



# ZONING BOARD of APPEALS

## *Town of Montague*

1 Avenue A

(413) 863-3200 ext. 206

Turners Falls, MA 01376

FAX: (413) 863-3222

DRAFT MINUTES FROM SEPT. 25, 2019

NOTICE OF PUBLIC HEARINGS #19-06 and #19-07

6:30 PM in the Upstairs Conference Room

1 Avenue A

Turners Falls, MA 01376

Meeting being taped.

Votes may be taken:

### **ZBA#19-06: 85 Taylor Hill Rd., Montague, MA**

PRESENT: John Burek Chairman, Richard Ruth Vice-Chairman, Allen Ripingill Member, William Doyle Member, Joshua Lively Alternate Member, Christopher Rice Zoning Enforcement Officer, and Karen Casey-Chretien, Clerk. Applicant: Elizabeth Hopkins. Audience: Glenn Martin and Bob Mizula.

Absent: Robert Sojka

Hearing opened approx. 6:30 PM

JB: I like to call this hearing to order.

Clerk reads the Public Notice #19-06. 13 Notices were sent, 1 returned, 1 did not object, 0 objection, 0 undecided, 0 written testimony and 1 not deliverable.

JB: Are you the applicant?

EH: Yes

JB: Do you have anything more you'd like to say other then what has been submitted.

EH: I appreciate your time in looking at my plans, photos and Karen has been a great help through this.

JB: Does any members of the Board have any questions?

WD: Looks like all the information is here.

RR: I was up there and took a look.

JL: Being so close to the property line I assume, based on this design and the orientation of the doors they are going to face the house?

EH: Yes. Glenn Martin is going to build it for me.

JL: When we get so close to the set back we sometimes worry about storm water run off onto the abutting property. Have you given any thought about drainage?

BM: I abut the property on two sides, do you have survey that indicates where the building will be placed and run off would be my concern.

JL: I went by the house and saw the pink tape did you have a survey done.

EH: I think that was done at the sale of the house I just bought it in April. I did not put them out.

BM: I still have concerns on the run off.

RR: May I make a suggestion? Why don't you put a gutter on the back and have it drain in the side of your yard?

Clerk: Shows the plans to Bob Mizula as to where the garage is going in.

JB: Are you satisfied?

BM: Yes, yes I am.

JL: Is it a metal roof or asphalt roof?

EH: Asphalt.

JL: Then the gutter is fine with me.

JB: What do you think about putting Josh's stipulation in?

WB: How do you feel about putting a stretch of gutter on the back roof?

EH: To tell you the truth I'm putting gutters on the house and I can have them pop over there and put some on there.

WD: Then if she's agreeable we should put that in.

Clerk: What is your stipulation?

**STIPULATION:** That the rear of the garage have a standard gutter on it to help divert storm water run off away from the property line on north side

**Vote:**

**WD: YES/with stipulation**

**AR: YES/with stipulation**

**RR: YES/with stipulation**

**JL: YES/with stipulation**

**JB: YES/with stipulation**

Hearing ended 6:42 PM

**ZBA#19-07: 507 Federal St., Montague, MA**

PRESENT: John Burek Chairman, Richard Ruth Vice-Chairman, Allen Ripingill Member, William Doyle Member, Joshua Lively Alternate Member, Christopher Rice Zoning Enforcement Officer, and Karen Casey-Chretien, Clerk. Applicant: Devlin Contracting & Maintenance, Inc. (Ray Longford) and Marion Lacoy. Audience: Michelle Russell.

Absent: Robert Sojka

Hearing opened approx. 6:45 PM

JB: I like to call this hearing to order.

Clerk reads the Public Notice #19-07. 9 Notices were sent, 1 returned, 0 objected, 0 did not object, 1 undecided, 2 written testimony (see file).

JB: Marion do you have anything to add, take out?

ML: I would like to install this system to offset my electric bill which is \$500.00 a month. It's ridiculous.

Clerk reads a letter regarding a right of way.

JB: Marion can you add to this.

ML: The panels are going to be installed on the opposite side. The right of way is on the driveway side.

JB: Anyone else have something to say?

MR: I'm her direct abutter. I don't object to the solar panels I object to where she is installing it. The panels are going to be almost in our back yard. When we built our house we loved the wooded area and that's going to be taken away. When you look out our bedroom windows upstairs all you're going to see are the panels and when you look out from our deck all you will see is solar panels. When we built our house it was too close to the property line and Ms. Lacoy brought us before the Zoning Board and upon her request she wanted our house moved and you can pull the statement Marion! And she wanted our house moved because the Zoning by-laws where 50 ft. originally it was 15 ft. so we were 12 ft. off, so the original set back we were too close and we're too close for the new set back of 50 ft. Her request was to have 5 ft. arborvitae trees put up 3 ft. apart down the property line. So we don't object to the location of it but our request is that she continue that she install the arborvitae trees down to the wood line. So we wouldn't be able to see the solar array or why couldn't the set back from the other abutter be saying can't the solar panels go just to the right why can't they put them over there.

JB: What happened to the other arborvitae?

MR: They're still there they stop short of her pool. They didn't go all the way down the property line. We had to install the arborvitae and that was a huge financial burden for us we had to pay \$25,000.00. And we had to go all the way to South Carolina and have them shipped up.

ML: I didn't know anything about the meeting until I received a letter from the Town. I'm sorry my understanding when we had that meeting in there was the people who built the house had to put them in. I didn't know you had to pay for them.

MR: No we had to pay for them and we couldn't finish the upstairs of our house because of that. But no one has answered me yet as to why she can't put them on the other side of the house.

ML: It would cost more to have them there. They would have to run wire over to that side of the yard. My electrical box is on the side where the panels would be installed.

JB: Are the utilities under ground?

ML: Is underground.

RR: How much arborvitae are we talking about?

MR: I can show you I have a picture right here.

JB: Who was your contractor can you tell me that?

MR: Regal Real Estate and Builders they're not in business anymore.

JB: So Marion can you do anything to help the lady out?

ML: I don't have the finances to do that to buy arborvitae.

MR: We didn't either.

ML: Excuse me. I don't recall things happening as the way Michelle is saying them.

The Board is trying to mediate the problem between neighbors.

JB: Are you ready to vote?

**Vote:**

WD: YES

AR: NO

RR: NO

JL: YES

JB: YES

AR: Motion to close hearing

BD: Second

Ended Approx. 7:22PM

BD: Motions to nominate John Burek for Chairman.

AR: Seconds the Motion to nominate

All in favor

Vice-Chair

RR: Motions to nominate Allen Ripingill

Allen Ripingill Declines

BD: Motion to nominate Richard Ruth

JB: Seconds the Motion to nominate Richard Ruth.

William Doyle – member

All in favor

**Accepting Meeting Minutes:**

RR: Motion to accept minutes from Aug 14, 2019 ZBA Hearing #19-05

AR: Second

All in favor

**WD: Motion to Adjourn**

**JB: Seconds**

**All in favor**

**Meeting ended at 7:22 PM**