



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

APPROVED MINUTES FROM ZBA JUNE 28th, 2023
NOTICE OF PUBLIC HEARINGS #23-10
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=lgxfx1b7svqmiIBgzmcz9goEnwI9C.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 #23-10 26 Lake Pleasant Rd Lake Pleasant Ma

PRESENT: Joshua Lively Chairman, William Doyle IV, Vice Chair, Richard Ruth Member, David Jensen Member, Allen Ripingill Member, Robert Obear Member, William Ketchen Zoning Enforcement Officer, and Karen Casey, Clerk
Applicant: Tim O'Reily

Hearing opened approx. 6:30pm

JL: Good evening. Everybody. Welcome to the Montague Zoning Board of Appeals meeting. Today's Wednesday, June 28, 2023.

It's currently just after 6 30 Pm. My name is Josh Lively I currently serve as the chairperson for Montague ZBA. We do have a quorum tonight, and before I call the meeting to order, I need to ask if anybody else is planning on recording the meeting.



All right; I'll call the meeting to order. We'll do a roll call.

JL: Starting from David, and we'll come this way.

RR: Richard Ruth

WD: Bill Doyle

AR: Allen Ripingill

RO: Bob Obear

JL: We are also joined by town Commissioner, Bill Ketchen and Karen Casey the town building department clerk. Before I begin, I'll just briefly go with the meeting format applicant will get a chance to present to the board. The Board will then ask questions. Voice concerns. We have a public comment period the board will deliberate, and then we'll decide whether we're going to vote on the issue. and that's pretty much it.

JL: So, I will now open special permit hearing #23-10 Lake Pleasant Rd.

ZBA #23-10

Notice is hereby given that the Montague Zoning Board of Appeals will hold a public hearing on Wednesday June 28th 2023 at 6:30pm VIA ZOOM and IN PERSON at the Montague Town Hall, Upstairs Conference room, One Avenue A Turners Falls Ma at the request of Backyard ADU's on behalf of Walker and Brady Powell for a Special Permit in order to allow the construction of a 750 square foot detached accessory apartment under sections 8.5.3(c), 8.5.4 and 9.2 of the Montague Zoning Bylaws, located at 26 Lake Pleasant Road (Map 40, Parcel 49) Rural Business (RB) District.

This filing is available for review at Town Hall. Remote participation instructions are at www.montague-ma.gov/calenar

JL: Okay, great. Thank you, Karen. Do you want to come up to the chair? That way we can hear you on the mic awesome. Yeah.

My name's Tim O'Riley. I work for Backyard ADUs, and I'm here on behalf of the homeowners. Brady and her sister Walker, at home right now, maybe on zoom?

JL: not sure.

TO: so this project, the 2 sisters bought in the house together in Lake Pleasant. They live together there now, and the goal is to have an accessory apartment, so Brady and there partner can live



there. So when they bought the property 2 years ago, as a condition of the sale was to redo the septic. So at that point we sized the septic appropriately for the main house plus the ADU plan that you have in front of you now. And we have it all confirmed with the Board of Health.

TO: yeah. So this will be the only accessory apartment on the land.

It's 720 square feet, So well below the 900 sq ft Max. We have your utilities: on-site septic, there is an onsite well, we had the well tested, and it's big enough to serve both units. Now we'll bring power from the road. The accessory apartment we're proposing here has a screened in porch. Not only, to enjoy the outside weather, but it's screen from the road. There's an existing barn on site, as well as a different parking lot there. So there's 3 bays in that barn and a big open parking spot because it's added this parking for the main house and already.

RR: This 25128. That's the utility line?

TO: The setbacks are on there with better measurements.

RR: So, thank you.

RR: How are you connecting to the utility?

JL: They're going to run a new line on the ground. so, they don't have to show it.

RR: Yeah. Well, so utility. So where are you getting your power from?

JL: The street. From the street.

TO: we consulted with the planning department initially, because for this lot in terms of the water, before we tested the well, they were thinking of doing a separate well, it's based on the proximity of the ADU. So when I talked to the planning department about it, I was like, I know, in the bylaw, water and sewer need to be the same.. Could we do a new well? and that was something they were open to. But once we got the positive well, we changed the plan.

TO: But to add context, for other ADUs, you're typically doing that secondary service through the MassSave all new structures and all the rebates. And then, as the code gets stricter, it's all electric, so mini splits. etc., so to draw that low to do instant hot water. And there are many exploits, etc., in that secondary service, and I'm doing it without updating the original service. nothing. I call from it, and I do. It shouldn't be any good. I'm not so sure I am.



JL: Whoever owns the property has got to understand, you both can't move out and then rent this place out. Someone's got to stay there. Okay.

Building Inspector: I have no other questions, nor do I require any further stipulations or conditions beyond what's already set forth in our bylaws and our building codes. And you've already gone through the health Department. You've already got the letter from the Health Department for the Septic. So

DJ: one last question, what's the foundation?

TO: This is frost protection, It's one course of ICM. so it's like a slab, but it's 18 inches, so that you can run utility.

BK: shallow foundation. You have frost protected from it

JL: do you want to make it motion to vote. You want to. You want to get some language you want to.

WD: I'm just going to make a motion to vote for the special permit for Hearing 23-10 to grant the special permit to allow the construction of a 750 square foot detached accessory apartment under Sections 8.5.3 c., 8.5.4 and 9.2, of the Montague zoning bylaws located at 26 Lake Pleasant Road.

JL: We're looking for a second.

RR seconds

JL: all in favor of the special permit.

JL: Allen Ripingill

AR: yes,

JL: David Jensen.

DJ: AYE

JL: Richard Ruth.

RR: Yes,

JL: Bill Doyle.

WD: Yes, J

JL: Josh Lively. Yes.



JL: Just so you guys know, there's a 20-day appeal process.

JL: Okay, I'm looking for a motion to close hearing #23-10. All in favor.

JL: Allen Ripingill:

AR: yes,

JL: David Jensen.

DJ: AYE

JL: Richard Ruth.

RR: Yes,

JL: Bill Doyle.

WD: Yes,

JL: Josh Lively. Yes.

THE BOARD OF APPEALS VOTED:

The Montague Zoning Board of Appeals granted a Special Permit (5-0) to Backyard ADU on behalf of Walker & Brady Powell to allow the construction of a 750 sq. foot detached accessory apartment under Sections 8.5.3(c), 8.5.4 and 9.2 of the Zoning Bylaw, located at 26 Lake Pleasant Road (**Map 40, Lot 49**), Rural Business (RB) 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**

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

Richard Ruth - **YES**

Allen Ripingill – **YES**

David Jensen – **YES**

Hearing closed approx. 6:48pm