

**Town of Montague
Planning Board**

PROJECT APPLICATION REPORT

Dated September 25, 2023

**Applicant/
Property Owner:** **Jean G. Donovan**
505 Turners Falls Road
Montague, MA 01351

**Registered Land
Surveyor:** Daniel P. Salls
Green River Survey
289 Main Street
Greenfield, MA 01301

Project Address: **505 Turners Falls Road (Parcel #42-0-29)**

Nature of Request: Request to endorse the submitted Approval Not Required (ANR) Plan filed by Jean G. Donovan, in order to create a new parcel “Lot A” by splitting the adjoining existing parcel - 505 Turners Falls Road (Parcel #42-0-29)

Map/Parcel: 42/29

Zoning: Residential District-2 (RS-2) Zoning District

Board members: Ron Sicard – Chair, Elizabeth Irving, George Cooke, Bob Obear, and Samuel Guerin

Staff members: Maureen Pollock, Town Planner

SUBMISSIONS:

Applicant Submissions:

1. Form A – Application for Endorsement of Plan Believed Not to Require Approval (ANR), filed with the Town Clerk on September 6, 2023;
2. ~~Outdated - Plan of Land in Montague, MA, Location: 505 Turners Falls Road Tax Map 42 Lot 29, Prepared for: Jean G. Donovan, Signed/Stamped by Daniel P. Salls, PLS, dated September 5, 2023;~~
3. Revised - Plan of Land in Montague, MA, Location: 505 Turners Falls Road Tax Map 42 Lot 29, Prepared for: Jean G. Donovan, Signed/Stamped by Daniel P. Salls, PLS, dated September 22, 2023;

Staff Submissions:

1. Project Application Report, dated September 25, 2023
2. Aerial Map (enclosed)
3. Zoning Map (enclosed)

BACKGROUND:

- *NOTE: sometimes Turners Falls Road is referred to as Depot Street.
- The existing parcel #42-0-29 is located at the corner of Turners Falls Road and Swamp Road. Parcel #42-0-29 is located within the Residential-2 Zoning District (RS-2).
- On April 9, 1996, the Planning Board endorsed an ANR Plan for parcel #42-0-29 with a lot area size of 7.034 acres (306,401 square feet). The endorsed ANR Plan was recorded with the Franklin County Registry of Deeds in Plan Book 94, Page 74.
- In 1996, Jean G. Donovan, purchased the parcel #42-0-29. The property deed was recorded with the Franklin County Registry of Deeds on October 9, 1996 in Book 3164, Page 182
 - The recorded deed indicates that there is a right-of-way easement from Alice A. Sokolosky to Valerie M. Martin, dated July 24, 1989 and recorded in the Franklin County Registry of Deeds in Book 2359, Page 64
- In 2004, the Planning Board endorsed an ANR Plan for parcel #42-0-29 with a lot area size of 6.67 acres (290,545ft²). The endorsed ANR Plan was recorded with the Franklin County Registry of Deeds in Plan Book 117, Page 18.
 - Endorsed Plan states “Subject to ‘a right of way for motor vehicles to pass over” see Right of Way Easement Book 2359, Page 64.
- According to Assessor’s Property Card, the principal building (single family home) at 505 Turners Falls Road (Parcel #42-0-29) was built in 1846. It is unclear when the detached car garage was built.

ZONING BYLAW REVIEW:

Dimensional Requirements:

The following Dimensional Requirements have been addressed:

Section 5.5 Dimensional Requirements for Residential District-2 (RS-2) Zoning District					
Standard	Requirement	Existing - 505 Turners Falls Rd (Parcel #42-0-29)	Proposed Property line changes to 505 Turners Falls Rd (Parcel #42-0-29)	Proposed – “Lot A”	Comply
Min. Lot Area	22,000ft ²	290,545ft ² (6.67 ac)	135,018ft ² (3.1 ac)	155,539ft ² (3.57 ac)	Yes
Additional Lot Area/dwelling	5,000ft ²	Not applicable	Not applicable	Not applicable	Not applicable
Min. Lot frontage	150 feet	Swamp Rd: 425 ft; Turners Falls Rd: 237.64 ft	275 feet	175 feet	Yes
Min. Front yard and	25 feet	24 ft (Turners Falls Rd); 25 ft (Swamp Rd)	24 ft (Turners Falls Rd); 25 ft (Swamp Rd)	Not applicable	Pre-existing,

street line setback(a)					non conforming
Min. Side yard setback	15 feet	282 feet	225 feet	Not applicable	Yes
Min. Rear yard setback	30 feet	Not applicable	Not applicable	536 feet	
Max building height	28 feet	2 floor home, height unknown	2 floor home, height unknown	No structure	Yes

APPLICANT REQUEST:

The applicant/property owner of 505 Turners Falls Road (#Parcel 42-0-29), Jean G. Donovan, respectfully requests an endorsement of the submitted Approval Not Required (ANR) Plan, in order to create a new parcel “Lot A” by splitting the adjoining existing parcel located at 505 Turners Falls Road (Parcel #42-0-29),

MONTAGUE SUBDIVISION CONTROL LAW REVIEW:

The following submittal requirements have been addressed.

§ 3.2 Plan believed not to require approval.

A. Any person who wishes to record a plan of land at the Registry of Deeds or to file a plan of land with the Land Court and who believes that said plan does not require approval (“ANR Plan”) under the Subdivision Control Law shall submit said plan and application (use Form A) to the Town Clerk, accompanied by the necessary evidence to show that the plan does not require approval and the filing fee of \$50.00 per lot. One Mylar original, four (4) paper copies and a digital copy in PDF format of said plan shall be furnished to the Town Clerk. Said plan shall be prepared by an engineer or surveyor and shall describe the land to which the plan relates, sufficient for identification, and shall include the name and address of the owner(s) of the subject land. Plans submitted for a determination that approval under the Subdivision Control Law is not required, shall be delivered to the Town Clerk or shall be sent by registered mail to the Planning Board c/o the Town Clerk, postage prepaid. If so mailed, the date of receipt by the Town Clerk on behalf of the Planning Board, shall be the date of submission of the plan.

➤ **Staff Review:** The proposal satisfies this section. Plans, application, and check have been submitted.

B. A plan submitted under §3.2 shall be prepared in accordance with the applicable requirements of the Franklin County Registry of Deeds, and shall, at a minimum, show the following information:

1. The name(s) of the record owner(s) of the subject land, and the names of the owners of all adjacent land as determined from the most recent tax records of the Town;

➤ **Staff Review:** The proposal satisfies this section. The names of the record owners of the subject land, and the names of the owners of all adjacent land have been provided.

2. *The location of all existing buildings on the subject land;*
 - **Staff Review:** The proposal satisfies this section. All existing buildings and structures on 505 Turners Falls Road (Parcel #42-0-29) are shown on the plan. There are no existing buildings or structures on proposed “Lot A”
3. *The location of all easements and rights of way located on or serving the subject land;*
 - **Staff Review:**
 - The submitted ANR Plan shows the location of the Right-of-Way Easement, with note. See note 3: “Existing ‘right-of-way for motor vehicles to pass over, but not to park on.’ Benefiting Lot 42-0-51, see Book 2359, Page 64.
 - The submitted ANR Plan shows a “Restrictive Setback – No Build Buffer see Book 4789, Page 146” located in portion of the rear area of the proposed new parcel to be created - “Lot A”
 - The submitted ANR Plan shows the public right of ways serving the subject land, including:
 - Swamp Road and *Turners Falls Road serves 505 Turners Falls Road (Parcel #42-0-29) as it is a corner lot.
 - *Turners Falls Road serves proposed new parcel to be created - “Lot A”
4. *The existing and proposed boundaries of the subject land and of each parcel and lot created or altered by the plan;*
 - **Staff Review:** The proposal satisfies this section. The submitted plan show the existing and proposed boundaries to 505 Turners Falls Road (Parcel #42-0-29) and the new parcel to be created – “Lot A”.
5. *The zoning classification of the subject land;*
 - **Staff Review:** The proposal satisfies this section. The submitted plan lists the zoning classification of the subject land - Residential District-2 (RS-2) Zoning District
6. *A locus plan at a scale sufficient to show the subject land in relation to the nearest intersecting street(s);*
 - **Staff Review:** The proposal satisfies this section. A locus map is shown on plan.
7. *The locations, widths, and names of all abutting ways;*
 - **Staff Review:** The proposal satisfies this section. Millers Falls Road and Lyman Road are 50 feet wide, respectfully.
8. *A notation reading: “Endorsement of this ANR Plan does not certify that the lots shown on the Plan qualify as building lots under the Town of Montague Zoning Bylaw.”*

- **Staff Review:** The proposal satisfies this section. The notation is provided.

PLANNING DEPARTMENT RECOMMENDATIONS:

The submitted ANR Plan meets the dimensional requirements under the Zoning Bylaw and meets the requirements under the Montague Subdivision Control Law. Therefore, the Planning Department recommends the Board to endorse the Plan, as submitted.

ADDITIONAL RESOURCES:

See links to access the following documents:

- Montague Subdivision Regulations, Effective Date June 27, 2017: https://montague-ma.gov/files/Planning_Board_Subdivision_Regulations.pdf
- Montague Zoning Bylaw, Effective Date May 7, 2022: https://www.montague-ma.gov/files/Zoning_Bylaw_Effective_Date_May_7_2022.pdf



Aerial Map - 505 Turners Falls Rd (#Parcel 42-0-29)

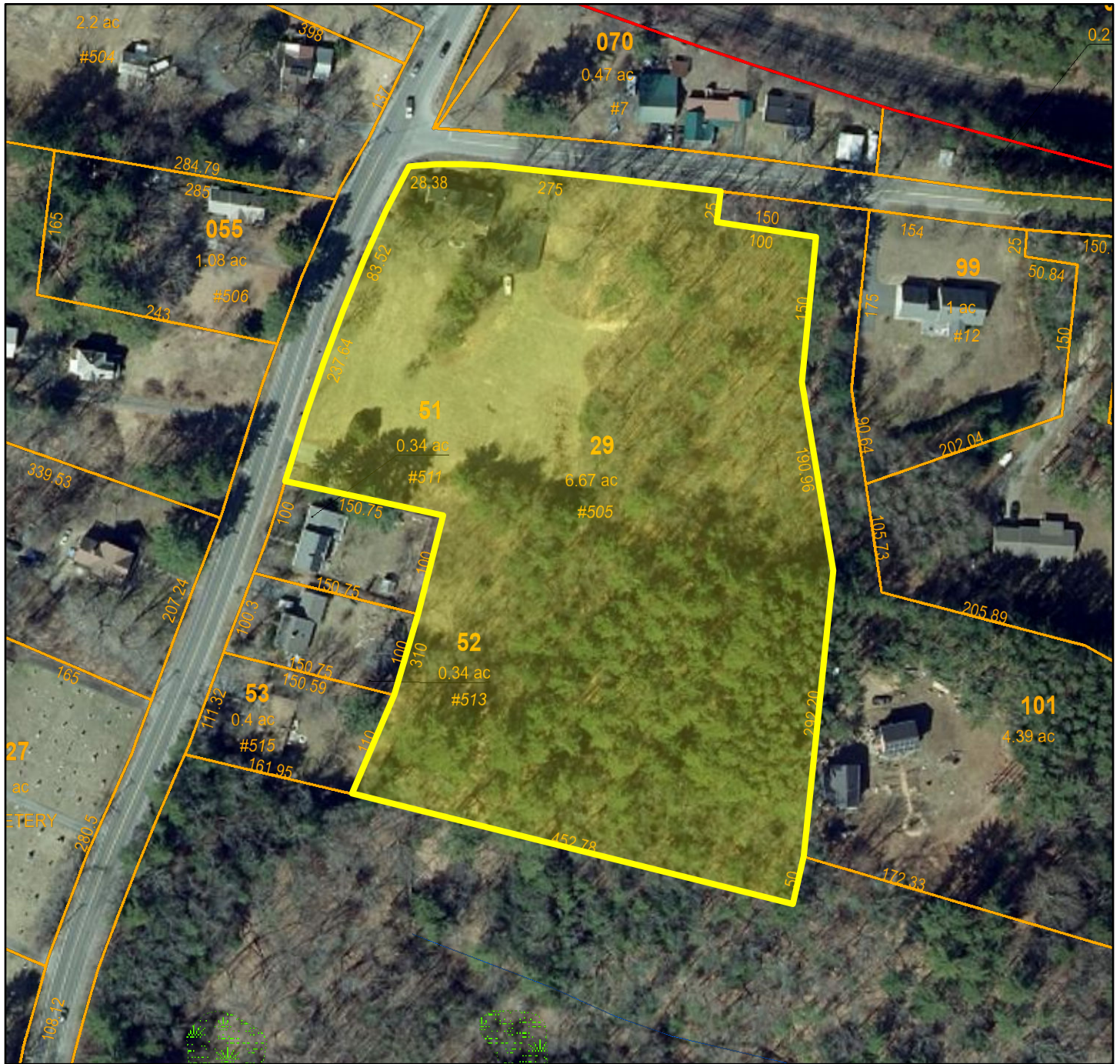
Montague, MA

1 inch = 145 Feet



www.cai-tech.com

September 23, 2023



	Wetlands
	WaterLines
	Property Line
	Public Road
	Railroad

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Zoning Map - 505 Turners Falls Rd (#Parcel 42-0-29)

Montague, MA

1 inch = 138 Feet



www.cai-tech.com

September 23, 2023



	(AF) Agricultural - Forest		WaterLines
	(RS2) Residential-2		Property Line
	Wetlands		Public Road
	Buildings (MassGIS)		Railroad

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MONTAGUE PLANNING BOARD

FORM A

APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED NOT TO REQUIRE APPROVAL (ANR)

1. Name of Applicant: Jean Donovan Phone #: 367-0071
Mailing Address: 505 T.F. Road Mass Center 01351
E-mail Address: SAMTHL@Earthlink.net Samuel H. [Signature] BSO
Signature: Jean Donovan in her atty in fact Date: _____

2. Property Owner(s) (If different from above. All entities listed on deed must sign. Please attach additional sheets if necessary.)

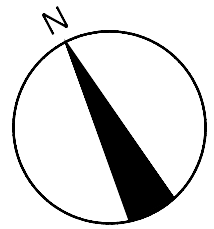
Name: Jean G. Donovan Phone #: _____
Mailing Address: 505 Turners Falls Rd. Montague, MA
E-mail Address: _____
Signature: _____ Date: _____

3. Name of Registered Land Surveyor/Engineer: Daniel P. Salls - Green River Survey
Mailing Address: 289 Main St. Greenfield, MA 01301
Phone #: 413-361-4882 E-mail Address: eric@greenriversurvey.com

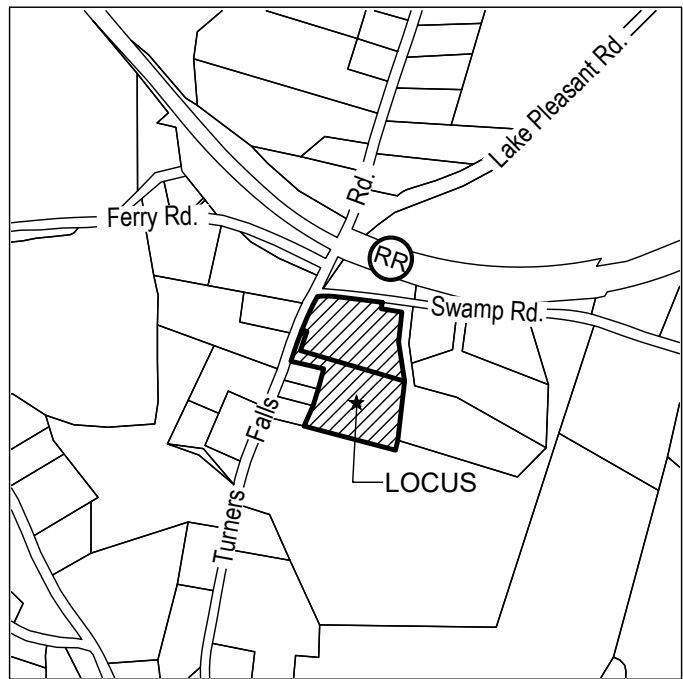
4. Parcel ID: Street Address: 505 Turners Falls Rd. Montague, MA
Map: 42 Lot/Parcel #: 29 Zoning District: RS-2
Number of existing parcels/lots: 1 Number of new parcels/lots: 1 Fee: \$50

5. Description of changes: Create new lot (LOT A - 3.555ac.) from Lot 42/29. Remaining land conforms to existing zoning regulations.





Plan Bk 94 Pg. 74
(see note 2)



Locus Map - Not to Scale

LEGEND :

- Fnd Iron pipe (IPF)
- Set Iron Pipe
- ▲ Unmarked Point
- Utility Pole
- 42/29 Tax Map Reference (Map/Lot)



ZONING:

- Residential-2 (RS-2)
 Min. Area: 22,500 sq.ft.
 Min. Frontage: 150'
 Front Setback: 25'
 Side Setback: 15'
 Rear Setback: 30'
 Max. Bldg. Ht: 28'

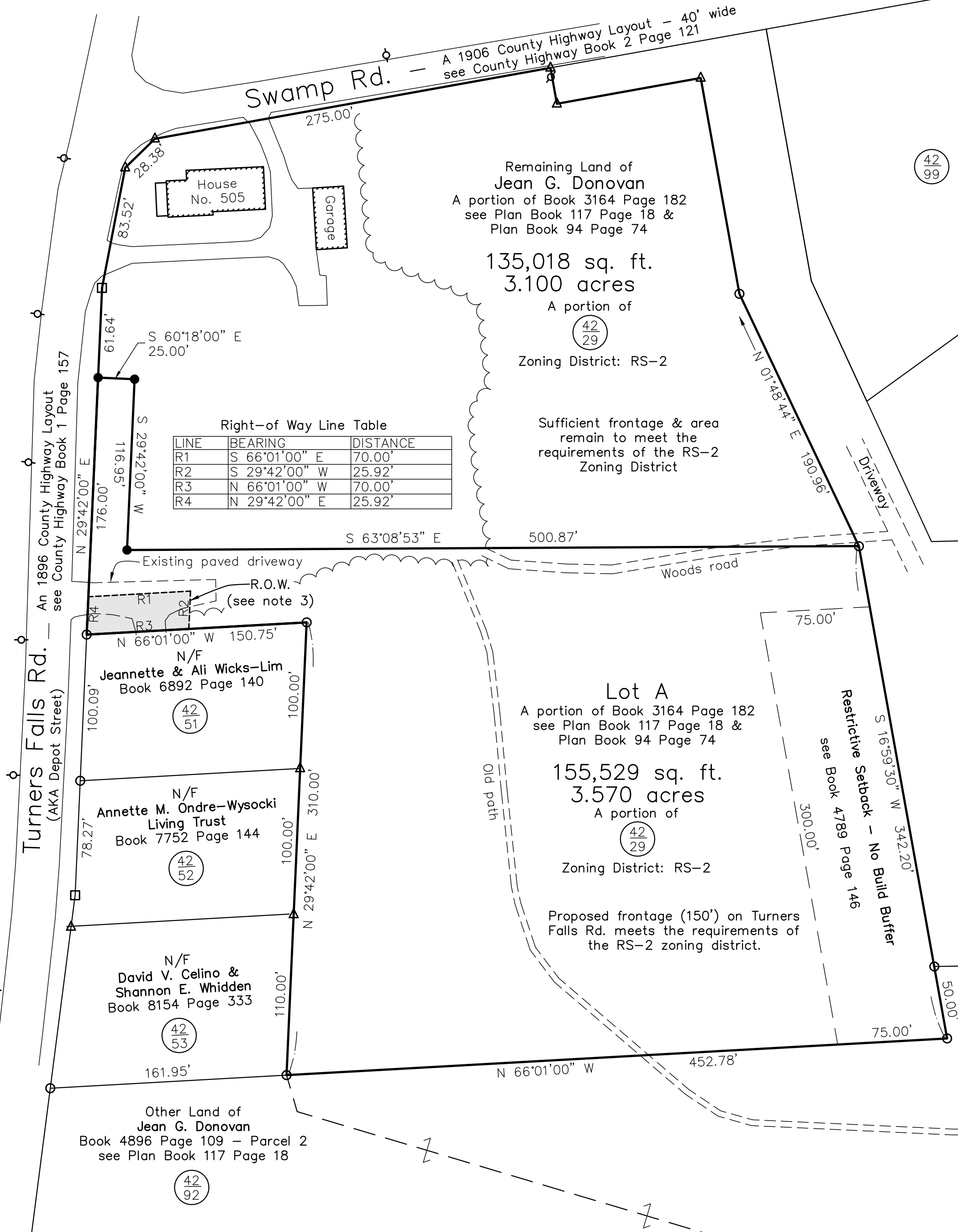
Approval under the Subdivision Control Law not required.

Montague Planning Board

Dated: _____

Signed: _____

Endorsement of this ANR plan does not certify that the lots shown on the plan qualify as building lots under the Town of Montague Zoning Bylaw.



For Registry Use Only

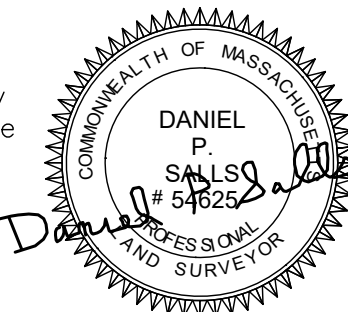
N/F
Vanessa S. Zaehring & David K. Keramaty
Book 6708 Page 113
see Plan Book 117 Page 18 - Lot 4
see Covenants/Easements - Book 4789 Page 146

Other Land of
Jean G. Donovan
Book 4896 Page 109 - Parcel 1
see also PARCEL A Plan Book 117 Page 18
& Plan Book 115 Page 77

- NOTES:
- This survey was prepared without the benefit of a title report and may be subject to any rights that a current title report may reveal.
 - The bearings on this plan are referenced to Plan Book 94 Pg. 74 (Franklin Co. Registry of Deeds.)
 - Existing "right-of-way for motor vehicles to pass over, but not to park on." benefiting Lot 42/51. See Book 2359 Page 64.

I hereby report that this plan has been prepared in conformity with the rules and regulations of the Registers of Deeds of the Commonwealth of Massachusetts.

Daniel P. Sells
PROFESSIONAL LAND SURVEYOR 09-22-2023



Plan of Land
in
Montague, MA
LOCATION: 505 Turners Falls Road
Tax Map 42 Lot 29
PREPARED FOR:
Jean G. Donovan

SCALE: 1"=60'
DATE: 09/22/2023
DRAWN BY: EWF
CHECKED BY: DPS
Green River Survey
289 Main Street
Greenfield, MA 01301
(413) 361- 4882