



Zoning Board of Appeals

Minutes of Monday, April 29, 2019 – 6:30 PM

Board of Appeals members present Charles Dudek, Gerry Mann & Paul Kennedy

Applicants present: Thom Wright, 6 Fairfield and Adam Christie and Chris Ryan for ZPT II and Meridian

Public Present for 6 Fairfield Public Hearing: Joshua Lynn, Sherida Cone, Linda Rowley, and Osa Flory

Public Present for 5 & 5R Hatfield Joint Public Hearing: Linda Rowley, Osa Flory, Andy Erwin, Sandra Ginsburg, Jennifer Smedes-Daley, Scott Halligan, Sara Sullivan, Tod Fisher, Penelope Lampron, and Sherida Cone

Planning Board Members Present: Robert Barker, Amy Bisbee, Jean O'Neil, Stephen Smith, Stephen Snow, and Christopher Flory

Public Hearing Special Permit-Thom Wright, 6 Fairfield Avenue

The public hearing was called after an application from Thom Wright, 6 Fairfield was submitted seeking a special permit as required by Section 9.11.1 of the Williamsburg Zoning Bylaw to operate the property as a short-term rental and location for a home-based business at his property which is not his primary residence identified as Assessors Map K 179.0

Thom Wright was asked to speak to the application. He looked at the property in October 2017 and had come before the Zoning Board in 2017 asking some questions about using the home for a business and short-term rental and felt he had the Zoning Board's blessing. (gm) stated that the meeting in 2017 was an informal meeting and discussion and any advice was non-binding and they had a discussion of the plans with Mr. Wright and had not given their blessing.

Mr. Wright and his wife bought the property and did some renovations over the winter and in March 2018 he began to use the house for his work for a home office and short-term rental. The property would be used for those purposes until he and his wife retire when they will move to the property, hopefully in ten years. The home is handicap accessible. They have rented out the home on the weekends for short-term rentals and is primarily used for his business during the week. Mr. Wright is there approximately 200 days a year working. The house is a single-family home with three bedrooms.

(gm) noted that a short-term rental bylaw is going to Town Meeting in June 2019 and he does not think the Board can grant Mr. Wright a permanent exemption from the future bylaw if it does pass at Town Meeting. He would like to have the special permit be for a set time period and request Mr. Wright come in for extension of his special permit.

(cd) asked about parking and lighting. There are two pre-existing driveways and only the usual outside residential lighting. There are three bedrooms and two baths. The maximum occupancy is six people for short-term rental. The house is handicap accessible which was pre-existing.

(cd) noted the Zoning Board of Appeals cannot issue a special permit for a short-term rental as that use is not addressed in the current zoning bylaws. (cd) also stated that enforcement is done by the building inspector not the Zoning Board of Appeals.

(gm) stated the board is dealing with a change of use for this property and with the application. The property is in the Village Residential zone. It would not be a home occupation business but a professional office.

Joshua Lynn, 4 Fairfield Ave, who lives right next door to 6 Fairfield Avenue spoke in favor of the application. He has spoken with Mr. Wright and the people he has rented to have been quiet and respectful. There has been an open conversation with the two neighbors that Mr. Lynn would call Mr. Wright if there were ever any problems. Sherida Cone, 156 Main Street, who is not an abutter, stated there should be no problem with giving the special permit as it has been proven he is a responsible property owner. She is in favor of giving the special permit.

Robert Barker, who is a member of the Planning Board spoke next. He noted there is a current version of a proposed short-term bylaw for which a public hearing was held and will go before voters at the Town Meeting in June. This use would not be allowed under the proposed new bylaw. It would be specifically prohibited as the property is not Mr. Wright's primary residence.

(cd) asked if the new bylaw addresses Air BNB. The answer is no. Bed and breakfast and Air BNB would be defined as short-term rentals.

(gm) stated that a special permit would not be invalidated if granted prior to a bylaw change. That opinion may or may not be argued. A Special Permit would be on the current bylaws not what is anticipated in the future.

Stephen Smith asked what the requested change of use for the Special Permit. There are lodging facilities, professional office, etc.

Linda Rowley asked if the short-term rentals or Air BNB are not addressed in the zoning bylaws, how could such a use be considered. Stephen Smith, from the Planning Board asked the same.

Chris Flory, asked about a previous decision that addressed a short-term rental. (cd) noted that Air BNB was addressed not short-term rental.

Thom Wright, asked the Board to allow him to continue the current use of his property.

Robert Barker stated that the Board has to reference the use as Bed and Breakfast if it does not address Air BNB or short-term rentals. Bed and Breakfast requires an owner-occupied residence under the current bylaws. Jean O'Neil noted that the State definitions do not state Air BNB and Bed & Breakfast are the same.

Motion made and seconded to close the public hearing. Motion so voted.

A decision meeting will be held on May 7, 2019 at 6 p.m.

Joint Public Hearing ZPT II Energy, 5 and 5R Hatfield Street

The joint public hearing was called after an application from ZPT II Energy was received for a Site Plan Review and a Special Permit to construct a large scale ground-mounted solar array at 5 & 5R Hatfield Street on land owned by Penelope Johnson identified as Assessors Map G 76-1 and Map K 33.

(cd) asked the representatives from ZPT II who is Adam Christie who works for Pro-Tech and Chris Ryan from Meridian Associates to speak to the application.

Adam Christie spoke first and introduced the Company. One company is Zero Point and the other is ProTech. Chris Ryan spoke next and indicated this project is a continuation which will be linked to the other solar project at 95 Main Street for which a special permit was given to construct a large-scale ground-mounted solar array on land owned by Larry and Linda West.

The access road would be a continuation of the access road for the other project at 95 Main Street. No access will be on Hatfield Street. The access road will be off land owned by William Lashway on Kellogg Road. The land has been partially logged already and there will be remaining bordering vegetation and a protection area. The Conservation Commission has been contacted and meetings will continue with that commission. There will be selective vegetation will be removed. There will be a crossing of a perennial stream and a crossing will be built. The crossing will be a pre-fab corrugated metal arch. The delineation of the project has been marked with flags. Soil tests have been done and storm water analysis has been done. Storm water will go into a swale, through a culvert to an infiltration basin. The culvert will be preassembled and will narrow at the actual crossing. There will be two retention basins with wide access berms for maintenance. They will be built for water in excess of a 100-year storm. The project will be totally secluded by trees and vegetation.

There will be three concrete pads, two for the battery storage equipment which will be near the array and one pad will have the transformers and transmission equipment. The only area which will be totally cleared will be within the fenced in areas. The turf across the array will be plastic with grass. Erosion control will be in place and will be approved by the Conservation Commission. All silt barriers will be mulch and wood chips in a sock and will be installed around the area.

The fencing will be chain link and will be installed about a foot off the ground to allow small animals to cross through the site. Larger wildlife will need to go around the fencing. A habitat assessment has been done and a wildlife corridor has been created. Mowing will be done once or twice a year.

There is no proposed lighting and all maintenance will be done during the day. The site will be monitored via internet with cameras 24/7. No noise will be heard unless a person is standing next to the inverter. Unless someone is on the site of the project they will not hear anything.

The project will be done in five phases. Phase One is roughing in the placement and erosion control. Phase Two is a continuation of Phase One. Phase Three is cutting and selective cutting and confirming buffer and erosion controls. Phase Four is installation of posts and panels and Phase Five consists of the connections.

Abutters were able to comment. Andrew Erwin wanted to know where the rocks were going. He was familiar with the land and there are a lot of boulders on the land. Nothing will be pulled up from the area. If there is rock or ledge they will drill into them for the posts to go in. If there is any removal they will be taken from the site. Stumps will be ground for wood chips. Clean fill will be brought in if there is found to be unsuitable material.

There were questions about length of the construction and how many trees were coming down. The area to be cleared is 17.2 acres. The area with the road is a total of 20 acres. The project will take two months of site prep. Three months to stabilize the site, installation of the panels will be three months so it will be approximately 12-18 months from construction to mobilization. There was also discussion of visualization of the site by the neighbors. There will be no visible project to the neighbors. There were also questions regarding the closest property line. The closest the fence will be to a neighboring property line will be approximately 85'. A neighbor asked to have the project pointed out on the map to see the proximity of the project to the neighbors on Kingsley Avenue.

Discussion of PILOT and requirements from ZPTII with the Board of Selectmen and the Board of Assessors. Discussion also regarding the required bond. Meeting with the Board of Selectmen will take place after the placement and actual footage of the plan area. Construction may not take place for twelve months.

There was a discussion of recycling of the panels and materials, longevity of the panels, and length of contracts. The length of contract is also dependent on the landowner.

Robert Barker discussed the site visit and the crossing of the wetlands. There is a question of the resolution regarding the wetlands and conservation commission input. There is also a wetland consultant looking at the

project. Mr. Barker would like to continue the public hearing to a future date to see if the change may cause a change in the final plans.

Maps with laser scans were shown showing the project from various properties and what the view will be from the various addresses. The scans were taken from 150' up and nothing is visible from the various abutting sites.

Motion made and seconded by the Zoning Board of Appeals to continue the joint public hearing to a date uncertain. Motion so voted. Motion made and seconded by the planning Board to continue the joint public hearing to a date uncertain. Motion so voted.

(The public hearing was continued to June 18, 2019.)

Respectfully submitted,
Brenda Lessard, Secretary