

 ZONING BOARD OF APPEALS

 **TOWN OF MONTAGUE**

 ONE AVENUE A

 TURNERS FALLS, MA 01376

 DRAFT MINUTES FROM FEBRUARY 19th, 2025

NOTICE OF PUBLIC HEARINGS #25-04 & #25-05

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=lgnfx1b7svqmiIBgzzmgz9goEnwl9C.1~~**](https://us02web.zoom.us/j/88270799034?pwd=lgnfx1b7svqmiIBgzzmgz9goEnwl9C.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 #25-04: 79 Second Street Turners Falls, Ma**

PRESENT: Joshua Lively Chairman, Richard Ruth Member, David Jensen Member, Robert Obear Member, Zach Nichita Member William Ketchen Zoning Enforcement Officer, and Jamie Carey, Clerk

Applicant: William Crosby (WC)

Hearing opened approx. 6:30pm

**ZBA #25-04**

 Notice is hereby given that the Montague Zoning Board of Appeals will hold a public hearing on **Wednesday, February 19, 2025 at 6:30 p.m**. VIA ZOOM and IN PERSON at the Montague Town Hall upstairs conference room, One Avenue A, Turners Falls, MAat the request of **William Crosby** for a Special Permit to allow a setback reduction to accommodate a new code compliant landing at an existing egress door under Sections 5.5.3(b), 5.5.1,and 9.2 of the Zoning Bylaws, located at **­­­­­­­­­­­­­­­79 Second Street (Map 4, Parcel 30), in the Neighborhood Business (NB) District.** The filing is available for review at Town Hall. In-person meeting details and remote meeting login information can be found at www.montague-ma.gov/calendar.

WC: Built concrete steps coming out of the door, no landing just steps, put in a code compliant landing, which changed the set back from 5ft to 4ft. It is one foot closer to the property line

DJ: So, is it an entry for the first floor not the second?

WC: Yes, the first floor

DJ is the area behind it, a walk through between the two buildings

WC I don’t know how that is used

DJ You don’t know?

WC I don’t see people walking through that area but it is passable

DJ So, if someone wanted to get through from the front, how would they do that?

WC: from the other side of the building

DJ are you blocking the travel from front to back?

WC Not that I know of

JL It doesn’t look like it would block

DJ Not as it is now

JL Yeah, I don’t know if there’s a pad under there

\*\*(JL and BK are showing DJ photos of the area)

BK they would use the sidewalk, there’s a door right here

DJ is there another door?

BK No, not on this unit, second means of egress is right here

JL another door and stair with landing here, It doesn’t impede the flow of foot traffic, but I do question how close it is to the property line

DJ What is the set back relief?

JL: Did you do a survey?

AP; no, I don’t have a survey, im going off of a preexisting concrete pad from an old shed, assuming that is on the property

DJ Bill, what are your estimations of distance to plot lines?

BK I don’t have an estimations, but I can tell you there is concrete stairs under there, the landing goes this way, it sticks out 10 inches past to get 36 inches

DJ is there any good reason to require the stairs to go up and over the concrete?

BK I don’t see any reason to do that, he needs that distance from the pad to the door, the landing is the part he needs the setback relief for, 3 ft wide for travel from the door

DJ Is there any reason to consider sets of stairs coming off both sides?

BK Its not necessarily blocked, its just pushing out into the walkthrough

DJ Between the buildings your estimation is 6-7 feet?

BK Yes

\*\*(JL SHOWS DJ PICTUES)\*\*

DJ anyway, if Im not making myself clear, this distance might be inadequate for anybody from this house traveling around the stairs.

JL We can make a good argument that this is passable

DJ Ok, so my point is naking it 2 directional is to not impede the flow. Is that a resonalble exception?

JL I don’t know, its not a bad idea, but my initial thought is it would be nice to see it with a survey.

DJ Are we allowing an intrusion onto someone elses property?

JL I think we need a survey

RR Can I interrupt? Were the abbutters notified of the project?

JL They were

RR So if they don’t have any issues…

JL were just thinking of the further, if this thing is over the line..

RR They would have said something by now

WC: There was a shed that was further over by 4 ft

JL Just curious where the property line goes

DJ We’re granting it as existing but not as an intrusion onto someone else property... Is anyone warm to that notion?

JL yeah, can we ask them to get one line surveyed? Or is that too much?

DJ Im more inclined to make it simpler. A survey is very expensive and its only to make us feel more comfortable. We’re not granting them intrusion over the line

JLIf that works in this system then I am totally ok with that.Its probably in the best interest to have it surveyed.

WC So, you think even with the existing shed we need a survey?

JL The shed doesn’t necessarily definitely prove it’s on the property, it’s a good indication

DJ It would make us more comfortable

RR Approve the Special Permit if that’s what your intend and put in a stipulation that if it proves to be illegal in the future they must remove it.

DJ MOTION

JL SECOND

The Montague Zoning Board of Appeals approved the request by **William Crosby** for a Special Permit to allow a setback reduction to accommodate a new code-compliant landing at an existing egress door under Sections 5.5.3(b), 5.5.1, and 9.2 of the Zoning Bylaws, located at **79 Second St. (Map 4, Parcel 30), in the Neighborhood Business (NB) District w**ith the following findings:

1. The setback reduction for the new code-compliant landing must not impede the abutter’s property.
2. Should the setback reduction for the new code-compliant landing impede the abutter’s property in the future, this special permit will become null and void.

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

Joshua Lively, Chair - **YES** Richard Ruth – **YES** David Jensen – **YES** Zaharia Nichita **– YES**

JL Motion to close

RR So moved

JENSON 2ND

ALL IN FAVOR

Hearing Ends Approx. 6:48pm

**ZBA #25-05 500 Avenue A Turners Falls Ma**

Hearing opens approx. 6:20pm

PRESENT: Joshua Lively Chairman, William Doyle Vice Chair, Richard Ruth Member, David Jensen Member, Robert Obear Member, Zach Nichita Member William Ketchen Zoning Enforcement Officer, and Jamie Carey, Clerk

Applicant: Peter Chilton (PC)

**ZBA #25-05**

 Notice is hereby given that the Montague Zoning Board of Appeals will hold a public hearing on **Wednesday, ­­­­­­­­­­February 19, 2025 at 6:30 p.m**. VIA ZOOM and IN PERSON at the Montague Town Hall upstairs conference room, One Avenue A, Turners Falls, MAat the request of **Peter Chilton** for a Special Permit to allow a setback reduction from 10 feet to 2 feet for the construction of an accessory structure on an existing concrete slab under Sections 5.5.3(b), 5.5.1,and 9.2 of the Zoning Bylaws, located at **500 Avenue A (Map 5, Parcel 127), in the General Business (GB) District.** The filing is available for review at Town Hall. In-person meeting details and remote meeting login information can be found at www.montague-ma.gov/calendar.

Applicant PC JOINS TABLE

We want to build a shed in line with the other sheds that are on the back of our property to rent out as storage. It would be the same design as the exsisitng garage and shed.

DJ What’s the dimensions?

PC I believe it is 13 ft deep and 45 ft wide, it will cover the existing concrete slab.

DJ The existing slab was a what?

PC I don’t know

DJ Was it a building?

PC: There was a truck bed on the slab before we bought the property. I don’t know what it was used for before we bought it from the town.

DJ And this is for other people’s storage? As one unit or multiple?

PC Two units, each unit would have two doors, a garage door and a person door.

PC: Electric lights and plugs shed style roof

JL Matches the other two

ZN How much is set back for that area?

BK Where they are is 10ft.

RR is there a chain link fence back there?

JC Yes

RR how far from the fence to where the building is going?

JC 2FT

JC APROX. 2 FT You can walk behind the sheds

JL Motions to allow a setback reduction from 10ft to 2 feet to construct an accessory structure on an existing concrete slab.

RR So moved

DJ Second

ALL IN FAVOR

The Montague Zoning Board of Appeals approved the request by **Peter Chilton** for a Special Permit to allow a setback reduction from 10 feet to 2 feet for the construction of an accessory structure on an existing concrete slab under Sections 5.5.3(b), 5.5.1, and 9.2 of the Zoning Bylaws, located at **500 Avenue A (Map 5, Parcel 127), in the General Business (GB) District w**ith the following findings:

1. The Board finds that there was previously a building on the concrete slab and that it is in line with 2 existing storage buildings and won’t cause a detriment to the neighborhood**.**

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

Joshua Lively, Chair - **YES** William Doyle IV, Vice Chair -**YES**

Richard Ruth – **YES**

 David Jensen – **YES** Zaharia Nichita **– YES**

JL Motion to close

RR So moved

ALL IN FAVOR

WD: Yes

RR: Yes

DJ: Yes

ZN: Yes

JL: Yes

Hearing Close approx. 6:58PM