

The Commonwealth of Massachusetts

TOWN OF WILLIAMSBURG

Zoning Board of Appeals

DECISION

In the matter of: The application of Robin Karlin and Robert Allen (the applicants) regarding the property at 99 Main Street, Williamsburg, Assessors Map K, Parcel 40 for a Special permit as required by Section 12.0e of the Zoning Bylaw of the Town of Williamsburg, for a proposed addition of three (3) residential units to be utilized as so-called Air BnB units.

Date of Application: April 23, 2018

Date of Public Hearing: June 27, 2018

Dates of Continuation of Public Hearing: July 23, 2018, October 24, 2018

Date of Decision: January 8, 2019

Vote by members of the Board:

Marcianna Caplis:	In Favor
Gerald Mann:	In Favor
Charles Dudek:	In Favor

Findings:

A. General Findings

The building is one level of 6,000 square feet and is currently used as a Veterinary Clinic on the west side of the building, occupying approximately 3,000 square feet. There is one rental unit on the east side of the building. The applicant intended to add three additional rental units to the east side of the building. The units will be used as short-term rentals. In correspondence to the Zoning board of Appeals (ZBA) dated October 29, 2018, the applicants revised their request and sought to be allowed to add only one additional rental unit in the building. In addition, the applicants stated that parking, access, and egress for the rental units will be restricted to the front of the building and not in the rear of the building as originally intended. The applicants stated that all construction will be to the interior of the building.

The building is located in the Village Mixed Zone (VM) of the Town's zoning districts and is considered a nonconforming use.

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 12.0e of the Zoning bylaw allows for the issuance of a special permit extending or enlarging a nonconforming structure, or use, or land; if the Board finds that the existing nonconformity is not more detrimental to the neighborhood.

The Board is aware of the decision of the Massachusetts Court of Appeals in Gale, et al., v. Zoning Board of Appeals of Gloucester, et al., 80 Mass. App. Ct. 331 (2011). The Court held that variance relief is not required when a project increases nonconformity or creates a new nonconformity, if the Board determines that the project would not be more detrimental to the neighborhood.

C. Specific findings:

The ZBA is desirous of maintaining compliance with the Town's Zoning Bylaw and maintaining the integrity of the neighborhood. The applicant has met the criteria for a Special Permit as set forth in Sections 5.5 and 12.0e of the Zoning Bylaw. The use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district. The addition of the additional rental unit will have no detrimental effect on the neighborhood.

Decision of the Board:

In consideration of the forgoing, the ZBA voted unanimously to grant the application for a special permit for the creation of one additional rental unit in the building as requested by the applicants..

This decision does not grant the applicants the right to utilize the rental units on the property as a so-called Air BnB, as the ZBA finds that that determination is outside its purview. This special permit is granted for a lodging facility under the Williamsburg Zoning Bylaw.

Conditions to the Special Permit:

The applicants must comply with the following conditions:

Any exterior lighting shall be shielded and downward (commonly known as dark-sky type) directed to avoid intrusion onto any neighboring property;

Access, egress, and parking for the rental units will be restricted to the front of the building;

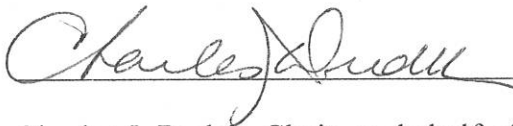
The applicants must comply with all additional Special Permit criteria or use regulation imposed by the Williamsburg Zoning Bylaw;

Any changes to the plans submitted by the applicants in support of the application will require submission of a new application for a special permit;
Any construction of additional rental units will require submission of a new application and approval of a special permit before construction commences;
The applicants must comply with all applicable building codes and Department of Health regulations;
The applicants must comply with all state and local bylaws, laws, and regulations related to the use of the rental units;
The applicants must post a notice on the exterior of the building, in a conspicuous location, listing the 24-hour contact information of the owners;
The duration of occupancy for any rental unit on the property shall not exceed thirty (30) consecutive days;
This special permit may not be transferred to any other person or entity under any conditions.


Respectfully submitted this 24th day of January, 2019

Received and recorded this 24th day of January, 2019

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