



Zoning Board of Appeals

Minutes of Thursday, August 10, 2016 – 7:00 PM

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

Absent: None

Applicants Present: Kenneth Taylor, Linda Strong, Henry & Esther Manwell, & Jennifer Manwell, Eleanor & Michael Hebert

Public Present: Chris Flory, Jared Wolf, Jim Locke-Planning Board, Nate Anabel, Gail & Nels Christenson, Sherry Clark, David & Diane Punska, Lea Foti, Elizabeth Schuster, and Bruce and Donna Cowan.

13, 15, 17, 19 Williams Street Public Hearing

The public hearing was called after applications by Kenneth Taylor of 13 Williams Street, Assessors Map J, Parcel 93.0; Henry Manwell who owns 15 Williams Street, Assessors Map J, Parcel 90.0; Doris Taylor, Kenneth Taylor, Douglas Taylor and Linda Strong who own 17 Williams Street, Assessors Map J, Parcel 87.0; and Lucille Clark of 19 William Street, Assessors Map J, Parcel 85.0 were submitted for a special permit as required by Section 12.0e of the Zoning Bylaws of Williamsburg to change property boundaries of those properties stated above which are all non-conforming lots. The change, extension, or enlargement shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or structure.

Chairman Dudek informed those present that the secretary was recording the meeting for the purpose of accurate Minutes and if anyone present planned to record or video record the meeting to please inform the Board and those present. No one spoke.

Chairman Dudek noted that the Board had reviewed all the applications and maps and summary. He asked if any of the applicants wished to speak. All the applicants are in agreement to the changes to correct errors and make the properties more sellable. No letters of opposition were received by the Board. He noted it was clear what the intent of the applicants were.

(CD) asked if any of the public wished to speak. Jim Locke from the Planning Board spoke. The Planning Board was approached by Mr. Taylor regarding this and they sent him to the Zoning Board of Appeals. The Planning Board was disinterested in this issue.

(GM) made a motion and (MC) seconded the motion to close the hearing.

(GM) made a motion and (MC) seconded the motion to open the decision hearing.

The Board accepted the applicants request to change the boundaries on the four properties. (OF) made a motion that the Board approve the Special Permits for 13, 15, 17, and 19 Williams Street to change the boundaries as shown on the survey and grant them Special Permits. Motion was seconded by (GM). Motion so voted.

Charles Dudek-Aye
Gerry Mann-Aye
Osa Flory-Aye

Motion made (GM) and seconded (MC) to close the decision hearing.

106 South Street Public Hearing-Hebert

The public hearing was called to order at 7:30 pm in response to an application that was received by the Town for a Special Permit for Michael Hebert of 106 South Street, Assessors Map G, Parcel 24.0, owned by Martin & Eleanor Hebert to establish a portable band saw area and process firewood for resale and to do research and development of pellet fuel energy at 106 South Street.

(CD) noted the application and map had been reviewed by the Board members. It was noted that one written letter had been received in opposition of the project.

(CD) informed those present that the hearing was being recorded by the secretary for accuracy of the Minutes and requested if anyone else was taping the meeting to inform the Board. No one spoke.

Mr. Hebert was asked to speak to the application. Mr. Hebert noted he has been stockpiling wood for firewood and he has a contact with the Audobon Society with wood cleared from the Bird Sanctuary. His plan is to process the wood into firewood for resale.

(CD) asked Mr. Hebert about the pellet fuel research and development. Mr. Hebert has been purchasing equipment over the last six years. He had been working on obtaining a property in Belchertown and also had obtained a Special Permit in Goshen but the property he was using became unavailable in April of this year. He is planning to take a small machine and do some testing and plans to move to a more suitable location if he plans to move forward with the pellet fuel. He plans to do research and testing of the equipment. He noted the property is not suited for large trucks.

(CD) asked him about the portable saw. Mr. Hebert stated it was a Norwood saw and the plan is to take it to different properties as needed to cut wood into lumber. He cannot rule out someone may bring a log to him. That is why he is applying for that part of the Special Permit.

The Board asked him about the area that would be used. It is an open flat space. There are no buildings that will be used. (CD) asked about the driveway. The plan is to use the existing driveway. The property is 27 acres. There is no plan for night work. The plan is to do some work on Saturday and Sunday. The Board asked about distances to the neighboring properties.

(CD) asked about the equipment for testing the pellets. Mr. Hebert plans to have that machine in a small barn on the property. (GM) asked about noise. Mr. Hebert stated he did not know. The equipment has a small 20hp motor.

(OF) noted the zoning bylaw description of a sawmill. She asked about the amount of lumber that will be processed. The square footage will not exceed 2000 square feet. The Board has to decide if the business is agricultural, light industry or large industrial.

(GM) and (MC) want Mr. Hebert to look into the future and what he expects to happen on the property in regards to days of operation, employees, traffic, noise, etc.

Mr. Hebert noted his contract involves haying and cutting lumber on site where the lumber is harvested.

(GM) noted the Board should have more information. Mr. Hebert told the Board his Special Permit in Goshen allowed 12 hour work days, up to 10 employees, could work ½ days on Saturdays bagging pellets.

Mr. Hebert noted this would be temporary as he plans to move to another property, possibly in Belchertown or Goshen.

(OF) stated she watched a video of a saw and the noise could be heard a mile away. Mr. Hebert noted that the sound could extend that far. It is like a chainsaw or lawn mower. It is power equipment which can be noisy.

(MC) wanted clarification of the special permit request. The plan is to cut and sell firewood, do research and development of pellet fuel which involves testing. (MC) asked about the processing of firewood and what that entails. Mr. Hebert stated some lumber would be sold from where it is harvested. Some of the lumber would come back to 106 South Street for processing into firewood.

(OF) asked if the land in Belchertown works out what would remain on the property at 106 South Street. Mr. Hebert stated the whole operation would move to Belchertown.

(GM) asked about a time frame. If the Board allows a Special Permit for a year would that work out for him? Mr. Hebert noted it would as it would allow him time to get the permits in Belchertown and the land in Goshen.

There would only be one truck, a log loader. It is a large truck. It would not be garaged on the property. No maintenance of the truck would be done on property.

(OF) asked about the pellet machine. Mr. Hebert noted it does make noise but he is unsure of the decibel as it is not stated on the machine.

(GM) asked about signs. Mr. Hebert stated there would be none.

The Board noted the property is in the Rural Zone.

(CD) asked the public to speak.

Sherry Clark of 104 South Street spoke. She would like to know where truck would be kept. The research and development she would like better explained. She is concerned about dust and insects and possible chemicals and fumes. She noted the area is residential and quiet.

David Punska of 118 South Street asked about the zone. It is rural. (CD) noted there are certain activities allowed by right in the zone and others need a special permit and other uses are not allowed. This type of business requires a special permit unless it is determined to be agricultural use which is allowed by right. Mr. Punska asked about the equipment and the type of fuel to be used. He also asked about a chipper. Mr. Hebert stated there would be no chipper. All the machines would be run off a diesel engine or a gas motor.

Diane Punska of 118 South Street asked about the selling of firewood and if Mr. Hebert would be using log splitters and chainsaws as they are very noisy, especially if they are run for hours on end. She noted the weekends are quiet now and would like it to remain that way. The noise travels down the valley toward their house.

Nels Christenson spoke next. He stated the neighbors have always gotten along and this has been a very quiet neighborhood. He asked Mr. Hebert to wait until he obtains the property in Belchertown. He is very concerned about the Clarks at 104 South Street. He read a letter which was submitted to the Board. He also submitted a deed restriction on the land owned by Bruce and Donna Cowan, which was part of a subdivision of land, which was filed in 1994 which restricts which type of housing may be built on the property and the uses allowed which is only residential. This was drawn up by the MEH trust which was named after Martin E Hebert. These restrictions are for all the properties surrounding the Heberts. He is very upset with the possibility of the character of the neighborhood changing with the increased noise. He stated the properties will decrease in value. (MC) asked about the deed restrictions and if all the properties are affected. The restrictions do not apply to 106 South Street only to all the neighboring properties.

Elizabeth Schuster noted that these restrictions are in effect for 99 years.

Bruce Cowan of 105 South Street spoke next. He noted there are already large log trucks that travel along South Street. There is a lot of logging industry that are within a three mile distance of Mr. Heberts land. He noted the noise is not outrageous, only as loud as a chainsaw. It is portable and will not always be used at 106 South Street. He is in favor of the special permit.

(CD) proposed a site visit to the property The Board was in agreement. A site visit will be done on 9/26/16 at 10 am. The hearing will be continued until 10/3/16 at 7 pm. (MC) wants to hear the equipment. Mr. Hebert needs to recreate the noise if the equipment cannot be erected.

Motion made (MC) to continue the public hearing to 10/3/16 at 7pm The motion was seconded by (OF) Motion was so voted.

Motion made (GM) and seconded (MC) to adjourn the hearing. Motion so voted.

Items used at hearing:
Letter from Nels Christenson
Fitzgerald Warranty Deed

Respectfully submitted,

Brenda Lessard, Secretary