



Zoning Board of Appeals

Minutes of Tuesday, October 3, 2017 – 6:00 PM

Board of Appeals members present: Gerry Mann, Acting Chair, Marcianna Caplis & Osa Flory

Applicant Present: Keith Snow, Richard Evans-Attorney (Snow)

Public Present: Robert Hodgkins, Thomas Hodgkins, Thomas Wright-Florence, Stephen Snow, Fran Ryan-Gazette Reporter, John Cotton, Mike Connell, Chris Flory, Jonas Lapointe, Mary Dudek, Scott MacDonald-Conway, Andy Haskins-VT, E. J. Lococo-Northampton, Nathan Lynch-Attorney (Hodgkins), James Hodgkins-Deerfield, Joann Streaman, Steven St. Clair, Gina Vernava, Lauren Salva, Gwen Blodgett, Charlotte Meryman, Bruce Hart, Eliza Cooney, Peter Kosiba, Chris Duval, Henrietta Wallace, Jay Snow-Agawam, Andrew Snow-Agawam, Caleb Carriere, Liz Salva, Charlene Nardi, Emily Cohen, Jennifer Black, Laine Wilder-Chesterfield, & Bryan Young-West Springfield.

Public Hearing-Remand of 74 Village Hill Road

The public hearing was called Pursuant to the Order of Remand issued by the Hampshire Superior Court in the matter of Thomas C. Hodgkins, et al. v. Town of Williamsburg Zoning Board of Appeals, Civil Action No. 1580CV00265, the Town of Williamsburg Zoning Board of Appeals to re-hear an appeal filed by residents/abutters, Keith Harmon Snow, James. A. Snow, and Dawn L. White, of the Town of Williamsburg's Zoning Enforcement Officer's denial of their request to enforce the Town's Zoning Bylaws and to enforce a prior decision of the Board rendered in 2011 concerning shooting on the property located at 74 Village Hill Road, Williamsburg, MA, located in the Village Residential Zone and extends into the Rural Zone and containing approximately 100 acres. The property is identified as Williamsburg Assessors Map C, parcels 89 & 90.

Gerry Mann, Acting Chair, called the meeting to order at 6:00 pm. The chair noted that the meeting was being recorded by the secretary. Bryan Young from West Springfield also let the public know he was recording the public hearing.

(GM) went through the history regarding the property coming before the Zoning Board of Appeals. This is the third time this property comes before the Board. In 2010, Erica Verillo, filed an appeal after there was no action by the Building Inspector dealing with a complaint she made regarding 74 Village Hill Road. The public hearing was held in 2011 and a decision was made by the Zoning Board of Appeals and some conditions were put on the property at 74 Village Hill Road which restricted use of the property to pre-2003 use as determined from testimony at the public hearing in 2011. That decision was not appealed. Again in 2015, Keith Snow filed an appeal after the Building Inspector failed to enforce the 2011 conditions. After a site visit the Zoning Board of Appeals filed a decision and further restricted the use at 74 Village Hill Road and tried to make the conditions more enforceable by the Zoning Enforcement Officer and to make the sure the public was kept safe by requiring warning signage to let the public know about the shooting and limiting the hours of use for shooting. The Board noted it was not a shooting range but private land in Chapter 61B for recreational use and was not under the protections that shooting ranges are. Robert Hodgkins appealed the decision to the Court and the Court found a technical issue with the filing of the appeal and remanded the matter back to the Town of Williamsburg to re-hear the public hearing and to report back to the Court.

(GM) asked Keith Snow to speak. Mr. Snow referred to his lawyer, Richard Evans who spoke on Keith Snow's behalf. Mr. Evans presented a long letter and packet to the Board. He questioned why this was coming back to be reheard by the Board.

Mr. Nathan Lynch who represents Robert Hodgkins replied to Mr. Evans that due to a procedural mistake made by him, the complaint needs to be amended. The court remanded the issue back to the Town in the interim to see if a compromise can be met.

Mr. Evans spoke about a video that was found on FaceBook that shows the use of military weapons at the site just a couple of weeks prior which is in violation of the Conditions placed on the property. He reported there has been disregard to the conditions and the public's health and safety is at risk. He would like conditions on the property that are enforceable by the Zoning Enforcement Officer who is the Building Inspector. One suggestion was security cameras that are linked to the Police Department or the Building Inspector.

Mr. Lynch, attorney for Rob Hodgkins, spoke next. He said the property owner is bound by the 2011 decision as that decision was not appealed. He noted that most of the conditions are not enforceable due to the wording. He gave some history of the property and noted there has never been an injury on the property. Mr. Lynch stated that according to M.G.L. shooting is not considered noise pollution. (GM) asked if he had any suggestions for compromise. Mr. Lynch had none.

There was discussion regarding the proposed cameras, suppressors, and violations of rights. There was support of the Hodgkins' family and their rights to use their property the way they see fit. There was also discussion regarding pre-1953 weapons and questions regarding their safety. It was noted a newer gun is more precise, safe as well as quieter than older weapons.

There was a question of the difficulty that the Building Inspector had enforcing the conditions. He found some explosive targets which were a violation but in most instances after he received a complaint, he would drive up to the property and there was no one there shooting.

It was noted by (GM) that the Board had received a letter from Lauren Salva which had dates and times of violations that occurred on the property. Lauren Salva, 107 Goshen Rd. spoke to the Board regarding the violations. She has been keeping a diary of the dates and times that shooting has occurred. The dates were all after the 2015 decision and appear to be in violation of the previous set conditions. She did report these instances of shooting to the Building Inspector.

It was noted that no other complaints on those dates were made. It was questioned by supporters of Mr. Hodgkins why no other complaints were made if the loud explosions actually did take place. There was also discussion that the issue is about guns not noise. Noise is present in the neighborhood due to traffic, especially trailer trucks, motorcycles, farm equipment, etc.

Mr. Lynch noted that automatic weapons are illegal in Massachusetts. Most of the general public does not have the permits to shoot machine guns. Unless someone has a special permit to automatic weapons, they are not allowed to be shot.

Charlotte Meryman spoke about growing up on a farm and heard guns. When she first moved to Town 27 years ago, they heard gunfire on Wednesdays and weekends only. They did not mind the sound at that time. Over the last 12 years or so, they cannot enjoy their property when shooting is going on at the property due to the frequency and types of weapons being shot. She does not mind gun fire but the rapid fire, explosions and frequency of the shooting does not make it enjoyable to be outdoors at all.

It was asked of the Board how the use of the property can be restricted. (GM) noted under Section 4.0 of the Zoning Bylaw which states: *"No building or structure or parcel, tract or lot of land shall be used for any purposes harmful to public health, safety or comfort by reason of the emission of odor, fumes, dust, gas, chemicals, poisonous fluids or substance, vibration, noise or other cause of danger."*

Rob Hodgkins, one of the four owners of 74 Village Hill Road, Williamsburg who lives in New Hampshire spoke next. He noted M.G.L. Chapter 214, §7B governs his property and what is considered "noise". As a family, they will only accept what is spelled out in M.G.L. Chapter 214, §7B.

Keith Snow spoke next to the Board. He would like a compromise to live in peace on his property. The issue is the noise coming from 74 Village Hill Road.

Mr. Evans asked the Board to consider the public health and public safety and the rural character of the neighborhood when making their decision.

Mr. Lynch noted that he does not think there will be a compromise. He is looking forward to seeing the decision. He wants his clients to enjoy their 2nd amendment rights and shoot on their own property.

Motion made (MC) and seconded (OF) to close the public hearing at 7:05 pm.

Respectfully submitted,

Brenda Lessard, Secretary