



# Zoning Board of Appeals

Minutes of Wednesday, October 24, 2018 – 6:00 PM

**Board of Appeals members present:** Charles Dudek, Gerry Mann , Marci Caplis, and Paul Kennedy

**Applicants present:** Robin Karlin & Robert Allen, Michael Moran & Lynn Moran, John Svoboda & Gwen Orzel

**Public Present:** Robert Barker, Michael & Beverly Bullock, Ruth Oland-Stuckey, Dick & Nancy Zimmer

## **Continuation of 99 Main Street Application for a Special Permit 6:00 pm**

This public hearing was continued to allow the applicants supply more paperwork regarding some work done on the property. It was noted the applicants are seeking a special permit to allow up to three additional Air BnB units at 99 Main Street where the applicants have a veterinary business. The applicants provided paperwork from 2010 work done on the exterior of the property.

(cd) noted there are no bylaws covering air BnB. (gm) wants to speak about the application as a short-term rental as opposed to air BnB. (cd) does not want to authorize any business not covered under the current zoning bylaws. (gm) noted the site visit was done during a rain event and the area in the back of the business was very wet where parking for two units is proposed. (mc) asked about site work already done and a site plan for the proposed extension of their property. Ms. Karlin stated no work will be done outdoors. It is all interior work.

(gm) asked how the applicants will deal with problems on site for when they are not there. Response was video cameras are in place, and they operate a business there and are there six days a week during the day. Police knows where they live and have their contact numbers. They have one current short-term rental unit and have had no issues with short term renters.

(mc) has a concern about current issues. Mr. Allen asked what conservation issues have to do with the application. (mc) stated the drainage in the back is flawed. She acknowledges that the special permit does not hinge on the conservation issues. (mc) has issues with the exits at the back of the property as there is inadequate drainage. Mr. Allen stated the neighbor's drainage is inadequate and causes back up onto their property. They have spent \$15,000 on the conditions in the back but the neighboring properties did not follow through with their work.

(cd) asked if there was anyone else that wanted to speak to the application. No letters have been received in support or against. Motion made and seconded to close the public hearing. Motion so voted. The Board will schedule a decision meeting within the required time frame.

## **Public Hearing Michael Moran Jr., 4 South Main Street 6:45 pm**

The public hearing was scheduled after an application for a Special Permit was received from Michael Moran, 4 South Main Street, Haydenville as required by Section 9.21 of the Zoning Bylaw of the Town of Williamsburg to permit a change of use by converting four (4) existing commercial loft spaces to four (4) residential units at 4 South Main Street identified as Assessors Map K, Lot 295.0.

(cd) read the legal ad and noted it was properly posted.

Mr. Moran spoke about the application. They had four commercial lofts which were used by writers and artists. The tenants at times would sleep at the property. When the zoning bylaws changed regarding the number of apartments allowed in buildings built prior to 1925 and are mixed use buildings, Mr. Moran decided to try to turn the four units into loft apartments. There will be no changes to any exterior lighting. No signage. The only change will be the addition of two new bathrooms. There are already two bathrooms which will be enclosed into two of the apartments. Each unit will be single bedroom with one bathroom. They are located on the top floor. There are already four existing apartments now. Commercial space is on the first floor, and four apartments on the second floor. (cd) asked about changes of windows or doors and the answer was no exterior changes. Mr. Moran has spoken with the building inspector and Mr. Hasbrouck is okay with the plans. The building was built in 1890 and has 11,284 square feet of space.

Dick Zimmer asked if they will be short term rentals or long-term rentals. They will be long term rentals.

Motion made and seconded to close the Public Hearing. Motion so voted.

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

The Board noted there are no changes to the exterior, traffic, egress, and sewer. Zoning bylaws allow reside above commercial space.

Motion made (mc) and seconded (gm) to approve the special permit for 4 South Main Street for a change of use to convert four (4) existing commercial lofts to four (4) residential spaces. Motion so voted.

CD-Aye  
MC-Aye  
GM-Aye.

The applicant was advised of the 21-day waiting period once the decision is filed in the Town Clerk's office.

Ruth Oland Stucky asked to speak to the Board. She had questions about the application process and what is required. The Board advised her of the process.

### **Public Hearing John Svoboda, 161 Main Street 7:30 pm**

The public hearing was scheduled after an application was received from John Svoboda, 161 Main Street requesting a Special Permit as required by Section 5.5a and/or a variance as required by Section 12(e) and 12(f) of the Zoning Bylaws of Williamsburg to install a pre-fab shed 24' by 24' short of the 40' set back on a non-conforming lot, to replace an existing shed at 161 Main Street, identified as Assessors Map K 118.0.

(cd) read the legal notice and acknowledged it was properly posted.

Mr. Svoboda was asked to speak to the application. The Board has already reviewed the application and the accompanying documents. Mr. Svoboda plans to install a pre-fab 24' by 24' shed that has garage doors within the 40' front set back. This will replace a smaller existing shed that was also within the 40' set back. The existing shed will be moved. The shed will house vehicles and motorcycles. The building is fire rated and will be located to the left of the house. The new shed will not be more non-conforming than the existing shed and house. The house currently sits 26' back from the road. The shed will be approximately three feet back from the front of the house (29ft) from the road. Mr. Svoboda is currently in talks with the church about buying land in the back of his property.

(gm) asked how far the shed will be from the side property line. It is 69' from the side lot line. On the left side of the property. The rear property line set back is 59' from the proposed shed. The only issue is the front set back. There may be a covered area between the house and shed. If the decision is made to cover the area the applicant will come back before the Board. There will be a motion security light downward facing on the shed.

No one asked to speak to the application.

Motion made and seconded to close the Public Hearing. Motion so voted.

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

The Board reviewed whether it should be a variance or a special permit. The Board was unanimous a Special Permit should be approved and no variance would be required as the property is already non-conforming and will not be more detrimental than the existing use. The special permit will be granted under Section 12.0e of the zoning bylaw. It was noted one letter of support was received from a neighbor.

Motion made and seconded to approve the Special Permit for 161 Main Street. Motion so voted.

CD-Aye

MC-Aye

GM-Aye

The applicant was advised to the 21-day waiting period after the decision is filed in the Town Clerk's Office.

Motion made and seconded to adjourn. Motion so voted.

Respectfully submitted,

Brenda Lessard, Secretary