



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

**NOTICE OF DECISION & VOTE**

**Applicant Owner:**

Omni-Navitas Holding, LLC  
75 Central St., 3<sup>rd</sup> Floor  
Boston, MA 02109

Case No. 19-10

Date January 9, 2020

**Premises Affected:**

(371) Millers Falls Rd.  
Millers Falls, MA 01349  
Assessors' Map 25 Lot 14  
F Co. Registry of Deeds: Bk 5114 Pg 287

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

After a public hearing held on:

Wednesday January 8, 2020

**THE BOARD OF APPEALS FINDS:**

- The proposed amendment involves conversion from fixed ground-mount to a dual-axis system the will result in panels being 21.5 ft. high at their daily peak.
- Neither the development footprint nor generation capacity of the system is proposed to change.
- A revised glare analysis has been conducted and the Federal Aviation Administration (FAA) has made a "Determination of No Hazard to Air Navigation".
- The amended landscape plan dated 10/10/19 has been substantiated to mitigate the visual impact of the proposed dual-axis panel tracking system.

**THE BOARD OF APPEALS VOTED:**

To accept the amended site plan package dated 11/11/2019 and grant an extension of the Special Permit for twelve (12) months from the date of this hearing.

**The vote of the Zoning Board of Appeals was as follows:**

- |                                |            |                                       |            |
|--------------------------------|------------|---------------------------------------|------------|
| 1. <u>John Burek, Chairman</u> | <b>YES</b> | 2. <u>Richard Ruth, Vice-Chairman</u> | <b>YES</b> |
| 3. <u>Alan Ripingill</u>       | <b>YES</b> | 4. <u>William Doyle IV</u>            | <b>YES</b> |
| 5. <u>Joshua Lively</u>        | <b>YES</b> |                                       |            |

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 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.

**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 \_\_\_\_\_  
John Burek, 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*