

The Commonwealth of Massachusetts

TOWN OF WILLIAMSBURG

Zoning Board of Appeals

DECISION

In the matter of: The application of Robert Lockwood (the applicant) for a Special Permit pursuant to Section 3.2 of the Zoning Bylaw of the Town of Williamsburg (Zoning Bylaw) for trucking and heavy equipment storage and associated activities at 45 Mountain Street, Haydenville. This Property is located in the Rural District where a truck storage is allowed under a Special Permit.

Date of Application: May 11, 2016

Date of Decision: May 23, 2016

Vote by members of the Board:

Gerald Mann:	In Favor
Osa Flory:	In Favor
Charles Dudek:	In Favor

Findings:

A. General Findings

The applicant proposes to store trucks for use in a trucking business at 45 Mountain St., Haydenville on a 14.5 acre parcel of land where his residential house is located. The business consists of 5 large tractor-trailer trucks; anything over three trucks require a permit. Hours of operation will be from 4:30 a.m. until 6 p.m. The trucks will leave once a day and return once for the night. Days of operation will be Monday through Saturday. The trucks are owned by the applicant. Light maintenance of the trucks will be performed in a barn on the property. Heavy maintenance will be done off site. The trucks will be fueled on site. The trucks will be stored approximately 950 feet from the street. When exiting the property, the contour of the driveway restricts trucks to turn right only.

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 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 Zone (RU) use district. According to Section 2.3 of the Zoning Bylaw, the "intention of the Rural Zone is to recognize the traditional low-density residential

and agricultural character of areas outside the village centers, while protecting their environmentally sensitive resources.

B. Specific findings:

At the Public Hearing, many residents were present. About an equal number of people were in favor as were opposed to the business. The opposition to the project listed a variety of adverse impacts on abutting properties including: noise at 2 a.m., wetlands issues, trucks idling for hours at a time. Speakers raised a concern regarding the gas tanks on the property used to fuel trucks. The regulation of gas tanks is not within the jurisdiction of the ZBA. Therefore the ZBA takes no action on this issue. People in favor of the application, noted that there have been businesses in the area for fifty years including the Town Transfer Station up the street. Many trucks drive daily on Mountain St. to reach the Towns of Whately, Amherst, and Greenfield. Two written submissions were e-mailed, one in favor and one against granting the special permit.

At the end of the meeting, the ZBA voted to make a site visit and to have a 2nd public/decision making hearing.

The members of the ZBA made a 45 minute site visit; the only noise heard was from vehicles driving on Mountain Street. The driveway to the two acre truck parking area is approximately 950 feet from the road and is surrounded by woods. The house and the parking area for trucks are not visible from the road. The closest residential house is more than 500 feet from the subject property.

At the decision making hearing, there were many fewer public members and those present were almost unanimously in favor of allowing the business to operate.

Decision of the Board:

The Zoning Board of Appeals voted unanimously to grant a Special Permit to Robert Lockwood to store up to five trucks for use in a trucking business and associated activities. This use is reasonably compatible with the character and scale of other uses permitted as of right in the RU district.

Conditions of the Special Permit:

The applicant will comply with all additional Special Permit criteria or use regulations imposed by the Zoning Bylaw. The plans and specifications submitted by the applicant and additional conditions of this Special Permit are as follows:

The Special Permit is granted to Robert Lockwood.

The business is limited to 5 trucks.

There will be no business signs on the property.

There will be no change from the current ingress to or egress at the site.

There will be no change from the current ingress and egress at the site.

The natural screening to neighbors will be maintained.

Any additional lighting must be of the "dark sky" type designed to limit and reduce overspill.

The trucks will continue their non-use of engine brakes in the neighborhood.

Light maintenance of the trucks between 8 a.m. and 5 p.m. is permitted. On-site maintenance work is limited to the five trucks.

Idling of trucks will be limited as close to 5 minutes as possible; weather and safety conditions may require longer idling times.

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 day of May 23, 2016

Received and recorded this 13th day of June, 2016

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