

# **The Commonwealth of Massachusetts**

## **TOWN OF WILLIAMSBURG**

### **Zoning Board of Appeals**

#### **DECISION**

**In the matter of:** The application of Thomas Raschi (the applicant) for a Special Permit pursuant to Section 9.8 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) to install two signs advertising his commercial business, Worthington Air Automotive.

**Date of Application: December 1, 2016**

**Date of Public Hearing: January 18, 2017**

**Date of Decision: January 27, 2017**

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

Marcianna Caplis:	Approved
Osa Flory:	Denied
Charles Dudek:	Denied

#### **Findings:**

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

The applicant has installed two signs (each approximately 9'x4') on two sides of a building housing his business. The signs contain information concerning the applicant's business on the site. The business is located in the Village Mixed Zone (VM) of the Town's zoning districts.

At the Public Hearing, a majority of those residents present were in favor of granting the special permit. The applicant argued that he was unaware of the Town's Bylaw regarding signs and that there currently exist throughout the Town many signs that are in violation of the Bylaw.

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

Section 5.5 of the Zoning Bylaw of the Town of Williamsburg provides that the Zoning Board of Appeals may grant a Special Permit if it finds that the proposed structure and use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district. Section 9.81, Permitted Signs, a.4. a, Commercial Sign Area, restricts the size of freestanding or projecting commercial signs for one business in the VM Zone to twelve square feet. This Bylaw also allows for one additional sign on the building conforming to the dimensions specified in section 4. Section 9.8.1.a.4.d provides that a building permit may also be required for the installation of a commercial sign.

##### **B. Specific findings:**

The ZBA is desirous of maintaining compliance with the Town's Zoning Bylaw and as applicable in this instance, to Section 9.8 Signs, of the Bylaw.

#### **Decision of the Board:**

In consideration of the forgoing, the ZBA decided that the installed signs exceed the dimensional limitations specified in the Zoning Bylaw. The Zoning Board of Appeals has no authority to amend or excuse compliance with the Williamsburg Zoning Bylaw. With two members voting to deny, and one member voting to grant the special permit, the ZBA voted to deny the application for a Special Permit for these signs.

Member Caplis, dissenting.

In the issue of the Williamsburg Zoning Board of Appeals ruling on the request by Worthington Air for a special permit for an oversized sign, I disagree with the ZBA decision, although I understand the Zoning Board of Appeals power is limited. The ZBA rejected the applicant's good-faith effort to try to work within the town bylaws, despite the inadequacy of the sign regulations.

At the heart of the matter are zoning board regulations (Section 9.81, 9.82, 9.83) that seem to me to be arbitrary and capricious. The intended purpose of the regulations is unclear and the application of the regulations across businesses in the town is sporadic, creating an atmosphere of unfairness. Section 9.81 through 9.83 do not well serve the commercial interests in town, nor do they protect the public interest from haphazard and inconsistent signage.

Regulations should exist to guide and shape reasonable activities within a town. When regulations are routinely flouted, it is a signal that the town should re-examine the regulations. The existing size limitations on signs are unreasonable and unrealistic. The town could seek the input of business owners to develop sign regulations that serve commercial interests and still protect the aesthetic character of the town. The current regulations do neither.

This decision is not effective until recorded at the Registry of Deeds of the County of Hampshire and shall be filed within twenty days after the date of filing of the notice of this decision in the Office of the Town Clerk.

*14<sup>th</sup>*

Respectfully submitted this <sup>v</sup>day of February, 2017

Received and recorded this *14<sup>th</sup>* day of *February*, 2017

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws,



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



Brenda Lessard, Williamsburg Town Clerk