

The Commonwealth of Massachusetts

TOWN OF WILLIAMSBURG

Zoning Board of Appeals

DECISION

In the matter of: The application of Susan Fortgang and David Nehring (the applicant or Valley View Farm) for a Special Permit pursuant to Section 5.0 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) to conduct a commercial service business, at 16 Walpole Road, Haydenville.

Date of Application: August 1, 2016

Date of Joint Hearing with Planning Board: September 22, 2016

Date of Recommendation of the Planning Board: October 24, 2016

Date of Decision: November 22, 2016

Vote by members of the Board:

Marcianna Caplis: Approved

Osa Flory: Approved

Charles Dudek: Approved

Findings:

A. General Findings

The applicant proposes to operate an event venue at 16 Walpole Road, Haydenville. The applicant intends to use a repurposed barn building, moved from another location and reconstructed on the site, as the principle venue for a variety of events. On occasion, an open-air pavilion on the site will also be used in conjunction with the barn as a venue for weddings, reunions, community events, and agricultural-themed events. The Planning Board and the Zoning Board of Appeals (ZBA) have reviewed the applicant's plans, specifications, and narrative description of the proposed use. Throughout, its deliberations, the ZBA has been attentive to the statements of the applicants, their representatives, and the comments of the general public at the public hearing and through various written submissions.

At the Joint Public Hearing, the majority of those residents present were in favor of granting the special permit. Those residents opposed to the project listed the potential for excessive noise, increased traffic, and the possible difficulty of effective emergency response at the site in the event of an emergency.

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 Rural (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 non-residential use that exceeds 5,000 square feet (building footprint). The Planning Board included a narrative, supporting documents, traffic study, and other plans and specifications.

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.

B. 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. The proposed use is accessory to the farm and will not cause an unacceptable level of air or water pollution. Any potential excessive noise will be controlled. The proposed project and the submitted designs and specifications provide for adequate disposal of waste; address groundwater discharge to not have an adverse impact on groundwater; and the design of the project minimizes visually adverse effects on neighboring properties.

3. Holding events on farms (weddings, celebrations, fundraisers) has become increasingly popular in the Commonwealth.
4. The proposed use will support the agricultural activity and economic viability of this 100 acre farm.
5. The Planning Board and members of the agricultural commission and residents present at the public hearing supported the proposed use.
6. Opponents of the proposed use at the public hearing cited as main concerns an anticipated increase in vehicular traffic and loud noise emanating from the property during events.

In a decision dated October 24, 2016, the Planning Board found that, pursuant to Zoning Bylaw, Sections 3.2, 5.10, 6.0, and 6.1 and subject to certain conditions enumerated in its Decision, the proposed project constituted a suitable development subject to enumerated conditions. The Planning Board's findings are annexed and incorporated.

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 for the establishment of an event venue 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, as listed in the October 28, 2016, decision of the Williamsburg Planning Board are conditions for the issuance of the permit. Additional conditions of this Special Permit are as follows:

1. The applicant shall have its emergency response plans reviewed by the Police and Fire departments annually and revised with the guidance of these departments. These plans must include the names and mobile phone numbers of the site managers for every event. The site manager must be on-site and available for coordination with police and fire if the need arises. The applicant shall give the Police and Fire Chiefs notice of any event at the site twenty-four hours prior to the commencement of the event.
2. As recommended in the applicant's traffic study, the applicant shall post permanent "No Parking" signs on Walpole Rd. The locations of the signs to be approved by the Police Chief. The applicant shall bear the cost of the signs.
3. All drainage and storm water systems shall be maintained in full working order. Waste disposal shall be done according to the applicant's statements in the application.

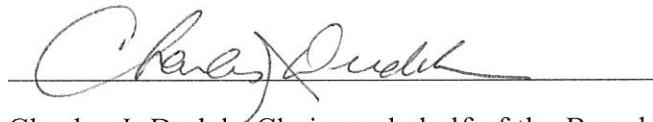
4. All exterior lighting shall be directed downward and prevent light from straying beyond the property boundary (commonly known as dark-sky type) and shall also conform to the applicant's lighting plan submitted with the application.
5. All lights (pavilion, parking, outdoor) not required for safety and security shall be extinguished no later than 11 pm. each night. Lighting in the parking areas shall only be illuminated when needed for events or for safety reasons.
6. Amplified sounds must be restricted to the events building as indicated on the site plan. If amplified sound is provided during an event, all doors, and windows of the event building must remain closed. No amplified sounds shall be outside of the event building (as indicated on the site plan) or in any other area on the property. Unless the Select Board approves a later end time, each event must end at 10:00 p.m.
7. As requested in the special permit application, and used as the basis for the applicant's traffic impact statement, no more than 200 participants are allowed at any event.
8. No more than fifty events shall be held in any calendar year. The applicant requested approval for this number of events in the application.
9. The applicant may retain the two Mass. DOT signs on Route 9 and the matching signs on South Main Street, Haydenville and at the bottom of Walpole Road. A directive sign may also be maintained at the bottom of Walpole Road, within the Town's right-of-way, no larger than five square feet in size. Pedestrian access on the property must be guided by sufficient signage to minimize as much as possible any conflict between vehicular and pedestrian access.
10. 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.
11. The plans, specifications, and studies submitted by the applicant are specific conditions of this permit. Any changes to the plans, specifications, or studies submitted by the applicant in support of the application will require submission of a new application for a special permit.
12. This special permit may not be transferred to any other person or entity under any conditions.
13. The special permit shall expire on March 31, 2018. The special permit may be renewed provided that a written request for renewal is made to the Williamsburg Zoning Board of Appeals no later than January 1, 2018. Publication of the notice of this request for renewal shall be made in the same manner as required under current special permit regulations. The ZBA shall hold a hearing on the renewal and decide the question before the expiration of the then-existing permit. The applicant shall be responsible for the expense of the publication as currently set forth in our special permit application regulations. This condition is imposed to give the Zoning Board of Appeals, and others with standing, the opportunity to obtain review of the actual use of the property so that it does not constitute a nuisance by reason of excessive noise and traffic.

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.

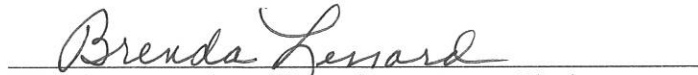
Respectfully submitted this 1st day of December, 2016

Received and recorded this 1st day of December, 2016

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

A handwritten signature in cursive script, appearing to read "Charles J. Dudek", written over a horizontal line.

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

A handwritten signature in cursive script, appearing to read "Brenda Lessard", written over a horizontal line.

Brenda Lessard, Williamsburg Town Clerk