



ZONING BOARD OF APPEALS
TOWN OF MONTAGUE
ONE AVENUE A
TURNERS FALLS, MA 01376

NOTICE OF DECISION & VOTE

Applicant Owner:

Olive Street Development, LLC
By: Mark Zaccheo
P.O. Box 53, Greenfield, MA 01301

Case No. 12-15
Date October 31, 2012

Owner:

Inhabitants of Montague:
1 Avenue A, Turners Falls, MA 01376

Premises Affected:

15 School Street
Montague, MA 01351
Assessors' Map 43 Lot 111
F Co. Registry of Deeds: Bk 550 Pg 185

Special Permit (X)
Variance Application (40A) (X)
Section 6 Ch. 40A - Finding ()
Site Plan Review ()

After a public hearing held on:
Continued to:
Continued to:

Wednesday, August 22, 2012
Wednesday, September 26, 2012
Wednesday, October 17, 2012

Submittals

Application
Architectural Plan(s)
Preliminary Environmental Impact & Site Plan; with updated drainage plan
Traffic Report
Management Plan

The Board of Appeals Finds:

The Town of Montague has made the following efforts to re-use the Montague Center School Building:

- In June 2008 the G-M Regional School District abandons use of the Montague Center Elementary School at 15 School Street. The Town took possession September 1, 2008. The building has been unused and unoccupied since.
- In September 2008 Town meeting voted to authorize the Selectmen to sell or lease the building after a public process was undertaken to develop a re-use strategy.
- In November 2008 the Capital Improvements Committee accepted task of producing a feasibility study and participating in public forums so as to develop an RFP (Request for Proposals) in. A re-use study was done by the CIC in June 2009.

- The Montague Town Meeting re-zoned the school parcel in April 2010 from the highly restrictive Recreational-Educational zone to Neighborhood Business (NB) where small business uses are allowed and multi-family residential is allowed by Special Permit.
- The first RFP was issued in May 2010 and no proposals were received.
- The second RFP was issued October 2011. Olive Street Development LLC was the only respondent and was accepted by the CIC.
- Town meeting voted April 2012 to extend a water line to the building to facilitate the installation of fire safety requirements.

The following conditions and constraints exist:

- The abutting land along School Street is zoned AF-2, land across School Street is zoned Residential and the public park remains Recreational-Educational. Only the school property is zoned NB.
- Almost any use proposed for the building, including Educational, would require a Special Permit and /or Site Plan review.
- The building occupies a footprint of 13,420 sq. ft. with about 26,840 sq. ft. of floor area on 2.86 acres of land with about 1/3 wetland.
- The building is non-conforming in size, shape, and bulk and exceeds the general scale of the neighborhood. It is somewhat isolated having only one direct abutter.
- The building has been the target of a number of break-ins and numerous alarm calls.
- The property has access to public water and sewer lines.

THE BOARD OF APPEALS Concludes:

There is a need to provide for a reuse for this building. The status quo is a public safety concern, burden on town departments and the public and its a detriment to the neighborhood.

The review of the preliminary Environmental Impact and Site Plan Review does not reveal any constraint that would prevent the accommodation of 22 dwelling units of 33 bedrooms in this building or on this lot.

Although this building is large and the added residential use is significant in the neighborhood it is not of such a scale that public infrastructure is unduly burdened. A reduction in the intensity would provide little or no benefit on the project impact.

Although this use has been criticized in the public forums, no other viable re-use has emerged. It is not for the Board of Appeals to weigh in or advocate for one use over another but rather to determine if the proposal meets the burden of that the Zoning By-laws. We determine that this proposal does, with certain stipulations.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit to allow multi-family use in a Neighborhood Business District to allow development of up to 18,269 residential sq. ft. for up to 22 dwelling units with up to 33 bedrooms and providing at least 39 parking spaces on the lot of 2.86 acres.

STIPULATIONS:

- 1) Site Plan Review will be completed by the Board of Appeals by agreement with the applicant and will specifically review the following:
 - Lighting

- Fire Safety
 - Intersection of Court Sq., School St. and Main St.
 - Drainage
 - Trash management
- 2) Final review of the Management Plan
 - 3) Components of the Site Plan Review relating to drainage will be reviewed by Conservation Commission, and
 - 4) Lot Coverage will be reviewed by the Planning Board.
 - 5) Modification and Approval: Any changes proposed shall be reviewed by the Board of Appeals or its designee. The Chairman or designee may approve changes if in substantial conformance with the intent of the Special Permit or may refer it to the Board. Changes consistent with the purpose of this approval may be allowed by the Board without further hearings. Further hearings shall be at the discretion of the Board. Approval shall not be unreasonably withheld.

The vote of the Zoning Board of Appeals on Special Permit was as follows:

- | | | | |
|-------------------------------------|------------|-------------------------------------|------------|
| 1. <u>Ernest L. Brown, Chairman</u> | YES | 2. <u>John Burek, Vice-Chairman</u> | NO |
| 3. <u>John Reynolds</u> | YES | 4. <u>Robert Sojka</u> | YES |
| 5. <u>Alan Ripingill</u> | YES | | |

VARIANCE

The applicant requests variance to allow 10 one bedroom units to be between 400 and 700 sq. ft.

The Board of Appeals Finds

Unique conditions, of land and structures: The Montague Center School building is a pre-existing, non-conforming building of 26,000 square feet on 2.86 acres of land. The footprint of the building could not be expanded without significant design, cost and regulatory resistance. Approximately 34% of the land area is considered a wetland under the Wetlands Protection Act.

Hardship: It would be a design and space allocation hardship to redevelop the Montague Center School building without some dwelling units less than 700 square feet in size. The petitioner is constrained by existing interior design, window layout, and structural elements of the building. Literal application of the bylaw would force either a less diverse unit mix (fewer one bedroom units) or a series of one bedroom units larger than reasonably expected.

Public Good; Intent and purpose of the Bylaws: The desired relief would not cause substantial detriment to the public good nor nullify or substantially derogate from the intent and purpose of the Bylaws. The average apartment size will be no less than 830 square feet. *Dimensional relief is necessary to provide a diverse product mix of apartments.*

THE BOARD OF APPEALS VOTED:

To grant variance of Section 5.4.7 (minimum floor area of 700 sq. ft.) to allow the reduction in the floor area of up to eight (8) one bedroom units.

- 1) 1 unit at no less than 430 sq. ft.
- 2) 4 units at 500-599 sq. ft.
- 3) units at 600 to 700 sq. ft.

This relief is granted solely to accommodate dimensional, structural and design restrictions of the existing building's dimensions and to provide a "unit mix" that allows one bedroom and studio apartments to be build at a scale comparable to the 2 and 3 bedroom units.

The vote of the Zoning Board of Appeals on Variance was as follows:

- 1. Ernest L. Brown, Chairman **YES** 2. John Burek, Vice-Chairman **NO**
- 3. John Reynolds **YES** 4. Robert Sojka **YES**
- 5. Alan Ripingill **YES**

IMPORTANT: Any appeal from the decision of the Town of Montague Zoning Board of Appeals can be made only to the Court and must be made pursuant to Section 17, Chapter 40A (MGL) as amended, and must be filed in the office of the Town Clerk within twenty (20) days after the date of filing of the decision with the Town Clerk.

Board of Appeals

By Ernest L. Brown, Chairman

Karen Casey-Chretien, Clerk

Received for filing by Town Clerk: _____
Time Date

Twenty day appeal period ends: _____
Time Date

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

Montague Town Clerk

Date

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Notice to be recorded by Landowner