



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

NOTICE OF DECISION & VOTE

Applicant Owner:

Obear Construction Company, Inc.
47 Highland Street
Montague, MA 01349

Case No.:

#24-07

Date:

August 21, 2024

Property Owner:

Mia and Henry Burek
47 Highland Street
Montague, MA 01349

Premises Affected:

47 Highland Street
Montague, MA 01349
Assessors' Map: 30 Lot: 054
Franklin County Registry of Deeds: Book 6270 Page 336

Special Permit (X)
Site Plan Review ()
Variance (X)

The hearing on this Special Permit was closed on July 31, 2024.

THE BOARD OF APPEALS VOTED:

The Montague Zoning Board of Appeals granted a Special Permit and Variance for **Obear Construction Company, Inc. for Mia and Henry Burek** to allow a detached accessory apartment under sections 8.5 and 9.2 of the Zoning Bylaws, in addition to a Variance to allow an increase from the maximum 900 Sq Ft to 952 Sq ft, under sections 3.2.6(c), and 8.5.4(e) of the Zoning Bylaws, located at **47 Highland Street (Map 30, Parcel 54), in the Residential (RS) District**, with the following findings:

1. The board finds an issue regarding if “gross floor area” refers to the *interior floor area* or the *entire footprint area* of the unit itself.
2. The unit complies with one interpretation, and not the other.
3. The board grants the Variance despite the unclear definition of “gross floor area” to allow applicant to increase the square footage of the unit from 900 square feet up to 952 square feet.

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

Joshua Lively, Chair - YES
Richard Ruth - YES
David Jensen – YES

William Doyle IV, Vice Chair – YES
Zaharia Nichita - YES

The Zoning Board of Appeals hereby certifies that a copy of this decision and all plans referred to in this decision have been filed with the Town Clerk on: August 21, 2024.

An appeal from the decision of the Zoning Board of Appeals may be made by any person aggrieved pursuant to MGL chapter 40A, section 17 as amended within twenty (20) days after the date of filing of a notice of decision in the Office of the Town Clerk (**September 10, 2024**). Notice of the appeal and a copy of the complaint shall be given to the Town Clerk within the twenty-day appeal period.

Board of Appeals:

By: _____
Joshua Lively, Chairman

Jamie Carey, Zoning Board Clerk

cc: Applicant, Property Owner, Abutters, Public hearing attendees requesting notification, Planning Board
abutting Towns - Gill, Erving, Wendell, Leverett, Sunderland, Greenfield

Certificate of No Appeal

[This section is filled out by the Montague Town 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
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