



Board of Appeals

Minutes of Monday, January 24, 2011

Chairman Mann called the meeting to order at 7:00 p.m.

Board of Appeals members present: Gerald Mann, Lisa Berkman (came late), Martin Mahoney and Osa Flory

Applicant Present: Timothy Daley

Public Present: None

Daley Hearing

Chairman Mann opened the hearing at 7:00 p.m. in regards to the application of Timothy and Michelle Daley of 13 Hyde Hill Road, Williamsburg for a Special Permit as required by Section 5, sub-section 5.10, of the Zoning By Law of the Town of Williamsburg to put a 16' x 28' addition on the bait shop that currently runs on a special permit.

Mr. Daley was asked to speak about the project. He stated that he would like to increase his space in his shop as he does not have enough room to carry the stock he would like to have in his bait shop. His customers have been requesting items such as waders and he currently does not have enough room to store the stock. His suppliers require him to make minimum wholesale purchases that require space to store the excess product. He has been using his office for the time but requires more space. Mr. Daley stated that the shop would still be an running on the current hours 7:00 a.m. to 6:00 p.m. His customers are more plentiful in the winter for ice fishing and he is a carpenter and does not put as much into the business in the summer when he is busy with carpentry. There are no employees, and the shop is run by himself and his wife. He stated that the type of business would be cost-prohibitive to expand.

Mr. Mann asked if there would be more signage or change in the lighting. Mr. Daley stated there would be no change. Ms. Flory asked how many customers he has on any given day. Mr. Daley stated that he has approximately 20 customers on a good day. Occasionally, there may be more but the average is 20 customers. He stated that most customers spend approximately ten minutes in his shop at most. They come in for bait, pay and leave. They are heading out to fish and do not stand around.

Mr. Mann asked about serving coffee and sandwiches, which is something he spoke about at the hearing for his prior special permit. Mr. Daley stated he has no desire to do that anymore. It would take too much of his time and would not be worth the cost.

Mr. Mahoney stated that the application did not include the submittal of a plot plan and the decision would need to be dependant of the plot plan.

Motion made by Mr. Mahoney to close the hearing. The motion was seconded by Ms. Flory. Motion so voted.

Decision Hearing

The chairman opened up the decision hearing.

Mr. Mahoney stated that the board messed up with the first special permit. He felt that it should have required a variance rather than a special permit. He felt that in fairness to Mr. Daley, the special permit needed to be decided on its non-conforming status. He felt that the setbacks were adequate. The building is a pre-existing non-conforming structure. Mr. Mahoney feels that the expansion is non-conforming but in keeping with the intent of the bylaw, that the expansion will not be more detrimental to the neighborhood.

Mr. Mahoney made a motion to approve the new construction to expand the existing non-conforming use of the bait shop located at 13 Hyde Hill Road. The motion was seconded by Osa Flory. The motion was so voted.

MM-Aye
OF Aye
GM-Aye

The board stated to Mr. Daley they will not sign off on the approval of the special permit until the submittal of the plot plan. They also put a condition that the scope of the business would not change. The board will sign off on February 7, 2011, if they have the plot plan.

Administrative Meeting

The hearing next week is expected to be well attended. Mr. Mann wanted to make sure the board had read the application and had all the papers. The appeal is based on a decision the building inspector made regarding 74 Village Hill Road and a question of commercial use. The basis of the appeal is on the Zoning Bylaw Section 4.0.

The board felt that all member of the public who wanted to speak to the board would first have to state their name and address. This would be addressed at the start of the hearing. Mr. Evans wanted to show a video and he is working with the secretary and what is available and what he may need.

Respectfully submitted,

Brenda Lessard, Secretary