

# **The Commonwealth of Massachusetts**

## **TOWN OF WILLIAMSBURG**

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

#### **DECISION**

**In the matter of:** The application of Andrew Erwin, Trustee Opus 40 Nominee Realty Trust, for a Special Permit convert the existing driveway located at 7 Mountain Street, Town of Williamsburg, designated on Assessor's map as parcel 340011K000000420, to a common driveway to also serve the newly divided abutting parcel, known as tract B.

**Date of Hearing:** April 24, 2012

**Date of Application:** March 19, 2012

**Date of Decision:** April 24, 2012

#### **Vote by members of the Board:**

|               |          |
|---------------|----------|
| Lisa Berkman: | In Favor |
| Gerald Mann:  | In Favor |
| Osa Flory:    | In Favor |

#### **Findings:**

##### **A. General Findings:**

The applicant, owner of the house and lot known as 7 Mountain Street in the Town of Williamsburg obtained Planning Board approval to divide the lot into two parcels, designated as Tract A and Tract B. The applicant seeks a Special Permit to convert the existing driveway serving Tract A into a shared driveway which will also serve Tract B. An abutter was present at the hearing and no objections to the planned conversion were asserted.

##### **B. Applicable Law and Decision Criteria:**

Section 10.71 of the Zoning Bylaw of the Town of Williamsburg provides that Common Driveways may be allowed by Special Permit only and may serve not more than three (3) lots containing not more than six (6) dwelling units. The driveway should result in the preservation of the rural quality of the area and reduce access ways and preserve existing vegetative and topographic conditions.

The applicant submitted detailed maps and plans as well as a proposed covenant binding each of the lots served by the common driveway including provisions for continued maintenance, to be filed at the Registry of Deeds.



**C. Specific findings:**

The proposed common driveway complies with the requirements for a Special Permit as required by the Zoning Bylaw of the Town of Williamsburg in that granting of a common driveway will result in the preservation of the rural quality of the neighborhood by limiting the number of curb cuts necessary to access the two parcels located at 7 Mountain Street. The common driveway will preserve the existing vegetative and topographic conditions of the property. The Driveway Maintenance Agreement is satisfactory to the Board.

**Decision of the Board:**

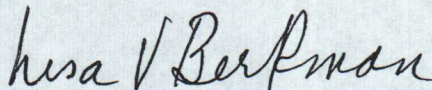
The Zoning Board of Appeals voted unanimously to approve the application and grant a Special Permit to convert an existing driveway into a common driveway serving Tract A and Tract B of the parcel known as 7 Mountain Street.

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.

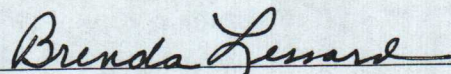
Respectfully submitted this 24th day of April, 2012

Received and recorded this 26<sup>th</sup> day of April, 2012

Appeals from this finding, if any, shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws,



Lisa Berkman, Chair, on behalf of the Board  
Of Appeals



Brenda Lessard, Town Clerk, Williamsburg, MA