



ZONING BOARD of APPEALS

Town of Montague

1 Avenue A

Turners Falls, MA 01376

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ZONING BOARD OF APPEALS MEETING MINUTES

May 30, 2012

Ernest Brown, Chairman, made the motion on July 25, 2012 to approve the minutes of May 30, 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 #12-06 42 Highland St., Millers Falls, MA

Meeting was opened at 7:30 pm. Hearing was held in the Montague Town Hall, Upstairs 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 applicants, Roberta S. Terlikoski and Amie L. Trinque, audience Gail Villeneuve.

Karen Casey-Chretien reads Public Notice, 16 Notices were sent, 6 returned, 0 objection, 6 did not object 0 undecided. Written comments in file.

AT: The kitchen is quiet large what we are doing is split the kitchen so my grandmother can have a small kitchen for her own space.

DJ: With the kitchen split in ½ is there a bedroom?

AT: Yes kitchen, bedroom and bath and closed in porch. She'll have access to laundry and the rest of the house. And there is an exit off the laundry room so she'll have two exits.

EA: If they sell the house would it have to be dissembled?

DJ: The apartment has to be re-permitted here with you or dissembled.

Vote:

Ernest L. Brown, Chairman **YES**

John Burek, Vice-Chairman **YES**

John Reynolds, Member **YES**

Robert Sojka, Member **YES**

Ericka Almeida, Alternate **YES**

Hearing #12-07 487 Federal St, Montague, MA

Meeting was opened at 7:45 pm. Hearing was held in the Montague Town Hall, Upstairs 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 applicants Scott and Emily Ewell, audience Christine Chisholm – Dept of Agricultural Resources, Walter Ramsey – Dept. of Planning & Conservation for the Town of Montague, Paul & Marcelle Lipke, Joseph Dagilus, Suzanne Kretzenger and Michael Dickson.

Karen Casey-Chretien reads Public Notice, 35 Notices were sent, 9 returned, 1 objection, 8 did not object 0 undecided. No written comments.

DJ: To split off farm land from residential house lot. The farm land provided the initial frontage but really access comes from Federal St. The practical difficulty to use the agricultural frontage it tends to be wet and extremely long 800 ft as it was developed they got special permit access over something that wasn't frontage years ago when the house was built. Now they're at the point with negotiation with the State for the agricultural restriction and they need to have frontage recognize as on Federal St according to the State it requires that there actual be a land division and not an easement division for the agricultural portion of it. So that it can serve as a separate lot. Although my understanding is the lot is not intended to be separated.

WR: Chris Chisholm is here from the Dept. of Agricultural Resources she can answer more technical questions. Parcel that are currently in play the land is divided into west and easterly parcel this is zone resident this is zoned for business this line will be dissolved and the new property line would be APR for 15.6 acres in an unrestricted APR lot buildable house lot access via dog leg to 63. House requires 200 ft per regulations it doesn't have sewer and water (Board & Ramsey looking at map) it requires a variance. Access was via Federal St.

EA: Is there a house there now?

WR: Yes few years

EB: I understand that this land is wet. Can they build a house on it?

WR: Yes one single family house due to wetness, as well as other environmental restrictions 200 ft River Front Act, water supply protection area and priority habitat and wetlands.

JB: By decreasing the frontage will it lose the ability to build a house on it?

WR: This is going to be permanently protected. Once this goes into protection they cannot build a house on it.

EB: This area here which is going to be under the APR you can't build a house on it?

WR: Correct.

CC: Once the APR is in effect it can only be used as Farm land.

EA: So it can only be sold as farm land?

CC: Correct.

EB: It eliminates anyone building on it.

WR: Correct.

BS: If it's that wet can it be farmed?

CC: It's being farmed now with the exception of the section along the Saw Mill River. The reason we had to find value in the property hence one house in the corner in order to negotiate value with the homeowner & then once that was obtained they get paid a portion of that by the state and in return we get the restriction that keeps it permanently as farm land.

JR: Where is the buildable house lot on this map?

CC: It the existing house that they own.

WR: There are no additional building lots proposed.

JB: How long has that house been there?

CC: 1999.

EB: Does anyone else have any questions?

SK: I'm concerned about the access frontage the original way this house lot was created apparently access off of South St is that correct?

DJ & EB: Frontage on South St.

SK: But the access was allowed off of Federal St

DJ: Correct

SK: And now through your process here your going to allow access to become frontage off of Federal St.

EB: That's what is being asked. Correct.

MD: If a structure was built here where would the access to that structure be.

EB: Over Here

MD: What would it look like? Driveway, paved road?

CC: There is no plans for any structure at the moment. But if a farmer came in and need a place to store a tractor he would put in gravel road or something along the outside of the field.

JD: Has concerns about a house being built on the land that is going into APR

CC: There is no house being built.

DJ: When we first came here we assumed that this is an easement line everything in this side is restricted and everything on that side is unrestricted. And that we including the owner were kind of taken aback that the State's policy or policy now seems to be an entire separate lot.

CC: We expressed to the owners that they have to make their exclusion lot where they live or fit a scenario so that if someone comes to Scott he's able to sell the house lot separate from the agricultural land.

The Board of Appeals finds:

- The proposed South Street APR (Agricultural Protection Restriction) lot is in or includes: flood plain, wetlands, Priority Habitat and river front resource areas.
- Any building construction or driveway construction would be severely constrained or may not be possible.
- The only practical access is from Federal Street for all purposes except farming.
- The two lots as they currently exist form the boundary of the RB and Residential districts.
- No additional rights or land use options are created by granting this request.

THE BOARD OF APPEALS VOTED:

To grant variance to minimum lot frontage in the Rural Business District by allowing the access frontage on Federal Street of 83.54 feet to serve as the required frontage. The sole purpose of the relief is to reconfigure the two parcels as two lots to allow the South Street lot to be placed in an APR as shown on Plan of APR in Montague, MA, Surveyed for Scott T. And Emily J. Ewell, dated Feb. 13, 2012

Vote:

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

Hearing #12-08 221 Turnpike Rd., Turners Falls, MA

Meeting was opened at 8:50 pm. Hearing was held in the Montague Town Hall, Upstairs 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 Karl Hansen.

Karen Casey Chretien reads Public Notice, 22 Notices were sent, 6 returned, 1 objection, 5 did not object 0 undecided. No written comments.

KH: I'm requesting that I may build an 8' x 18' porch to the front of my house with a two ft. overhang which extends into the front yard and street line setback of 17 ft. from Turnpike Rd.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit (section 5.4.2(c)) to allow the construction of an 8' x 18' front porch with a 2' roof overhang approximately 17 feet from Turnpike Road. The Board finds a Variance is not required.

Vote:

Ernest L. Brown, Chairman **YES**

John Burek, Vice-Chairman **YES**

John Reynolds, Member **YES**

Robert Sojka, Member **YES**

Ericka Almeida, Alternate **YES**