



ZONING BOARD of APPEALS

Town of Montague

1 Avenue A

Turners Falls, MA 01376

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ZONING BOARD OF APPEALS MEETING MINUTES

February 22, 2012

Ernest Brown, Chairman asks to move the approval of the minutes to the beginning of the meeting John Burek, Vice Chairmain made the motion to move the approval of the minutes to the beginning of the hearing, Second by John Reynolds. Ernest Brown – Aye, John Burek – Aye, John Reynolds – Aye, Robert Sojka – Aye and Ericka Almeida – Aye.

Ernest Brown, Chairman, made the motion on June 25, 2012 to approve the minutes of February 22, 2012. Second by John Burek and approved unanimously. Ernest L. Brown – Aye, John Burek – Aye, John Reynolds – Aye, Robert Sojka – Aye and Ericka Almeida - Aye.

Hearing #12-02 6 Grant St., Millers Falls, MA

Meeting was opened at 7:45 pm. Hearing was held in the Montague Town Hall, Downstairs Conference Room at One Avenue A, Turners Falls, MA. Present were Ernest L. Brown – Chairman, John Burek – Vice Chairman, John Reynolds – Member, Robert Sojka – Member, Ericka Almeida – Member, David Jensen – Zoning Enforcement Officer, Karen Casey-Chretien, Clerk and for the applicant Anthony Dian for John Diaz, David Akey, Craig Parker and Michael and Gail LaGoy .

Karen Casey-Chretien reads Public Notice, 18 Notices were sent, 5 returned, 1 objection, 3 did not object 1 undecided.

Mr. Diaz explains to the Board why he is asking for the Special Permit. He is requesting the separation of two parcels consisting of approximately 16,080 sq. ft. from a third landlocked parcel.

DJ: Gives description of the layout of the properties. Two are flat with a slight upgrade into a hill. The property in question is flat at the rear of Mr. Diaz's and quite severely slopes after that.

The Board discusses the separation for the parcels and the exception to minimum lot area requirements of 22,500 sq. feet to approximately 16,080 sq. feet for Lots 64 and 67. Lots 64 and 67 shall be combined into one lot and Lot 87 shall be combined with Lots 66 and 97 at 10 Grant St., Millers Falls.

Questions were raised by Craig Parker: "Who would have the rights to the wells and who would be responsible for those wells"?

The Board stipulates that a clarification of the water rights be defined by a deed.

Vote:

Ernest L. Brown, Chairman **YES**
John Burek, Vice-Chairman **YES**
John Reynolds, Member **YES**
Robert Sojka, Member **YES**
Ericka Almeida, Alternate **YES**

STIPULATION: That a clarification of the water rights be defined by deed.

Stipulation Vote:

Ernest L. Brown, Chairman **YES**
John Burek, Vice-Chairman **YES**
John Reynolds, Member **YES**
Robert Sojka, Member **YES**
Ericka Almeida, Alternate **YES**

Clarification of water rights:

Clarification of the water rights in Deed recorded April 9, 2012, Book 6165 Pg. 123, Fifth Tract. Copy of the Deed is in file.

Hearing #11-08 5 Adams St., Lake Pleasant, MA reviewing & approval of Building Plans

Meeting was opened at 8:10 pm. Hearing was held in the Montague Town Hall, Downstairs Conference Room at One Avenue A, Turners Falls, MA. Present were Ernest L. Brown – Chairman, John Burek – Vice Chairman, John Reynolds – Member, Robert Sojka – Member, Ericka Almeida – Member, David Jensen – Zoning Enforcement Officer, Karen Casey-Chretien, Clerk and applicant Scott Nickerson.

On October 26, 2011 the Board of Appeals placed a Stipulation in the Notice of Decision & Vote as follows: The Board reserves final Special Permit approval with the right to review, approve or reject the final design of the proposed building for bulk, mass, parking locations and general architectural compatibility with the neighborhood.

SN: I kept to a smaller foot print. Roof line is not as steep as others in the neighborhood. I also have off street parking for two vehicles for each duplex.

The Board reviews and approves the building plans.

Vote:

Ernest L. Brown, Chairman **YES**
John Burek, Vice-Chairman **YES**
John Reynolds, Member **YES**
Robert Sojka, Member **YES**
Ericka Almeida, Alternate **YES**

Hearing #12-01 8-10 Burnett St., Turners Falls, MA

Meeting was opened at 8:20 pm. Hearing was held in the Montague Town Hall, Downstairs Conference Room at One Avenue A, Turners Falls, MA. Present were Ernest L. Brown – Chairman, John Burek – Vice Chairman, John Reynolds – Member, Robert Sojka – Member, Ericka Almeida – Member, David Jensen – Zoning Enforcement Officer, Karen Casey-Chretien, Clerk and the applicant Kevin Humphrey, Kelliann Humphrey, Carol and Warren Thomas, Marie Kovalsick, Katie Salineth, William Milot and Russell Dean.

Karen Casey-Chretien reads Public Notice, 19 Notices were sent, 6 returned, 2 objection, 3 did not object 1 came back no answer. Written comments in file.

Ernest L. Brown, Chairman recuses himself from this hearing. He's an abutter to Mr. Humphrey.

JB: Informs Mr. Humphrey that there are only four members to vote and that all four members must vote unanimously to grant his Special Permit.

KH: Agrees to proceed with the hearing. I own a landscaping business and work out of my home and would like to continue to do so.

Board reviews pictures (in file) of Mr. Humphrey's property that were taken by Mr. Dean.

RD: I live directly across from Mr. Humphrey. I bought my property in 1982. I loved the area because the street was quaint residential street. Mr. Humphrey's inherited the land from his deceased folks. What he has allowed in appearance of both lots is a disgrace. It has caused us a loss of real estate value with a mortgage lender back three years ago \$20,000 less than expected market value due to the neighborhood. Mr. Humphrey's goal is to obtain relief so he can continue in the same mode that continually depreciates this end of Burnett St. Mr. Humphrey's business has grown too large for this postage stamp piece of property. He has 4 to 5 workers in the summer and two in the winter.

KH: In the winter it's just my son and myself.

RD: His employees park all along Burnett St and on the sidewalks.

JB: Can you have them park in your yard?

KH: Yes I can.

RD: He has a full size Isuzu dump/stake truck, full size trailer and mowing rig, 2 Toyota 4x4's. He is using his yard, garage and common driveway and the corner of Burnett St. & Crocker Ave as his dump, maintenance for his trucks, lawn care equipment and tools of the trade, bushes he bought wholesale to sell to clients and leftovers from projects. He has a new large white tank that holds some type of liquid chemical product.

KH: The tank in question is a water tank. No chemicals are in that tank. I only have organic fertilizers no chemicals or detergents.

BM: I don't begrudge any business. My concern was is his business going to expand? I'm more worried about repairs and I'm worried about chemicals and the children. This Board should know what's going on there.

EA: Questions if he is conforming to the standard of our Home Occupation By-law. She states that he is in offense of several and reads the Home Occupation By-law aloud to him, the Board and audience.

KH: We can put everything under cover shovels, wheelbarrow etc. we can put up fences so they can't be seen.

EA: I like to see off site storage.

The Board discusses that the property has been used for a number of year to support and offsite landscaping business. The business has used the garage and property for exterior storage, parking of business vehicles and the adjacent street for business and employee parking. The business has grown in size and intensity over the years. The Board of Health on April 7, 2010 cited the property for unnecessary clutter, debris and business activities. The Board agrees not to allow the business to continue at 8-10 Burnett St., Turners Falls, MA and votes a Stipulation.

Vote:

Ernest L. Brown, Chairman **Not Participating**

John Burek, Vice-Chairman **YES**

John Reynolds, Member **YES**

Robert Sojka, Member **YES**

Ericka Almeida, Alternate **YES**

STIPULATION: The applicant shall be granted 90 days from this hearing date to cease or move all aspects of the landscaping business. All reasonable measures shall be taken to limit neighborhood impacts.

Stipulation Vote:

Ernest L. Brown, Chairman **Not Participating**

John Burek, Vice-Chairman **YES**

John Reynolds, Member **YES**

Robert Sojka, Member **YES**

Ericka Almeida, Alternate **YES**