

**The Commonwealth of Massachusetts
TOWN OF WILLIAMSBURG**

***Office of the
Board of Appeals***

DECISION

In the matter of: The application of Susan Fortgang and David Nehring for a Special Permit as required by Section 3.2 of the Zoning Bylaws of the Town of Williamsburg on the premises 16 Walpole Rd., Williamsburg (Haydenville), identified on the Assessors Map G, as Lots 65.0 and 65.A and Map K, Lot 14.

Date of Hearing: June 17, 24 & July 23, 2013

Date of Application: May 9, 2013

Date of Decision: July 30, 2013

Vote by members of the Board:

Gerald Mann, Chair, In Favor

Osa Flory, In Favor

Charles Dudek, In Favor

Findings:

A. General Findings:

Susan Fortgang and David Nehring own the property located at 16 Walpole Rd., Williamsburg, (Haydenville). The applicants wish to operate a seasonal farm stand/sugarhouse that would comply with the 25% products grown on 16 Walpole Rd. and the 75% local grown requirements of M.G.L. c.40A, s.3. The applicants propose to build a farm stand where they will sell farm products such as maple products, flowers, honey, pumpkins etc. The farm stand would be operational in the months of maple sugar season (February-March) and in June-September for other farm products.

The premises currently consist of a Farmhouse and a barn situated on approximately 100 acres of land located within two zones of Williamsburg, the Village Residential one and the Rural Zone. Access to the property is from Walpole Rd., which is in the Village Residential Zone. Most of the 100 acres are located in the Rural Zone. The State Agricultural Law overrides the local bylaws and exempts a farm stand from local zoning. The farm stand may be constructed by right. A municipality does have the right to impose reasonable regulations with respect to agricultural uses.

B. Applicable Law and Decision Criteria:

According to M.G.L. c.40A, s.4, a municipality does have the right to impose reasonable regulations in some instances with respect to agricultural uses as long as the regulations do not diminish or detract from the ability of the land owner to conduct the agricultural use.

Specific Findings

At the Public Hearing Susan Fortgang and David Nehring presented sufficient documentation and information that it is the opinion of the Board of Appeals that the proposed operation of a farm stand in compliance of M.G.L. c.40A, s.3 is permitted by right. There were no comments or correspondence received by the Board of Appeals prior to the close of the Public Hearing in opposition to this use. One abutter was present at the hearing and no objections to the operation of a farm stand were asserted.

Decision of the Board:

The Zoning Board of Appeals of the Town of Williamsburg has approved the Special Permit request for operating a farm stand at 16 Walpole Rd., Williamsburg (Haydenville). The farm stand would be operational in the months of maple sugar season (February-March), and in June-September for other farm products, or until the harvest of the crop being produced has ended.

In granting this Special Permit the Board attaches the following conditions:

The farm stand will be operational during daylight hours only.

The farm stand will be limited in operation to the months of maple sugar season (February-March), and in June to September for other farm products, or until the harvest of the crop being produced has ended, as per State Agricultural Law.

Walpole Rd. is a narrow road. Denise Wickland, Chief of Police, stated that in the event an emergency vehicle, such as an ambulance was needed at the site, vehicles traveling in the opposite direction would prevent access. To facilitate access to the proposed farm stand by emergency vehicles, no parking will be permitted on the public road.

A parking area shall be designated no less than 75 feet from the public road and be entirely within the rural zone.

Any lighting to be constructed shall illuminate the parking area and farm stand only and not the public way.

This decision of the Zoning Board of Appeals is not intended to preclude any other Board, Committee, or Official of the Town of Williamsburg from acting in their official capacity.


This Special Permit is not effective until recorded at the Registry of Deeds of the County of Hampshire.

This Special Permit shall expire two years and 21 days after being registered with the Town Clerk if construction has not begun, except for good cause.

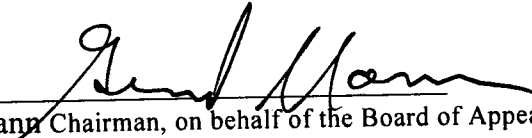
Appeals from this decision, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within twenty days after the date of filing of the notice of this decision in the Office of the Town Clerk.

Respectfully submitted this 6th day of August, 2013

Received and recorded this 8th day of August, 2013



Town Clerk, Williamsburg, Massachusetts



Gerald Mann Chairman, on behalf of the Board of Appeals