

ZONING BOARD of APPEALS

 *Town of Montague*

 *1 Avenue A (413) 863-3200 ext. 206*

 *Turners Falls, MA 01376 FAX: (413) 863-3222*

MINUTES FROM July 17, 2019

NOTICE OF PUBLIC HEARINGS #19-04, #19-02 AND #19-03

6:30 PM in the Upstairs Conference Room

1 Avenue A

Turners Falls, MA 01376

Meeting being taped.

Votes may be taken:

**ZBA#19-04: 191 Greenfield Rd., Montague, MA**

PRESENT: Ernest Brown Chairman, Robert Sojka Member, Allen Ripingill Member, Richard Ruth Member, William Doyle Alternate Member, Joshua Lively Alternate Member, Christopher Rice Zoning Enforcement Officer, and Karen Casey-Chretien, Clerk. Applicant: Sharon Corttrell, Mark Nelson and William Butler:

Absent: John Burek

Hearing opened approx. 6:30 PM

EB: I like to call this hearing to order.

Clerk reads the Public Notice #19-04. 3 Notices were sent, 0 returned.

EB: Who is going to be speaking on this hearing?

SC: I will be.

EB: You can explain in your own words if you like and if we have any questions we will ask them.

SC: I’ve been in the house since 1980, I’m the only occupant in a 12 room house and I wanted my daughter and her family to move into the main house and I want to build an accessory apt. for myself.

EB: You said the accessory apt. is going to be off the garage. Are they going to be attached?

SC: Yes

BB: We are going to make it look like it blends into the architecture of the existing house. It will have a slab foundation.

EB: Members of the Board do you have any questions?

RR: I don’t see a plan of what the house is going to look like. He says it going to stay with the same architecture.

MN: It’s going to follow the same roof line.

AR: The entrance is that from the garage?

SC: No.

MN: Comes up to table and show’s the Board on the plan as to where the door is.

RR: So power is coming from the main house and sewer is coming from the main house?

MN: Power is coming from the house and sewer is coming in from the yard where the sewer connects into the street.

EB: Any other questions? I sense you’re ready to vote

**Vote:**

**WD: YES**

**AR: YES**

**EB: YES**

**RS: YES**

**RR: YES**

**Hearing ended 6:41 PM**

**ZBA#19-02: 10 Swamp Rd., Montague, MA**

PRESENT: Ernest Brown Chairman, Robert Sojka Member, Allen Ripingill Member, Richard Ruth Member, William Doyle Alternate Member, Joshua Lively Alternate Member, Christopher Rice Zoning Enforcement Officer, and Karen Casey-Chretien, Clerk. Applicant: David Keramaty, Cathy Collins and Hamid Keramaty.

Absent: John Burek

Hearing opened approx. 6:45 PM

EB: I like to call this hearing to order.

Clerk reads the Public Notice #19-02. 10 Notices were sent, 2 returned, 2 undecided.

EB: I’ll call the second hearing to order Notice of Public Hearing #19-02

EB: Who would like to speak? Just explain it the best you can.

DK: We built a house about 4 years ago and my wife and I just had a baby and we would like to expand.

First floor is for a garage and workshop and the second floor will be for my parents to live.

EB: You mention here about the electrical being separated.

DK: Since then we’ve done more research on that and we would like to withdraw that request.

JL: Do you have a 200 amp service?

DK: Yes we do.

EB: Anybody on the Board have questions?

BS: How far is the accessory apartment proposed from your current house?

DK: About 30 feet.

EB: I guess we’re ready to take a vote.

**Vote:**

**WD: YES**

**AR: YES**

**RS: YES**

**RR: YES**

**EB: YES**

**Hearing ended 6:53 PM**

**Adopting the new Accessory Apartment Form and Deed Restriction Form.**

WR: Explains the new accessory apartment form and the Deed Restriction Form with the Zoning Board.

RR: Motion to adopt the new accessory apartment form and the Deed Restriction form

BS: Seconds

All in favor unanimous

**Accepting Meeting Minutes:**

BS: Motion to accept the minutes from January 9, 2019 ZBA Hearing#18-11 and #18-12

RR: Seconds

All in favor unanimous

RR: Motions to accept the Marston’s Alley withdrawal without prejudice

BS: Second

All in favor unanimous

RR: Motion to accept minutes from May 1, 2019 ZBA Hearing #19-01

AR: Second

All in favor unanimous

**ZBA#19-03: 93 K St., Turners Falls, MA**

PRESENT: Ernest Brown Chairman, Robert Sojka Member, Allen Ripingill Member, Richard Ruth Member, William Doyle Alternate Member, Joshua Lively Alternate Member, Christopher Rice Zoning Enforcement Officer, and Karen Casey-Chretien, Clerk. Applicant: Nancy Faller, Larry Roux, Tony Wonseski, Jen Audley, David Harmok, Kim White, Elinor Janvrin.

Absent: John Burek

Hearing opened approx. 7:00 PM

EB: I like to call this hearing to order.

Clerk reads the Public Notice #19-03. 28 Notices were sent, 11 returned, 4 objected, 6 did not object and 1 undecided and 2 written testimony. Letter from DPW and Water Dept.

EB: Those who are here for this next hearing can you come down front.

TW: I’m the Engineer for this project and Larry Roux is the designer of the building and if you can recall we were here last spring and we were operating under the old Zoning By-law and it didn’t allow for a detached accessory apartment the new by-law which was approved in February now allows for that.

Tony shows the Board the Plans he has prepared for this hearing. In closing this does no detract from the neighborhood it adds more greener and is much more pleasing.

BS: Do you have a picture of what the house looks like from the outside?

TW: View from one angle and from another. (show pictures)

BS: Larry what is the distance from the proposed dwelling to the existing house?

LR: I don’t have a scale but roughly 30 feet.

CR: Chief Zellmen brought this to my attention if this should go through it would be a conundrum in the way I normally number the property. I don’t like to change that but in case for an ambulance to find it I…

EB: How are the cable, electrical, water dept. going to bills this place. I think this is very important

CR: I set up the 911 addresses that’s my responsibility. I’ll have to talk with the E911 people see what they recommend.

Board discusses what address they should use for this building.

RR: Maybe the Planner has a solution

WR: Just to clarify a couple points the entrance is on X St. not K St. and about the billing for water and sewer we talked to them today and they have no problem in billing two building on a single property. So the planning Board reviewed this and knowing that is the first dry run through this new accessory by-law which is a detached building. So the Planning Board is in favor of this. This is a exact type of neighborhood were if anyone wants to promote seeing accessory apartment. And they have no problem with the setback. However, the Planning board did have some caution about it having separate utilities from the single family house. I was a little concerned about the precedent it might set. Make sure the Board narrows down the consideration that are made if you’re going to be granting SP specifically to allow the separate utilities just consider the uniqueness of this lot and that it has frontage on two streets and that I would ask the applicants to make a case that it is cost prohibited to combine the utilities. They can come before this board and make it a two family resident. Two families are already allowed.

 RR: Doesn’t this SP conveyance stay only with the owner of the home? Can’t we make a stipulation to that effect. So if someone came back here and tried to make it a two family that it would be a safe guard.

WR: Primary occupancy has to be owner occupied.

WR: The way it works now is that it is automatically conveyed to the new owner. There has to be a notice process.

TW: Within 30 days they have to notify the Board that they intend to go on with the SP.

EB: Anyone out here have questions?

KW: The additional traffic and snow removal, parking, I don’t have access for parking so I have to park on the street. I don’t think that the street can support another house.

BS: They are providing off street parking. Plowing is up to the town. It’s going to be one car and one person.

?: What if they have a visitor?

KW: She doesn’t take care of the property now.

DH: Concerns about how the property will be cared for. Parking is an issue also. I would support this in a long run.

JA: I feel the project will be an improvement. Concerned about them digging up the street.

**Vote: to allow a detached accessory apartment Section 8.5.3(c)**

**EB: YES**

**RS: YES**

**AR: YES**

**RR: YES**

**WD: YES**

**Vote: to allow a 10 foot street line setback for the accessory apartment Section 5.5.3(b)**

**EB: YES**

**RS: YES**

**AR: YES**

**RR: YES**

**WD: YES**

**Vote: to grant waiver of accessory apartment standard 8.5.4(b) to allow planned utilities to be separate from the single family dwelling unit due to unique circumstances of the lot.**

**EB: YES**

**RS: YES**

**AR: YES**

**RR: YES**

**WD: YES**

**RR: Motion to Adjourn**

**BS: Seconds**

**Meeting ended at 7:45 PM**