



Office of the Williamsburg Town Clerk

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November 21, 2018

This is to certify that no appeals have been filed with the office of the Town Clerk relative to the Board of Appeals decision dated, October 24, 2018, filed with the Town Clerk, October 31, 2018, granting a special permit as required by Section 5.5a of the Williamsburg Zoning By-Law stating that a special permit is required to install a storage building/garage 24' wide and 24' long and set back 26' from the property line bordering a public way, on a non-conforming lot, to replace an existing shed. This special permit is for a property located at 161 Main St., Williamsburg, MA 01039. Assessors Map K and Parcel number 118, owned by John Svoboda.

The Board of Appeals voted unanimously to grant John Svoboda a special permit to erect a 24 feet by 24 feet shed located at 4 South Main Street, Williamsburg, 01039, identified on Assessors Map K as lot 118 pursuant to Section 5.5a of the Zoning Bylaw of the Town of Williamsburg. In granting this permit the Board attaches the following conditions:

- Any exterior lighting on the building shall be downward directed to avoid intrusion onto the neighboring properties.
- The plans and specifications the applicant submitted are specific conditions of this special permit
- The applicant shall comply with all applicable provisions of the Zoning Bylaw.

A handwritten signature in cursive script, reading "Brenda Lessard".

Brenda Lessard
Town Clerk

The Commonwealth of Massachusetts

TOWN OF WILLIAMSBURG

Zoning Board of Appeals

DECISION

In the matter of: The application of John Svoboda of 161 Main St., Williamsburg, MA for a Special Permit, as required by Section 5.5a, or a Variance as required by Section 12(e) and (f) of the Zoning Bylaw of the Town of Williamsburg, to install a storage building/garage 24 feet wide x 24 feet long and set back 26 feet from the property line bordering a public way, on a non-conforming lot, to replace an existing shed at 161 Main Street, Haydenville, MA identified as Assessors Map K 118.0.

Date of Application: September 28, 2018

Date of Public Hearing: October 24, 2018

Date of Decision: October 24, 2018

Vote by members of the Board:

Marcianna Caplis: In Favor

Gerald Mann: In Favor

Charles Dudek: In Favor

Findings:

A. General Findings

The applicant intends to remove an existing storage building and replace it with a storage building/garage 24 feet wide x 24 feet long, with an overall height of 11 feet 3 inches. The building will be used to store lawn equipment, motor cycles, and similar equipment. The new building will be constructed adjacent to the applicant's residence and is located in the Village Mixed Zone (VM) of the Town's zoning districts. The applicant reported that his residence is 27 feet from the property line bordering the public way (Main Street) and the proposed storage building/garage will be placed no closer to the front property line. The applicant's residence is located on an existing nonconforming lot.

After some discussion, the members of the Board concluded that under the circumstances of this application, variance relief is not required, and the issuance of a special permit is the appropriate action.

There were no oral comments in favor or opposed to the application at the Public Hearing. The Board received one written submission in favor of the application.

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 a 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. The applicant has complied with the requirements of Section 5 of the Zoning Bylaw.

Decision of the Board:

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 construction of the storage building/garage will have no detrimental effect on the neighborhood.

In consideration of the forgoing, the ZBA voted unanimously to grant the application for a special permit, subject to the following conditions.

Conditions to the Special Permit:

Any exterior lighting on the building shall be downward directed to avoid intrusion onto the neighboring property;

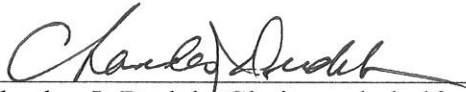
The plans and specifications the applicant submitted are specific conditions of this special permit;

The applicant shall comply with all other applicable provisions of the Zoning Bylaw.

Respectfully submitted this 31st day of October, 2018

Received and recorded this 31st day of October, 2018

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".

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

A handwritten signature in cursive script, appearing to read "Brenda Lessard".

Brenda Lessard, Williamsburg Town Clerk