deed it's an indent. So presumably. Yeah, that pin that you've identified is it, And that's we have to measure from. That's what the paperwork seems to say.

DJ: But they're saying the pin is out here.

BK.: Yeah.

Building Inspector: right? Yeah, because

ES: it's back to. There's a tree stump. That's there now. There was a tree, and it was right behind that. So I took that being the PIN because the tree was there.

DJ: anybody else

WD but my, that I agree with you that it does seem like it would make sense to stay off 3 feet just I mean, they can just think down the road to problems that you could or potentially have the run off. If, for some reason, you became enemies with the school district, or whoever the neighbors are, and you can't set a ladder up against your own building. You know that you want to protect yourself with. I would think

WD: and I'm just thinking about my other thought would be that if that property PIN that you guys are discussing is at question and all. And if it's an old part of a fence and possibly your property PIN is 3 feet in any other direction. I think it would be worthwhile to have somebody locate the property PIN, and obviously the restrictions are a minimum 15 feet from that Pin because back, because if you happened to go off, something you thought was a pin build something and then spend a lot of money and come to find out. It was not in the right spot. It had to move the building, or just something like that, I would again. I would think it would be in everyone's best interest just for you to be sure about that PIN that location, so you can measure back and know that you have at least 15 feet from that PIN would be I mean, I'm just thinking like I said, I allow this that's the actions I would take. I don't know what or what stipulations.



JL: I think Richard might have something Where? Yeah?

RR Well, I just what it is to chime in that I am not a big fan of 0 be set back. I don't think I've ever come across, and I've been on the board for a long time. so I mean I kind of must agree with Bill, if you how do you put a ladder up on your own property.: you know, or whatever I mean? What if you have to make a repair? You know. I want to put a ladder up there. But so you know, I'm just hesitant with any 0 setbacks like that?

JL: We'll vote the motion at 3 feet on the side yard. We're more concerned with the PIN set back whether he needs the front, too.
you know. That's not a problem

Yeah, that way. If they needed to set that relief for the front as well, we could grant them both at the same time.

KC And then you know exactly what your body a plot plan would be great if you could show us where that garage is going, and how many feet off the property line from the edge of the roof line. and how many, how far back from the straight line. It's going to be placed. So we need those dimensions. But as they brought up, you also need to know exactly where that PIN is.

ES: All right.

JL: with the appropriate conditions. I feel like . And if they go through the motions, we do the vote. Then they go. And I think I think we need to give him something to anticipate in the future.
it makes our work impossible without.

DJ: But we still do not know we. We have a reasonable assumption since you said you measured it and walked the line. And
you know where this one is that one. presumably there's a pin And yeah.
which doesn't necessarily line up with the sidewalk telephone poles are usually good, but not always.

RR Yeah. Mine's got put back from the sidewalk. So, you know, you really need to find that pin. It's really easy. If you have got a metal detector, you can go out there and someone, you know.

DJ Is anybody uncomfortable with voting on conditions with this and put it on Bill to confirm the accuracy later.

JL: Yes, we usually do that.

Building Inspector: but we just won't be granted by right. Really it won't. There won't be any front step back when you. If they don't have to start, they'd have to go right with that 15 it was it'd be more 15 out of it's front



RR motion, and and both to continue it for whatever date.

RR couple of weeks, or whatever.

DJ Well, I was proposing to vote on it, we're thinking about both conditions, are you comfortable with that?

RR NO

JL okay.

WD: so? The conditions? If you didn't hear the conditions that Dave was talking about, one condition was to make sure that the front PIN that they at least have 15 feet, so they're not asking for any front release. So that has to be verified. That's gonna be verified by Bill before the building permit. And the other one was that we're gonna change it from 0 to 3 feet.

JL Those are the 2 conditions that we're talking about. I'm not sure if that meets what your concerns are.

BK: It's just one. It'll just be one stipulation that they have with the it's a 3 yard set back.

WD I'm not sure, Richard, if that would, or we could make him do it.
if those were your concerns.

JL Do you want vote it, or are they coming back?

RR Well, I would like a definitive answer to where everything is. You know what I mean. We had a stipulation that you know we're going to put 3 yards. I mean I. You know a 3 foot setback on the side yard. But what happens if you get short on the PIN up front. Then it's got to come back to us for relief from that

BK You can be 10 feet off the back line. You got 100 feet. Yeah. He could just move. He could choose whether to come back, based on the outcome of the PIN.

JL I mean. You have got plenty of room to move it back as well.

JL But do they want it to be situated specifically?

DJ How about I make a proposal and see what Richard does?

RR I'm not trying to hold this hostage. I just want to make sure, I mean. I don't want them to have to file again

JL They won't have to. They could just move the garage back a little bit further if the pins forward of where they can just set it back to that 15 feet they don't mind offsetting it. or they could come back. If it's



really an issue. but it seems like they want to move forward with the business, and we're all going to grant them the 3-yard setback on the side yard, I'm sorry 3 feet.

BK: they're going to verify with the building inspector there. It would be like anything else on those for a permit that had to verify where it's going or anything else. The only thing they're asking for is setback relief.

DJ right, right. I'll make a motion that we grant a 3 foot side yard setback.

JL Will they get a choice I think they do, because there's only 4 of us. The applicants do.

DJ: My motion would be that we grant a side yard setback of 3 feet essentially denying the 0, and that the property lines affected affecting this building are confirmed to the satisfaction of the building department prior to the issue of the permit.

JL: All in favor
DJ aye
RR aye
WD aye
JL aye.

JL: here's my motion to close hearing 23-07
WD: second

JL: All in favor
DJ aye
RR aye
WD aye
JL aye

RR Motion to close the meeting.

JL Second
WD: Bill Doyle aye.
RR AYE
JL: AYE
DJ David Jensen aye

THE BOARD OF APPEALS VOTED:



The Montague Zoning Board of Appeals granted a Special Permit (4-0) to **Shirley D. White** to allow an existing residence to locate a proposed 576 square foot garage with a distance of 3 feet from the side yard setback whereby 10 feet is required in the RS-1 Zoning District, under Sections 5.5.3(b) and 9.2.3 of the Zoning Bylaw, located at **206 Turnpike Road (Map 22, Lot 13)**, Residential – 1 (RS-1) Zoning District, with the following condition:

1. Any proposed modifications to the approved final plans, including but not limited to changes, alterations, or expansions shall be reviewed and approved by the Zoning Board of Appeals, in accordance with Section 9.2.5 of the Zoning Bylaw.

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

Joshua Lively, Chair - **YES**

Richard Ruth - **YES**

William Doyle IV, Vice Chair – **YES**

David Jensen - **YES**

Hearing Ended approx. 7:15pm