



# Zoning Board of Appeals

Minutes of Wednesday, January 18, 2017 – 6:00 PM

**Board of Appeals members present:** Charles Dudek, Osa Flory & Marcianna Caplis for 23 Main Street, Gerry Mann came at 6:30 pm for the rest of the meeting.

**Applicants Present:** Tom Raschi

**Public Present:** Tom Raschi Sr, Jasmine Gomez, Tracy McFadden, Robert Kreps, Mary Dudek, & Brenda Roberson, Tom Miraanda, John Mazzarino, Fran Tilley

## **23 Main Street Public Hearing-Tom Raschi**

(CD) called the Public Hearing to order at 6:00 pm. The public hearing is for an application received from Tom Raschi for 23 Main Street for a Special Permit as required by Section 9.8b of the Williamsburg Zoning Bylaws to erect an oversized sign which replaces a previous oversize sign. The property is identified on Assessor's Map J, Parcel 176.1.

(CD) made those present aware that the meeting was being recorded by the secretary for the accuracy of minutes. He asked those present that if anyone was recording video or audio to identify themselves to the Board. No one spoke.

(CD) introduced the Board and went over the procedures of the public hearing.

The applicant's father, Tom Raschi, Sr. spoke first. His son got the signs as a surprise for him who owns the business. His son did not realize he needed a special permit to put them up.

Tom Raschi Jr. then spoke. He hung them on the sides of the building rather than the front of the building for visibility. The sign that was there was hung in 1991 or 1992. The two new signs are more square than rectangle. The previous sign was 3' x 14'. He got two as they are hung on the sides of the building.

Robert Kreps asked if the signs that are hung there now are the new signs.

All the abutters present spoke in favor of the signs and were in agreement that the new signs are more visible for the business. The signs are very tasteful. The applicants do have trucks that deliver to the business and had trouble finding the business with the old sign.

James Locke, from the Planning Board stated the Zoning Bylaws say that only one sign is allowed per business. These signs are 4' x 8' and are 32 square feet. He did note that many businesses violate the sign bylaws. Old signs are grandfathered but new ones are not. There are many violations in Town. Sometimes it seems the town plays favorites but people need to respect the zoning bylaws.

It was noted by the Board that the signs are not illuminated.

(CD) asked the Board if they had any questions for the applicant.

(MC) thought it brought up a serious point that enforcement happens for some and not for others.

(OF) thinks the Town should revisit the sign bylaws as most people are in violation.

(MC) noted the signs are not excessive for the size of the building. If the signs were smaller, they would be difficult to read.

Motion made (MC) and seconded (OF) to close the public hearing. Motion so voted.

(MC) is not comfortable making a decision today. The Board set a decision meeting for Wednesday, January 25, 2017 at 6 pm. The Board will render their decision then.

6:30 pm- Informal meeting with Tom Miranda regarding property at the end of Valley View Road.

Tom Miranda spoke to the Board. In May 1988 the Town discontinued Valley View Road at the 175' mark. It impacted the frontage requirement of Mr. Tilley's property at the end of the street. The Board of Selectmen at the time voted (9/1988) to increase the road by 30' to give Mr. Tilley the frontage he needed but the Board of Selectmen at the time did not have that authority. It needed to go to Town Meeting but it was never presented to the Town for a vote. Fran Tilley now owns the property. The current bylaws require 200 ft of frontage along a public way. Mrs. Tilley had gone to the Planning Board to try to get the lot grandfathered as a building lot.

Mr. Miranda did some investigation into when the subdivision control law went into effect. The Registry of Deeds has the acceptance as 5/4/1966. The property was a way in existence when the subdivision control law went into effect.

(JL), from the Planning Board had tried to ascertain the date of the subdivision bylaws. The Planning Board was also in touch with Town Counsel. If the way was a public way at the time of the subdivision bylaw, the property would be grandfathered. Even if the Planning Board approves an ANR it does not guarantee a building permit, according to Town Counsel.

The Board discussed the possibility of a variance.

Mr. Miranda came up with an alternative idea and would like to use the discontinued ending of the road as frontage. Mrs. Tilley owns the property across the street. If the frontage going across the street is incorporated into the frontage, they would have the required frontage of 200 feet. There would be an additional 49.5 feet going across the street. If a road is discontinued, the property would revert to the abutting property owner. The Zoning Board cannot make a determination and reverted back to the Planning Board but thought that was a very creative idea.

Mrs. Tilley and Mr. Miranda will approach the Planning Board with the plan.

Motion made (MC) and seconded (OF) to adjourn. Motion so voted.

Respectfully submitted,

Brenda Lessard, Secretary