



Zoning Board of Appeals

Minutes of Wednesday, May 23, 2016 – 7:00 PM

Board of Appeals members present: Gerry Mann, Charles Dudek, & Osa Flory

Absent: Marcianna Caplis

Applicants Present: Robert & Jessica Lockwood

Public Present: Carlton Loomis, Wilbur Loomis, Chris Flory, James & Pat Wilson, Mark Baldwin, William Lockwood, Rebecca Brooks, Carol Demerski & Jim DiDonato

Chairman Dudek opened the meeting.

(CD) noted to the public present that the meeting was being recorded for the accuracy of minutes. He also asked if anyone in the audience was recording the hearing to please let the Board know. No one spoke.

BUCHELE & WENNER PUBLIC HEARING-4 SOUTH STREET-7:00 PM-Continuation

This public hearing was called after an application was received by Bob Buchele and Lisa Wenner of 4 South Street for a Special Permit to construct an accessory apartment as required by Section 9.1 of the Williamsburg Zoning Bylaw at 4 South Street, identified as Assessors Map J, Lot 143.0.

(CD) noted that Mr. Buchele, who was not present, had requested to withdraw his application. Motion made (GM) and seconded (OF) to allow the applicant to withdraw his application without prejudice. Motion so voted.

Motion made (GM) and seconded (OF) to close the hearing at 7:01 pm. Motion so voted.

Motion made (OF) and seconded (CD) to accept the Minutes of 5/11/16 as amended. Motion so voted.

The Board discussed a generalized response when a complaint for lack of enforcement comes in to the Board. Motion made (GM) and seconded (OF) to adopt a Zoning Board of Appeals procedure to respond with a formal statement on behalf of the Zoning Board of Appeals. This will be for any complaints received by mail or email.

LOCKWOOD PUBLIC HEARING-45 MOUNTAIN STREET-7:30 PM-CONTINUATION

(CD) opened the Public Hearing at 7:30 pm which was called after an application for a Special Permit was submitted by Robert Lockwood of 45 Mountain Street to operate a trucking business and associated activities as required by Section 3.2 of the Williamsburg Zoning Bylaw at 45 Mountain Street, identified as Assessors Map H, Lot 13.0.

(CD) stated that the Board had continued the public hearing as they wished to conduct a site visit to 45 Mountain Street and the Board did one on 5/13/16.

(CD) asked if anyone in attendance wished to speak to the Board.

Carlton Loomis asked if this business conforms to other compatible uses in the neighborhood as there has been a trucking business in the neighborhood since 1964 which his father owns. He is in favor of the application.

(CD) stated for clarification, this site is in the rural zone not the Village Residential zone. He noted it was stated at the last hearing by some public present that the property was in the VR zone.

Rebecca Brooks, stated she want to work with Mr. Lockwood in regards to his business. She does have concerns regarding waste oil, radiator fluid and other hazardous fluids. (GM) stated that is out of the jurisdiction of the Zoning Board of Appeals. That needs to be brought before the Fire Department. The Conservation Commission may need to be notified also.

Rob Lockwood, spoke that he has contacted the Conservation Commission and they will be visiting his property.

The board acknowledged they did receive mail from Chuck Miller in opposition, repeating his concerns and his opinion of the hearing on 5/11/16.

Jim Wilson, asked if there would be conditions on the special permit. (CD) stated when the Board makes their decision; the conditions would be a part of the decision. (CD) stated the Board intended to render their decision immediately after the hearing closes.

(GM) made a statement that during the site visit, which lasted approximately one hour, the Board noted a substantial amount of noise but it was not from Mr. Lockwood's property. The traffic on Mountain Street was audible and was busy and loud. None of Mr. Lockwood's truck came in or out.

(GM) asked Mr. Lockwood, that in a 24 hour period, how many trucks enter and exit the property. Mr. Lockwood responded that typically, unless something goes wrong, there are ten. Some days there may only be two or three as some of the trucks go out on the road and do not return until later in the week.

Jim Wilson wanted it on record he wished to thank the Board and the secretary for their time and the job they do.

(OF) wanted to confirm the idle time of the trucks. She noted the state regulations are five minutes. Mr. Lockwood, noted his trucks have timers and do not idle longer than five minutes unless the windows are frosted. Mr. Lockwood noted it is a safety issue that the windows need to be clear before the trucks leave. This is usually only during the winter.

Mr. Lockwood also noted the pool construction that is taking place at his property. He noted the neighbors may hear the bobcat or backhoe noise from that project and associate the noise with his business, especially during the weekend hours. It is only temporary noise until the pool is finished. He also noted his yard work must be done on weekends as he is busy during the week.

Motion made (GM) and seconded (OF) to close the hearing. Motion so voted.

DECISION MEETING-LOCKWOOD-45 MOUNTAIN STREET

(CD) opened the decision meeting at 7:42 pm.

(GM) spoke in favor of the special permit. The use is compatible with other uses in the neighborhood and other businesses in that area. (GM) also would like conditions that the site is not used for storage of any materials, no work can be done on any other trucks except the five Mr. Lockwood owns, and the drivers have to be considerate and be as quiet as possible in entering and exiting the property.

(OF) also is in favor of the special permit. (OF) wants the special permit granted to Mr. Lockwood, not the property, so it is not transferrable, no signs on the property, and to cap the amount of trucks Mr. Lockwood has to the five he has at the present time. (OF) would also like a limit of the hours. (GM) stated he is not sure the Board can do that, as the business is customer driven as to the time the trucks need to start their day. The Board was in agreement, there would be no limitations on the hours of operation. (OF) also wants no manufacture of materials at 45 Mountain Street.

(CD) also spoke in favor of the application. He noted this type of business is at the mercy of its customers. This may necessitate the trucks leaving early.

The Board voted unanimously to have the following conditions on the Special Permit:

- No change to the ingress or egress of the site.
- Special Permit will be to Mr. Lockwood not the property
- Light maintenance of the trucks between 8 am-5pm if needed. On-site maintenance limited to only the five trucks owned by Mr. Lockwood.
- Idling will be limited to as close to five minutes as possible, unless safety requires longer idling time.
- No processing or storage on site of materials, except what may be on a truck.
- Natural screening to neighboring properties of the business.
- If there is to be any additional lighting, they need to be downward lights.
- No signs.
- Continue the non use of engine brakes in the neighborhood.
- Limited to only five trucks. If Mr. Lockwood wants to increase that amount, he will need to seek another review by the Board.

Motion made (GM) and seconded (OF) to grant the Special Permit according to Mr. Lockwood's application with the conditions set forth. Motion so voted.

Aye-GM

Aye-OF

Aye-CD

Motion made (CD) and seconded (GM) to close the meeting and adjourn. Motion so voted.

Respectfully submitted,

Brenda Lessard, Secretary