

# **The Commonwealth of Massachusetts**

## **TOWN OF WILLIAMSBURG**

### **Zoning Board of Appeals**

#### **DECISION**

**In the matter of:** The application of Blue Planet Energy, LLC, Michael E. Hebert, for a Special Permit, as required by Sections 3.2 and 5 of the Zoning Bylaw, to operate a business processing and selling firewood and selling the services of a portable sawmill. Originally, the application included the manufacture of pellet fuel as a third use of the property. The applicant deleted this use from his application, and the Board in its decision did not consider it. The property is located on a lot as shown on Assessor's Map and Parcel number as 340/007.G-0000-0024.0. The legal address is 106 South Street, Town of Williamsburg.

#### **Procedural History:**

**Date of Application:** July 19, 2016

**Date of Hearings:** August 10, 2016 and October 3, 2016

**Date of Decision:** October 11, 2016

Members of the Zoning Board of Appeals conducted a site visit on the property on September 26, 2016. During the site visit, Mr. Hebert demonstrated the operation of the several machines that Mr. Hebert would use in his operation.

#### **Vote by members of the Board:**

Marcianna Caplis:	Deny
Osa Flory:	Deny
Charles Dudek:	Deny

#### **Findings:**

##### **A. General Findings**

The applicant seeks a Special Permit approving a change of use of the property for the purpose of conducting a firewood processing and sales business and portable sawmill operation. The subject property is in the Rural Zone. The applicant intends to harvest wood from the property and also to transport timber from other sources. This decision only applies to the processing of timber from other sources.

Neighbors and abutters present at the hearings voiced objections to granting the special permit because of anticipated excess noise levels and increased large truck traffic. One local resident

was in favor of granting the special permit. South Street is primarily a low density residential and agricultural area.

**B. Applicable Law and Decision Criteria:**

The Zoning Bylaw Table of Uses lists a light industrial use of a property in the Rural Zone as requiring a special permit. Section 5.5 paragraph of the Zoning Bylaw provides that a special permit may be granted if, among other findings, the use of the property will be reasonably compatible with the character and scale of other uses permitted as of right in the same district. Other uses allowed as of right in the Rural Zone are bed and breakfast inn (four or fewer units), home occupation, riding academy, and day care center.

**C. Specific findings:**

The Zoning Board of Appeals finds that the proposed use is not compatible with the residential character of the neighborhood and is not reasonably compatible with the character and scale of other of-right uses in the same district.

**Decision of the Board:**

The Zoning Board of Appeals voted unanimously to deny the application for the requested Special Permit.

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws and shall be filed within twenty (20) days after the date of filing of the notice of this decision in the Office of the Town Clerk.

Respectfully submitted this day of November *3<sup>rd</sup>*, 2016

Received and recorded this *3<sup>rd</sup>* day of *November*, 2016

  
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Charles J. Dudek, Chair, on behalf of the Board Of Appeals

  
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Brenda Lessard, Williamsburg Town Clerk