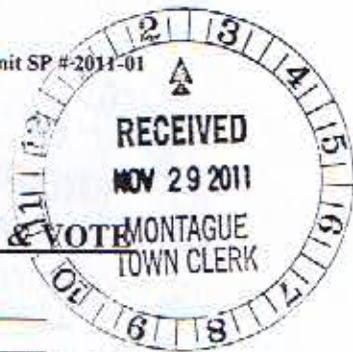




Planning Board
TOWN OF MONTAGUE
One Avenue A, Turners Falls, MA 01376



RECORD OF PLANNING BOARD DECISION & VOTE

Applicant: James H. Clapp

Date: 11/29/2011

Owner: James H. Clapp

Case No.: SP 11-01

Premises Affected:

Address 396 Federal St., Montague, MA 01351

396 Federal St., Montague, MA 01351

Special Permit (X)

Assessors Map 44, Lot 37

Site Plan Review ()

Franklin Registry of Deeds Book 1696, Page 71 (1982)

A. Contents of File:

1. Special Permit application received by the Planning Board on November 8, 2011 and stamped by the Town Clerk on November 28, 2011.
2. A plan titled "Plan of Land Located in Montague, Massachusetts (Federal Street-Route 63) prepared for James H. Clapp" Prepared and stamped by Dale A. Merritt, P.L.S., dated November 8, 2011
3. Legal notice published in the *Greenfield Recorder* on Tuesday, November 15, 2011 and posted at Town Hall on November 9, 2011
4. Written comments from Montague Center Fire Chief David Sawin and abutters Greg Little, Patrick Smith, Lillian B. Fiske,

After a public hearing opened and closed on November 22, 2011

B. The Board Finds:

- 1) The two lots have sufficient frontage on Federal Street to satisfy zoning requirements
- 2) That the frontage for the two lots is accessible, but not desirable locations for individual driveways due to wetlands, slope, sight lines and an existing historic wall.
- 3) That the use of the existing curb cut to provide access to the newly created lot and the easement to provide access through the side yard to the existing lot will decrease impacts to the neighborhood by promoting site line safety, limit of curb cuts, and protection of a historic wall and a wetland resource area. The easement allowing side lot access will not derogate the intent of the bylaw and that nuisance, hazard, or congestion will not be increased.

C. The Board Votes:

To approve the Special Permit with the following conditions:

- 1) The applicant shall submit a signed, notarized copy of the driveway easement to the Planning Board within two weeks of issuance of this special permit. The notarized Easement shall be incorporated as Appendix A of this special permit.
- 2) This special permit shall be recorded at the Franklin County Registry of Deeds.
- 3) The special permit is for side lot access to Lot 1 on the plan.
- 4) The driveway easement is not considered a public way.
- 5) Under no circumstances shall the Town of Montague be held liable in the event that emergency vehicles cannot get to their destination because of improper construction or maintenance of the driveway easement.

The vote of the Montague Planning Board was as follows:

- | | | | |
|------------------------------|------------|------------------------|------------|
| 1. <u>Bruce Young, Chair</u> | <u>Aye</u> | 3. <u>Fred Bowman</u> | <u>Aye</u> |
| 2. <u>Ronald Sicard</u> | <u>Aye</u> | 4. <u>Robert Obear</u> | <u>Aye</u> |

PLANNING BOARD
By:

Bruce Young, Chair

Walter Ramsey, Clerk

2012 00014185
Bk: 0288 Pgr: 270 Franklin County
Page: 1 of 2 11/19/2012 03:33 PM

RECEIVED FOR FILING BY TOWN CLERK:



I HEREBY CERTIFY THAT NO APPEAL HAS BEEN FILED WITHIN 20 DAYS FROM THE DATE THAT THIS DECISION WAS FILED WITH THE TOWN CLERK:

Asst. Madelyn E. Hango
Montague Town Clerk

Dec 27, 2011
Date

_____ at _____
Date Time

Received and entered with the Register of Deeds in the County of Franklin, Book 6288
Page 270

ATTEST _____
Register of Deeds
Notice to be recorded by Landowner.