



# Zoning Board of Appeals

Minutes of Wednesday, March 21, 2018 – 6:00 PM

**Board of Appeals members present:** Charles Dudek, Gerry Mann, Osa Flory, Marcianna Caplis & Paul Kennedy

**Applicants present:** Jason Harder, Raeann & Alex Woytowicz, David Nehring

**Public Present:** Santo Tomasine, Carol Davis, Linda Rowley, Dick & Nancy Zimmer, Katherine McGinley & Paul Leney, Daine & Phil Merritt

(cd) called the meeting to order at 6:00 pm. The chair let those present know the hearings were being recorded for accuracy of minutes. He asked if anyone else was recording to please let the board know. No one spoke.

## **Public Hearing-Jason Harder, 177 Main Street 6:00 pm**

The public hearing was called after an application from Jason Harder, 177 Main Street, Assessors Map K, Parcel 121, submitted an application for a Variance as required by Section 9.0a of the Zoning Bylaws of the Town of Williamsburg, which requires a side setback of 15 (fifteen) feet.

Mr. Harder explained that he intends to add an exterior wooden stairway from the ground level to the second level apartment at 177 Main Street. Previously, this house had been a one family house, but he was converting it to a two-family. The building is located on an existing non-conforming lot. He purchased the property on December 15, 2017. The upstairs apartment will have a front door entrance, but state building code says he must have a second means of egress. The board looked at the plans.

(gm) asked how wide the staircase will be. The answer was 3 (three) feet which is state code. That will decrease the side setback to approximately 12 (twelve) feet. The staircase will be made of wood.

(mc) asked about lighting. It would be a motion sensor light with downward lighting with a cover.

Mr. Harder had a discussion with the abutter who will be affected the most. Both parties are unsure of the property line, but it is assumed to be fifteen feet from the building now. The abutters most affected wrote a letter in support of Mr. Harder's request.

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.

The Board let the public present know they had to make their decision based if the project would be more detrimental to the community than not.

Motion made (gm) and seconded (mc) to close the public hearing. Motion so voted.

## **Decision Hearing-Jason Harder, 177 Main Street**

Motion made (cd) and seconded (mc) to open the decision hearing. Motion so voted. The Board members making the decision will be (pk), (mc), and (cd).

(mc) changed the application to a special permit from variance.

(pk) only had an issue of the staircase extension. After looking further at the plans, questions were answered of where the staircase ended.

Motion made (cd) and seconded (mc) to approve the Special Permit for 177 Main Street with the following conditions:

- Any lighting installed must be shielded and downward facing to avoid intrusion onto the neighboring property.
- The stairway shall not extend more than four feet from the house.
- The applicant shall comply with all other applicable provisions of the Zoning Bylaws of the Town of Williamsburg

MC-Aye

PK-Aye

CD-Aye

Motion made (mc) and seconded (pk) to close the public hearing. Motion so voted.

### **Public Hearing-Raeann & Alex Woytowicz, 132 Main Street 6:30 pm**

The public hearing was called after an application by Raeann & Alex Woytowicz, 132 Main Street, Assessors Map K, Parcel 213, was received requesting a special permit as required by Section 3.2 of the Zoning Bylaw to permit a pet care business to include: grooming, daycare and boarding. (gm), (cd) and (mc) will be the Board making the decision.

Raeann Woytowicz spoke to the Board. She and her husband have been operating a business since 2014 that does grooming, daycare and boarding at their home in Worthington. They would like to move their business to Williamsburg to better serve their clients. They usually have six dogs at a time but during peak times (holidays) that number could increase to twelve dogs or so. They plan to do no permanent structural changes to the building at 132 Main Street which is owned by Holyoke Management LLC, but do plan to put up a fenced yard. The building is the old guard house which is closest to the driveway. They plan to have proper sanitation so there are no smells. Dogs will be on leash or in the fenced in area while outside. Dogs will always be supervised. The outdoor run will be 50' by 3'. The total space will be 3500 sq. ft. Existing parking space will be utilized.

Grooming will recycle water. Hours will be from 7am until 7 pm. No additional lighting will be added. They will use the existing sign post. There will be no high traffic volume. Clients drop off in the morning and pick up at end of the day. The only exception is grooming during the day. The only employees will be Raeann & Alex. They may hire after a year depending on business.

Raeann Woytowicz talked about her and her husband's experience. She and her husband have been Vet techs for over 20 years. They appreciate a more home-like atmosphere as the dogs are less stressed.

(cd) asked about overnight dogs. There would be occasional overnight boarding. Dogs would be indoors overnight as no pick ups will be allowed after 7:00 pm. They do delivery if needed of dogs. There would be cameras and a webcam observing the overnight dogs. They will be able to see and hear the dogs.

The Board had no other questions.

Carol Davis, 139 Main St., had concerns about odors, dumpster noise, proper disposal of the feces, webcams, breeding, soundproofing, and what effect this business would have on property values. The board wants an outdoor posting on the building with the owner's phone number for 24-hour notification if there is a problem. The feces are double bagged. A 6-foot stockade fence will be installed.

Linda Rowley, 3 Hatfield Road, asked about certain breeds of dogs who bark all the time, like Yorkies. This could be called yapping. The noise level is her concern. Ms. Woytowicz stated they redirect the dogs to keep noise to a minimum. That is why they keep the number of dogs to a minimum.

Carol Davis asked about sounds after 7pm. Sirens may instigate the dogs. Dogs will be indoors. Ms. Woytowicz noted there was a dog training business there previously.

There will be up to six dogs at a time in the outdoor play area.

Indoors will be cubicles that are 6' x 6' with 8' high walls. They are matted for play with furniture for a home-like atmosphere. There will be air conditioning in the summer. The dogs will not be allowed to get out themselves.

Weekends are usually quiet. Most business will be mostly Monday-Friday. Grooming and daycare will be most of the business with occasional boarding. The dogs will not interact with the public. If a dog is incorrigible and not behaving, they will be asked to not come back. The dogs will have to be at least 4-6 months old. There will be no other kinds of animals, only dogs.

Motion made (mc) and seconded (gm) to close the public hearing. Motion so voted.

### **Decision Hearing-Woytowicz, 132 Main Street**

Motion made (gm) and seconded (mc) to open the decision meeting. Motion so voted.

(gm) approves the special permit with the following conditions. Hours limited to 7 am-7pm. No additional signage or lighting and the sign complies with the existing sign bylaw. He would like noisy dogs indoors and take every step to limit the noise. Also ensure phone number is posted for public to notify the owners when dogs are there alone.

(cd) would like all statements in the application to apply to the special permit. The special permit will apply only to the applicants. It would be non-transferrable.

(mc) wants to make sure the stockade fence is installed with possible extension to block passersby who may incite the dogs. Hard to deny the special permit as a dog training business was there prior.

Would like the applicants to check back in a year from now to let board know how things are going. Not a temporary permit.

Motion made (cd) and seconded (mc) to approve the special permit with the following conditions:

- Hours of operation 7 am-7pm
- A commercial waste hauler shall be engaged to remove dog waste
- The telephone number of an emergency contact shall be posted on the building entrance.
- Any signage shall comply with the requirements of the Zoning Bylaws.

MC-Aye

CD-Aye

GM-Aye

Motion made (cd) and seconded (gm) to close the decision meeting. Motion so voted.

### **Public Hearing-Forgang & Nehring, 16 Walpole Road 7:15 pm**

The public hearing was called after an application by Susan Fortgang and David Nehring was received requesting a permanent Special Permit as a requirement of the decision made 11/22/16 approving a temporary Special Permit

for an event venue at 16 Walpole Road, Assessors Map G, Parcels 65.0 and 65.A. This application specifically asks for up to 300 guests per event, up to six outdoor music occurrences per year, a closing time of 11pm with parking lot lights out by midnight, and an increase in events per year to 100. (of), (cd), and (mc) will make the decision regarding the special permit.

A letter was received from Ms. Fortgang who was not able to be present at this hearing. Mr. Nehring was in attendance. Letters were also received from the Police Chief and the Highway Department expressing no problems over the past year at 16 Walpole or Walpole Road. The event venue has been in operation for 14 months.

Linda Rowley noted that she has heard no noise from the property. There were six outdoor music events that were held on 9/22/17, 9/23/17, 9/30/17, 10/7/17, 10/8/17 & 10/13/17. No complaints of noise were received for those dates. (gm) noted the music events are only along side another event. There are no independent music events. There were 30 events over the last year.

The letter stated 200 people for each building. The request is for 300 patrons. Traffic studies only support for 300 patrons.

Neighbors made no complaints about the lights.

Motion made (cd) and seconded (mc) to close the public hearing. Motion so voted.

### **Decision Meeting-Fortgang & Nehring, 16 Walpole Road**

Motion made (of and seconded (mc) to open the decision meeting. Motion so voted.

The Board is in support of the special permit being permanent with conditions. (cd) limit 300 guests/event. (mc) no concerts, six outdoor music occurrences.

Motion made (of) to approve the permanent special permit with the following conditions:

- Limit of 300 guests per event
- Allow up to six outdoor music occurrences alongside an event. No concerts
- Increase events allowed per year to 100.
- Closing time 11pm with parking lot lights off by midnight.

MC-Aye

OF-Aye

CD-Aye

Motion made (cd) and seconded (mc) to close the decision meeting and adjourn. Motion so voted.

Respectfully submitted,

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**Board of Appeals members present:** Charles Dudek, Gerry Mann, Osa Flory, Marcianna Caplis & Paul Kennedy

**Applicants present:** Jason Harder, Raeann & Alex Woytowicz, David Nehring

**Public Present:** Santo Tomasine, Carol Davis, Linda Rowley, Dick & Nancy Zimmer, Katherine McGinley & Paul Leney, Daine & Phil Merritt

(cd) called the meeting to order at 6:00 pm. The chair let those present know the hearings were being recorded for accuracy of minutes. He asked if anyone else was recording to please let the board know. No one spoke.

## **Public Hearing-Jason Harder, 177 Main Street 6:00 pm**

The public hearing was called after an application from Jason Harder, 177 Main Street, Assessors Map K, Parcel 121, submitted an application for a Variance as required by Section 9.0a of the Zoning Bylaws of the Town of Williamsburg, which requires a side setback of 15 (fifteen) feet.

Mr. Harder explained that he intends to add an exterior wooden stairway from the ground level to the second level apartment at 177 Main Street. Previously, this house had been a one family house, but he was converting it to a two-family. The building is located on an existing non-conforming lot. He purchased the property on December 15, 2017. The upstairs apartment will have a front door entrance, but state building code says he must have a second means of egress. The board looked at the plans.

(gm) asked how wide the staircase will be. The answer was 3 (three) feet which is state code. That will decrease the side setback to approximately 12 (twelve) feet. The staircase will be made of wood.

(mc) asked about lighting. It would be a motion sensor light with downward lighting with a cover.

Mr. Harder had a discussion with the abutter who will be affected the most. Both parties are unsure of the property line, but it is assumed to be fifteen feet from the building now. The abutters most affected wrote a letter in support of Mr. Harder's request.

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.

The Board let the public present know they had to make their decision based if the project would be more detrimental to the community than not.

Motion made (gm) and seconded (mc) to close the public hearing. Motion so voted.

## **Decision Hearing-Jason Harder, 177 Main Street**

Motion made (cd) and seconded (mc) to open the decision hearing. Motion so voted. The Board members making the decision will be (pk), (mc), and (cd).

(mc) changed the application to a special permit from variance.

(pk) only had an issue of the staircase extension. After looking further at the plans, questions were answered of where the staircase ended.

Motion made (cd) and seconded (mc) to approve the Special Permit for 177 Main Street with the following conditions:

- Any lighting installed must be shielded and downward facing to avoid intrusion onto the neighboring property.
- The stairway shall not extend more than four feet from the house.
- The applicant shall comply with all other applicable provisions of the Zoning Bylaws of the Town of Williamsburg

MC-Aye

PK-Aye

CD-Aye

Motion made (mc) and seconded (pk) to close the public hearing. Motion so voted.

### **Public Hearing-Raeann & Alex Woytowicz, 132 Main Street 6:30 pm**

The public hearing was called after an application by Raeann & Alex Woytowicz, 132 Main Street, Assessors Map K, Parcel 213, was received requesting a special permit as required by Section 3.2 of the Zoning Bylaw to permit a pet care business to include: grooming, daycare and boarding. (gm), (cd) and (mc) will be the Board making the decision.

Raeann Woytowicz spoke to the Board. She and her husband have been operating a business since 2014 that does grooming, daycare and boarding at their home in Worthington. They would like to move their business to Williamsburg to better serve their clients. They usually have six dogs at a time but during peak times (holidays) that number could increase to twelve dogs or so. They plan to do no permanent structural changes to the building at 132 Main Street which is owned by Holyoke Management LLC, but do plan to put up a fenced yard. The building is the old guard house which is closest to the driveway. They plan to have proper sanitation so there are no smells. Dogs will be on leash or in the fenced in area while outside. Dogs will always be supervised. The outdoor run will be 50' by 3'. The total space will be 3500 sq. ft. Existing parking space will be utilized.

Grooming will recycle water. Hours will be from 7am until 7 pm. No additional lighting will be added. They will use the existing sign post. There will be no high traffic volume. Clients drop off in the morning and pick up at end of the day. The only exception is grooming during the day. The only employees will be Raeann & Alex. They may hire after a year depending on business.

Raeann Woytowicz talked about her and her husband's experience. She and her husband have been Vet techs for over 20 years. They appreciate a more home-like atmosphere as the dogs are less stressed.

(cd) asked about overnight dogs. There would be occasional overnight boarding. Dogs would be indoors overnight as no pick ups will be allowed after 7:00 pm. They do delivery if needed of dogs. There would be cameras and a webcam observing the overnight dogs. They will be able to see and hear the dogs.

The Board had no other questions.

Carol Davis, 139 Main St., had concerns about odors, dumpster noise, proper disposal of the feces, webcams, breeding, soundproofing, and what effect this business would have on property values. The board wants an outdoor posting on the building with the owner's phone number for 24-hour notification if there is a problem. The feces are double bagged. A 6-foot stockade fence will be installed.

Linda Rowley, 3 Hatfield Road, asked about certain breeds of dogs who bark all the time, like Yorkies. This could be called yapping. The noise level is her concern. Ms. Woytowicz stated they redirect the dogs to keep noise to a minimum. That is why they keep the number of dogs to a minimum.

Carol Davis asked about sounds after 7pm. Sirens may instigate the dogs. Dogs will be indoors. Ms. Woytowicz noted there was a dog training business there previously.

There will be up to six dogs at a time in the outdoor play area.

Indoors will be cubicles that are 6' x 6' with 8' high walls. They are matted for play with furniture for a home-like atmosphere. There will be air conditioning in the summer. The dogs will not be allowed to get out themselves.

Weekends are usually quiet. Most business will be mostly Monday-Friday. Grooming and daycare will be most of the business with occasional boarding. The dogs will not interact with the public. If a dog is incorrigible and not behaving, they will be asked to not come back. The dogs will have to be at least 4-6 months old. There will be no other kinds of animals, only dogs.

Motion made (mc) and seconded (gm) to close the public hearing. Motion so voted.

### **Decision Hearing-Woytowicz, 132 Main Street**

Motion made (gm) and seconded (mc) to open the decision meeting. Motion so voted.

(gm) approves the special permit with the following conditions. Hours limited to 7 am-7pm. No additional signage or lighting and the sign complies with the existing sign bylaw. He would like noisy dogs indoors and take every step to limit the noise. Also ensure phone number is posted for public to notify the owners when dogs are there alone.

(cd) would like all statements in the application to apply to the special permit. The special permit will apply only to the applicants. It would be non-transferrable.

(mc) wants to make sure the stockade fence is installed with possible extension to block passersby who may incite the dogs. Hard to deny the special permit as a dog training business was there prior.

Would like the applicants to check back in a year from now to let board know how things are going. Not a temporary permit.

Motion made (cd) and seconded (mc) to approve the special permit with the following conditions:

- Hours of operation 7 am-7pm
- A commercial waste hauler shall be engaged to remove dog waste
- The telephone number of an emergency contact shall be posted on the building entrance.
- Any signage shall comply with the requirements of the Zoning Bylaws.

MC-Aye

CD-Aye

GM-Aye

Motion made (cd) and seconded (gm) to close the decision meeting. Motion so voted.

### **Public Hearing-Forgang & Nehring, 16 Walpole Road 7:15 pm**

The public hearing was called after an application by Susan Fortgang and David Nehring was received requesting a permanent Special Permit as a requirement of the decision made 11/22/16 approving a temporary Special Permit

for an event venue at 16 Walpole Road, Assessors Map G, Parcels 65.0 and 65.A. This application specifically asks for up to 300 guests per event, up to six outdoor music occurrences per year, a closing time of 11pm with parking lot lights out by midnight, and an increase in events per year to 100. (of), (cd), and (mc) will make the decision regarding the special permit.

A letter was received from Ms. Fortgang who was not able to be present at this hearing. Mr. Nehring was in attendance. Letters were also received from the Police Chief and the Highway Department expressing no problems over the past year at 16 Walpole or Walpole Road. The event venue has been in operation for 14 months.

Linda Rowley noted that she has heard no noise from the property. There were six outdoor music events that were held on 9/22/17, 9/23/17, 9/30/17, 10/7/17, 10/8/17 & 10/13/17. No complaints of noise were received for those dates. (gm) noted the music events are only along side another event. There are no independent music events. There were 30 events over the last year.

The letter stated 200 people for each building. The request is for 300 patrons. Traffic studies only support for 300 patrons.

Neighbors made no complaints about the lights.

Motion made (cd) and seconded (mc) to close the public hearing. Motion so voted.

### **Decision Meeting-Fortgang & Nehring, 16 Walpole Road**

Motion made (of and seconded (mc) to open the decision meeting. Motion so voted.

The Board is in support of the special permit being permanent with conditions. (cd) limit 300 guests/event. (mc) no concerts, six outdoor music occurrences.

Motion made (of) to approve the permanent special permit with the following conditions:

- Limit of 300 guests per event
- Allow up to six outdoor music occurrences alongside an event. No concerts
- Increase events allowed per year to 100.
- Closing time 11pm with parking lot lights off by midnight.

MC-Aye

OF-Aye

CD-Aye

Motion made (cd) and seconded (mc) to close the decision meeting and adjourn. Motion so voted.

Respectfully submitted,

Brenda Lessard, Secretary