



Zoning Board of Appeals

Minutes of Monday, February 27, 2019 – 6:00 PM

Board of Appeals members present Charles Dudek, Gerry Mann & Paul Kennedy

Applicants present: Ruth Oland-Stuckey & David Stuckey

Public Present: Thom Wright, Jason Cooney

Public Hearing Special Permit-Happy Valley Rentals, 181 Main Street

The public hearing was called after an application from Ruth Oland-Stuckey dba Happy Valley Rentals LLC was submitted seeking a special permit as required by Section 12.0e of the Williamsburg Zoning Bylaw to convert a single family home into a two family home on a non-conforming lot identified as Assessors Map K Lot 123.

The Chair read the publication in the newspaper and asked the applicant to speak to the application. Ms. Stuckey would like to convert the home to a two family. They would each be a two-story unit (a front unit and a back unit) with two egresses from each. The plans have been reviewed and approved by the building inspector. There would be four parking spaces. The square footage would increase slightly due to the addition of some decks. The floor plan of the house would not change but the decks would increase the square footage. No changes to the curb cut and no additional lighting. Set-backs are at the least point 24' at the rear line.

It was asked if they would be short term or long-term rentals. They would be long-term rentals

(PK) was concerned about the parking for four cars. It will be tight for four cars to park. There was no further comment.

Motion made and seconded to close the hearing. Motion so voted. Motion made and seconded to open a decision meeting. Motion so voted.

Decision Meeting-Special Permit-Happy Valley Rentals, 181 Main Street

Motion made and seconded to approve the special permit to allow the applicant to convert the single-family home to a two-family home with the provision they are for long-term rentals and not short-term rentals and any exterior lighting would be downward facing. Motion so voted to approve the special permit for Ruth Oland-Stuckey dba Happy Valley Rentals LLC for 181 Main Street identified as Assessors Map K Lot 123.

Motion made and seconded to close the decision meeting. Motion so voted.

Thom Wright of 6 Fairfield Ave. was in to speak to the board. He had come to speak to the board in October 2018 about the home he was buying at 6 Fairfield Ave and his desire to use the home for his business and as an Air BNB rental on weekends and occasional week days until he retires when he will then move to the home. He currently lives in Northampton. He is concerned about the proposed bylaw regarding short term rentals. He is concerned about the requirement to have the home used for short-term rentals be a primary residence. (CD) noted that if a special permit is issued which is lawful, if a bylaw is passed which then makes the use unlawful, the use would still be lawful as a permit had been issued for the use.

Mr. Wright was advised to seek a special permit for change of use for his property at 6 Fairfield Ave. Mr. Wright is at the residence 200 days a year doing his business. He only rents to families and the property is well maintained. Mr. Wright was advised to the steps in applying for a Special Permit.

Jason Cooney came in to speak to the board. He is interested in buying the property at 40 Goshen Road. He would like to know if he would be allowed to build a 34' x 50' garage for his landscaping business on this small property. He is also speaking to the Conservation Commission. Louis Hasbrouck told him it was a non-conforming lot prior to the Zoning Bylaw and due to that fact, he may be able to build a garage on the property. Mr. Hasbrouck advised Mr. Cooney to speak to the Zoning Board of Appeals and the Conservation Commission. It lacks the 200' required frontage. It has approximately 160' of frontage and a half acre in size. There was a question of whether the building would be within the 200' of the river which is at the rear of the property. The garage would only be for storage of his business vehicles and tools. There would be no residential use at all.

(GM) advised that he would need a variance and it would be difficult to prove a hardship. The use would be a change of use of the property. The topography may allow the reason for a variance. The board advised Mr. Cooney that any advice given is unofficial as a public hearing would be needed and abutters could weigh in. (GM) stated that Mass DEP is the bigger issue and conservation issues due to the proximity to the river. If the project is within 100' of the river, the project will not be allowed by the State. The board cannot guarantee approval of a variance but advised Mr. Cooney to deal with the conservation issues first and then if the project is approved by conservation then to come before the board for a variance.

Motion made and seconded to adjourn. Motion so voted.

Respectfully submitted,
Brenda Lessard, Secretary