



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 23, 2012

Ernest Brown, Chairman, made the motion on July 25, 2012 to approve the minutes of May 23, 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 #12-03 36 Canal Rd., Turners 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, and for the applicant Edward Champagne for Southworth Company. Karen Casey-Chretien – Clerk absent.

David Jensen reads Public Notice, 9 Notices were sent, 5 returned, 0 objection, 5 did not object 0 undecided. No written comments.

Southworth Company occupies a large multi-story building which covers the vast Majority of a narrow steep sloping lot immediately between and adjacent to the Power Canal, Connecticut River and two major bridges. There are numerous shipments and deliveries by out of town trucks unfamiliar with the location and the severe maneuvering constraints on the narrow lot and road between two major bridges. Identification of Southworth Company building location is limited and can only be confirmed from one of the three approaching directions.

The Board of Appeals concludes:

The Southworth Company lot is severely constrained by its narrowness, proximity to the canal, river, bridges and road resulting in unique traffic constraints. Easy identification of its location is an important consideration in providing for the safety and convenience of Southworth bound trucks and the traffic in the vicinity. The increase in sign area is needed to remain proportional to the mass of the building. The east and west signs are deemed to be in a “back to back” orientation. The south sign is allowed to be substituted for a free standing sign and the shipping dock needs identification and the proposed sign is deemed to be directional. The proposed signage promotes public safety and convenience. It is in the public interest to grant this Variance and Special Permit.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit and Variance to allow the placement of two additional building signs on the south and west side of the building so as to be visible from all approaching directions. The signs are to be

of the same general size and character as exists now on the east side (43 sq. ft.). Also granted is approval to increase the “shipping” sign to approximately 12 sq. ft.

Vote:

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

Hearing #12-04 5 Bridge St., Millers Falls, 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, Ericka Almeida – Member, David Jensen – Zoning Enforcement Officer, and applicant Steven Keyes. Robert Sojka recuse himself. Mr. Sojka is an abutter to the applicants property. Karen Casey-Chretien – Clerk absent.

David Jensen reads Public Notice, 38 Notices were sent, 2 returned, 0 objection, 2 did not object 0 undecided. Written comments in file.

The Board discusses the allowance of a newly constructed 12’ x 12’ deck to remain in the street line and rear yard setbacks and to reconfigure off street parking to accommodate the deck’s encroachment on the required parking.

THE BOARD OF APPEALS VOTED:

To grant a Special Permit to reduce required minimum street line setback (Section 5.4.2(c)) from Newton Street and Variance to minimum rear yard setback (Section 5.4.5) to allow a 12’ x 12’ exterior deck to remain in the street line and rear yard setbacks.

Conditions:

- The parking area shall be extended to accommodate 2 off street parking spaces. The additional parking area shall extend 9 feet from the rear line of the 12 x 12’ deck and 3.5’ from the existing paved drive toward Newton Street.
- The entire parking area shall be paved.
- An auto barrier shall be erected at the rear of the parking area.

Vote:

Ernest L. Brown, Chairman **YES**
John Burek, Vice-Chairman **YES**
John Reynolds, Member **YES**
Robert Sojka, Member **Not Participating**
Ericka Almeida, Alternate **YES**

Hearing #12-05 89 Fourth St., Turners Falls, MA

Meeting was opened at 8:00 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, and the applicant Petru Balan.

David Jensen reads Public Notice, 56 Notices were sent, 11 returned, 3 objection, 8 did not object 0 undecided. Written comments in file.

The Board discusses the request for a Special Permit for multi-family use and for dimensional relief and Special Permit to reduce required parking from 8 spaces to 5 spaces. Also discussed was a request for Special Permit for alterations of a non-conforming building to allow the conversion of a four unit building to a 5 unit building.

The Board of Appeals finds:

- The building was close to the lot lines on both sides, to the point where access from the front to the rear of the lot was through the building's second floor or on the property of the abutter.
- The board could not confirm a 5th parking space in the parking layout plan. There was a history of parking encroachments from this building in the past. .
- A fifth apartment would aggravate the parking and apartment access constraints.

THE BOARD OF APPEALS VOTED:

1. **Not to grant** a Special Permit to allow an increase from 4 units to 5 units in a multi-family building and **not to grant** the dimensional relief that would have been required.
2. **Not to grant** reduction in the required parking.
3. **Not to grant** a Special Permit for the alteration of a non-conforming building.

Vote:

<u>Ernest L. Brown, Chairman</u>	<u>NO</u>
<u>John Burek, Vice-Chairman</u>	<u>NO</u>
<u>John Reynolds, Member</u>	<u>NO</u>
<u>Robert Sojka, Member</u>	<u>NO</u>
<u>Ericka Almeida, Alternate</u>	<u>NO</u>