



Zoning Board of Appeals

Minutes of Wednesday, October 11, 2017 – 6:00 PM

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

Applicant Present: Rosalyn Driscoll & Alton Wasson

Public Present (24 O'Neil): Scott Wallace & Christopher Flory

Public Present (74 Village Hill Rd Decision): Rob Hodgkins, Nathan Lynch, Scott MacDonald, Chris Flory, Chris Duval, Mary Dudek, Fran Ryan (Gazette), Steve Snow, Liz Salva, Lauren Salva, Richard Bisbee, Charlotte Meryman, Steven St. Clair, & Henrietta Wallace.

Public Hearing-Driscoll & Wasson-23 O'Neil Road

This public hearing was called after an application for a Special Permit was received By Rosalyn Driscoll and Alton Wasson who own 23 O'Neil Road, Assessors Map D, Lot 31.0, who want to build an art studio accessory building that is 2000 square feet in size. The Special Permit is required by Sections 5.0. 9.2b and 12.0e of the Zoning Bylaws of Williamsburg.

Charles Dudek (CD) Chair, called the meeting to order at 6:00 pm. The chair noted that the meeting was being recorded by the secretary.

(CD) asked Ms. Driscoll to speak about her plan. The property is 44 acres total. The acreage is on both sides of the road with 39 acres on the side with the house and 4+ acres across the street. There is currently a small studio and a storage shed on the property along with the house. Ms. Driscoll is an artist who currently works in Easthampton, MA. She would like to move her studio to Williamsburg next to her home. The current studio is used by Mr. Wasson for his work. There would be no retail space. The height of the building would be 26'-27' tall. Most of the space would be storage for her materials. She is a sculptor. There would be an occasional delivery of materials. There would be no hazardous materials stored on site. There would also be no outdoor lighting.

The Board had no questions and a motion was made (GM) and seconded (MC) to close the public hearing. Motion was made (GM) and seconded (MC) to open a decision meeting.

Motion made (MC) and seconded (GM) to approve the Special Permit for 24 O'Neil Road. The vote was unanimous. The decision was written and motion made (MC) and seconded (GM) to accept the decision as written. Motion passed unanimously. Motion made (MC) and seconded (GM) to close the decision meeting.

The Board scheduled the public hearing for the application by Cumberland Farms for a Special Permit for Wednesday, November 1, 2017 at 6:00 pm.

Motion made (CD) and seconded (MC) to accept the Minutes of 7/17/17 as written. Motion passed unanimously.

The Board moved upstairs to the auditorium for the 7:00 pm decision meeting for 74 Village Hill Road.

6:45 pm: (GM) stated that an Open Meeting Law complaint had been received by the Board. The Board was unanimous there was no merit to the complaint and that the time limit to complain had gone by as the incidents submitted were several years old. Motion made (MC) and seconded (OF) to submit the complaint to Town Counsel for review and response. The vote was unanimous.

Decision Meeting-74 Village Hill Road 7:00 pm

(GM) opened the decision meeting at 7:00 pm and read the advertisement from the public hearing. He told the public present that the Board would not take any comment and they may not contribute to the discussion.

The hearing was called after a remand from the court was received. (GM) stated “the hope was to come to an agreement of conditions for 74 Village Hill Road but there was no compromise of either side and Mr. Lynch who is the attorney for Mr. Hodgkins had nothing to contribute.”

The Board wants to set conditions on the property that the Building Inspector who is the Zoning Enforcement Officer can reasonably enforce. The Board is aware of the rights of the property owner and aware of the rights of the neighbors regarding noise and danger.

The Board went over the original conditions from 2015 which are subject to revision. The Board is concerned of the detrimental effect on the community.

After a drive-by of the property (GM) noted that the condition to install a sign stating “shooting taking place” on the property was never put up. The Board had asked for two signs in the decision from 2015. One sign at each entrance to the property alerting the public that shooting may be taking place. The Board wants to preserve that condition and make it a permanent condition. The other sign was a warning sign or flag to be put up while shooting is taking place to be placed at each entrance. (GM) suggested to the Board he would like those warning signs to be posted within 200 feet of the shooting area at any access point to the shooting while shooting is going on. The Board is in agreement with (GM).

(GM) discussed the types of weapons and what type is allowed. He suggests barring any semi-automatic weapon which has been modified to fire automatically or anything that sounds like an automatic weapon while being fired. He acknowledged the “bump stock” and “crank” which can alter a weapon. The Board acknowledged that automatic weapons are illegal unless a special license is obtained. Due to that fact all automatic weapons are prohibited and any semi-automatic weapons that “sound” like an automatic weapon are banned also.

Concerning the access to the property by unauthorized “shooters” whom the property owners have no control, (GM) suggests that the owner or a designated person chosen by the owner must be in attendance while shooting is occurring. The designation of an owner’s proxy must be made in writing to the Code enforcement officer and the Police Chief at least 24 hours in advance. This also protects the property owner from legal liability. The Board agrees with (GM).

(GM) suggests a permanent berm of at least 15’ tall and baffles at least 6’ tall to prevent stray bullets in case of an errant shot. The berm and baffles are to be permanent and must be capable of stopping a bullet to protect the public who may be on the property. The Board agrees on this condition also.

The Board wants to stay with the previous condition of no Tannerite, cannons or exploding targets.

At this point it was noted that Mr. Rob Hodgkins was videotaping the decision meeting.

(GM) brought up the hours and days to allow shooting. (MC) noted during testimony that neighbors stated prior to 2003, shooting took place one day a week and one weekend day for a few hours along with shooting taking place for most of the day on July 4th. After 2003 is when the shooting increased. (GM) wants only an owner and no one else may use the property for shooting during the week. The owner may bring a friend to shoot also. (MC) is not comfortable with this as during testimony, it was established that the shooting was impinging on the neighbors their right to enjoy and use their property. The Board decided to limit the hours of shooting to 11 am until 4 pm during the week. The Board also wants to allow shooting on one weekend day for five hours which may be an owner or an owners designee. The suggested hours are 11 am until 4 pm for the weekend day also. The Board chose Wednesday and Sunday as the days shooting may take place between 11 am until 4 pm.

Shooting may also occur on July 4th. This will let neighbors know when shooting may occur and allow enforcement by the Code enforcement.

There were matters raised regarding lead pollution but that is out of the hands of the Zoning Board. The Board will continue the decision meeting until 10/27/17 at 6 pm for the Board to look over the draft of the decision. (Due to scheduling the time was moved to 5pm and was properly posted).

Motion made (OF) and seconded (MC) to continue the meeting to 10/27/17.

Respectfully submitted,

Brenda Lessard, Secretary