

 ZONING BOARD OF APPEALS

 **TOWN OF MONTAGUE**

 ONE AVENUE A

 TURNERS FALLS, MA 01376

 DRAFT MINUTES FROM APRIL 16TH, 2025

NOTICE OF PUBLIC HEARING #25-06 & #25-07

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=lgnfx1b7svqmiIBgzzmgz9goEnwl9C.1Meeting ID: 882 7079 9034 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#25-07 4 PROSPECT 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 Ellen Lamoureux, Clerk.

Audience: None.

Clerk reads notice:

Notice is hereby given that the Montague Zoning Board of Appeals will hold a public hearing on **Wednesday, April 16, 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 Doyle** for a Special Permit request to allow the conversion of an existing 3 unit apartment building into a 4 unit apartment building under Sections 5.2.3 (b) iii and 9.2 of the Zoning Bylaws, and for a Variance request to allow another 1 bedroom dwelling unit to make it a 5 unit apartment building under Sections 3.2.6(c) and 5.2.3 (b) iii, located at **4 Prospect St** **(Map 06, Parcel 097), in the Residential 1 (RS-1) 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.

WD: I'll just give a quick thing. So basically, this is a

a 3-unit building. I reside right next door to it.

 There’s a 1,400 plus square foot carriage house

that's attached. That's just basically been sitting empty in the 3-unit building. I have 3 one-bedroom apartments, and we're requesting to convert that carriage house to allow for 2 more. One bedroom

apartments. So

shock to the neighborhood is very minimal, because it's an existing building. The only thing that will really be seen is a egress

: on the very back side of it which doesn't. There's no

regards to setbacks. It doesn't intrude into any kind of setbacks or anything.

That's the short of it

RO: do you have existing parking?

WD:I got yeah existing parking through the 7.5. Yeah, there's at least 9 or 10 there. But the currently they kind of park at a

and a 75-to-80-degree kind of angle. Or would you try to straighten them out with some gravel? It's gravel There's parking for 7, probably.

There, there's definitely room for a lot more. I would probably pave it at the end of this and stripe it to make it easier for everybody.

BO: 5, 1 bedroom. That's the proposal. Yeah, right?

WD: Yeah. I, personally had my own experience. Being a landlord and living next door. I like one bedroom. There seems to be a real need for the one bedroom around since I bought it and done some work to that building, I think it was 2,016. I've had the kind of

single professional people that have rented the current, one bedroom, and the continue that if these 2, if this space is renovated to accommodate 2 more.

Dj: Yeah, and your Zone NHB? No, it's RS1, its RS1.

So this is a special permit And then we will talk about a variance obligation to go more to 5. We're looking at an area special permit

DJ Each unit requires X number of square feet, right of land.

BK: And I didn't worry about that, since it's an existing building.

Dj: Yeah. But it's a number right now, and 5.1.3

special permit for alterations of existing buildings would put that one to rest. I might get it. That's what we're here for now to see if we could basically get permission to turn these into units. And then at that point.

But typically, the area would be a limit. One of the many limitations on still loud. It's 15,000 plus 5,000 per unit after

DJ: but the building is just 5.1.3 would suffice.

BK: Ignore the area portion. Yeah, yeah.

Bk: My personal opinion is, if I ignore the area requirement, if it's a pre-existence building, unless you're adding something onto where now you're

Dj: we're adding dwellings. It's already the structure that's there. Maybe it's more than just the dwellings it has to do with interesting debate. We don't have to do that if you want. I think I'm on your side. I think you're wrong. I think I'm on your side this time I probably am wrong.

anyways, my argument was, the area does apply. But the relief is here 5.1 .3 Yeah. Instead of saying, yep, get a variance for that, too. Right? No, that's fine. I'm all over that.

DJ: the building connector, that small shed roof. What I don't remember what was what's in that part of an apartment?

WD: No, that's basically an empty space. There's currently a laundry machine in there Communal space. Yeah, long space. Yeah, basically, it's tiny. I don't know what the dimensions are. Is it? 10 by 12 or 10 by 15 that connects the brick building to the carriage house. it has a foundation, but it's more of a crawl space.

DJ Oh, it's a question. It's kind of showing that it is all joined. It's just one thing. It's in the picture. But the application asked for it. But I don't actually see that it did those. Just getting foundation is what basement? Yes, no. Has a basement wrought stone, stone.

WD: Partial Flagstone, basically. Like most everything of that age. I think it's 1880, 1890. It's got a really cool structure. It's got a wonder what to call it's got a timber structure that is not supporting the roof. That is kind of, but is gable in shape, and it's hanging a beam that's partially supporting the 1st floor.

We're gonna try to leave all that all that exposed. It's kind of I don't know. Roof cost more, but it's historic. It's kind of really neat. It's almost reminds me of something like a suspension bridge. The way that they ran this was to keep the space clear for the carriage and those there's like 3 horse stalls kind of, we're not keeping the horses.

JL: So. The 1st thing we have to do is try to get you a special permit to convert an existing 3-unit into a 4-unit and then try to get you a variance to allow another one bedroom dwelling.

JL: It's the fact that I mean with the goal in mind you, you know this as well as anybody we're trying to infill. We're trying to create spaces. We're trying to promote this. So, this seems like a great plan. I'm not gonna lie. I'm happy to grant you both as long as the rest of the board is on board. I don't see any issues with it.

JL: You have proven yourself to be a responsible caretaker of the properties in town, so we would expect that moving forward that would be the same. You got an idea on Unit 5 here on what? How to get it, how to make guesses

Bk: his hardship, his public good taxes piece. Yeah. So that's his financial hardship.

JL: guide it, and there is a slight, not I don't know if we call it financial hardship, but being realistic in a project like just to take an old space

BO; and bring it up to 2025 code. Yeah, it's quite expensive. So to do it for one unit versus 2 units changes the whole debate if you're trying to.

BO: Whether it was me or somebody else, someone's trying to add a unit. Look at the cost of that, and it might wipe the project out, because it's just makes it more feasible. Speak to that, too, Bill. That's definitely accurate. I mean, the new energy code is very restrictive and cost prohibitive, and I mean, these 2 units are going to have to meet the same condition as if they are brand new built from the ground.

BK: But under 44, under 45. Yeah. So, it's not easy.

DJ: for what it's worth. I’m an advocate of approving this.

Argue me.

Why don't we just give them a special permit for the whole thing?

JL: Well, I could make an argument that it certainly doesn't cause any economic. Otherwise, it doesn't cause any kind of detriment to the public good that's not going to hurt. On the contrary, that's 2 additional housing units. And there's a shortage of brand-new apartments.

DJ: I would propose that we grant the variance for the 5th unit, and then the special permit would encompass the 5th unit

BK: But you can't Special permit with the 5th unit- can only variance.

DJ: but you pull out your 5.1. 3. Again.

JL: I think the simple path is special Permit the one you need to make it to 4, then variant. Okay,

DJ: Yeah, you could use it 5.1.3. Then why not? Why not keep it simple?

JL: I would propose that we accept the 4th unit by special permit and then the 5th unit shall be an alteration of Nonconforming use. Great Josh, I have the motion to Grant special permit to allow conversion of an existing 3-unit apartment building into a 4-unit apartment building under sections 5.2.3 and 5.1.3and 9.2 of the zoning bylaws.

RO: So moved

Richard Ruth: Yeah, Richard Ruth. Second, Richard Ruth seconded. Thanks.

Richard Ruth: Yeah, I'm good with that.

David Jensen. Yes,

Zach Nikita. Yes,

Josh Lively. YES

JL: Motions to approve the requested Special Permit to allow the conversion of an existing 3-unit apartment building into a 4-unit apartment building

RO: Seconds

All in Favor

 **Vote:**

RR: Yes

RO: Yes

DJ: Yes

SN: Yes

JL: Yes

The board discusses the proposed Variance to add an additional 1-bedroom unit to the existing 4-unit building.

JL: Yes, okay, now. So there's no variance involved. There wasn't a variance. But now I need to get a variance.

 We're looking to create a variance to allow another one bedroom unit bringing it to 5 units under sections 3.2 point 6 5.2 point 3 5.1 point 3

of the zoning bylaws, with findings that strict enforcement of the code would cause undue hardship to the community. depriving them of another, you know, accessible another apartment to rent.

Richard Ruth: Needed.

JL: Much needed. Thank you, Richard, and it does not do any substantial detriment to the public good.

and it doesn't degrade from the intended purposes of the bylaws.

I'd entertain emotion if anyone wants to.

 BO: So moved.

Building Inspector: You want the second thing. Okay?

JL: All in favor.

Richard Ruth: YES

Bob obear. Yes,

Zach Nikita. Yes,

David Jensen, bear with me. Yeah.

My intention is to vote no. Under the reasoning that the special permit is enough, that a variance is not needed.

But you got to 4 votes, Josh?

JL: Yes.

JL: yes, we do.

DJ 5.1.3. This is the other one. The variance is just to cover Mr. Doyle in case. I also, I do support the findings, but not the reason

 Findings: that strict enforcement of the code would cause undue hardship to the community, depriving them of another much needed, accessible apartment to rent. It does not do any substantial detriment to the public good, and it doesn't degrade from the intended purposes of the bylaws.

The proposed addition of a 1-bedroom dwelling unit to make it a 5-unit apartment building under Sections 3.2.6(c) and 5.2.3 (b) iii, would reduce the hardship to the community.

JL: Motions to approve the requested Variance to add an additional 1-bedroom unit

RO: Seconds

All in Favor

 **Vote:**

RR: Yes

RO: Yes

ZN: Yes

JL: Yes

DJ: NO (with reasoning that the Variance was not needed due to the approved Special Permit)

JL: All right, I'll entertain a motion to close public hearing. 25, 0 7.

Richard Ruth: Richard Ruth so moved.

JL all in favor to close the hearing.

JL and I'll entertain a motion to both the meetings.

ZN: so moved.

JL: Motions to close public hearing #25-08

RR: Seconds

All in favor

Meeting ended approx. 7:55PM

JL: Motions to close meeting

ZN: Second

All in favor