

The Commonwealth of Massachusetts

TOWN OF WILLIAMSBURG

Zoning Board of Appeals

DECISION

In the matter of: The application of Alex Kassell (the applicant) for a Special Permit pursuant to Section 5.0 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) to conduct a commercial/light industrial business, at 46 Hyde Hill Road, Map C, Parcel 170, Williamsburg. The property is in the Rural Zone (RU).

Date of Application: August 15, 2017

Date of Public Hearing: September 21, 2017

Date of Decision: September 21, 2017

Vote by members of the Board:

Marcianna Caplis:	Approved
Gerald Mann:	Approved
Charles Dudek:	Approved

Findings:

A. General Findings

The applicant proposes to construct a 2,400 square foot, mixed-use building consisting of a garage and workshop, at 46 Hyde Hill Road. The building will be steel with a barn siding exterior. The building will be used for storage of personal equipment and supplies and for the fabrication of made-to-order architectural objects including kitchen counter tops, tables, and kitchen islands. The applicant stated that he does not intend to employ any workers to fabricate his products. The applicant stated that he would not be painting, anodizing, or plating the items he will produce. He committed to not storing any hazardous chemicals on the property. The applicant reported that there he may receive supplies by truck on an intermittent basis.

At the Public Hearing, those residents present were in favor of granting the special permit.

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. The subject site is in the RU zoning district. According to Section 2.2 of the Zoning

Bylaw, the RU zone "recognizes the traditional low-density residential and agricultural character of areas outside the village centers, while protecting their environmentally sensitive resources." The proposed use, as put forth by the applicant, comprises a commercial/light industrial mixed use that does not exceed 5,000 square feet (building footprint).

Section 5.5 of the Zoning Bylaw states that the ZBA may grant a Special Permit if it finds among other findings:

- a. That the structure and use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.
- b. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, or excessive noise.
- c. The proposed use shall comply with any and all additional Special Permit criteria or special use regulation imposed by this Bylaw.
- d. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.
- e. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other waste generated by the proposed use.
- f. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use screening and/or vegetated buffer zones.

The ZBA has considered these principles and will impose conditions in the Special Permit relating to these principles.

C. Specific findings:

1. The ZBA is desirous of preserving the rural character of Williamsburg. The proposed use is compatible with the character and scale of other uses permitted as of right in the RU zone.
2. There will not be any air or water pollution, or excessive noise generated by the activity. The proposed project and the submitted designs and specifications minimize visually adverse effects on neighboring properties.

D. Decision of the Board:

In consideration of the foregoing, the ZBA decided that the proposed development meets the requisite criteria of the Zoning Bylaw. The ZBA voted unanimously to grant a Special Permit in accordance with the terms and conditions stated below.

Conditions of the Special Permit:

The project will comply with all additional Special Permit criteria or use regulation imposed by the Zoning Bylaw. The plans and specifications submitted by the applicant are conditions for the issuance of the permit. Additional conditions of this Special Permit are as follows:


1. The applicant must comply with all provisions of the special permit criteria or use criteria and all other applicable provisions imposed by the Williamsburg zoning bylaw.
2. The applicant shall restrict deliveries of materials by large trucks to the hours of 7:00 a.m. and 6:00 p.m.
3. All exterior lighting shall be directed downward (commonly known as dark-sky lighting).
4. The applicant shall install vegetative screening, as appropriate, to block the view of the structure from adjoining properties.
5. The applicant shall not use the structure to store hazardous anodizing, painting, or plating chemicals.
6. The plans and specification submitted by the applicant are specific conditions of this permit. Any changes to the plans or specifications submitted by the applicant in support of the application will require submission of a new application for a special permit.
7. This special permit may not be transferred to any other person or entity under any conditions.

This Special Permit 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.

Respectfully submitted this 25th day of, September, 2017

Received and recorded this 25th day of, September, 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