

## WESTHAMPTON ZONING BOARD OF APPEALS

### MINUTES FOR MEETING OF JANUARY 9, 2018

The meeting was called to order at 7:01pm. Members present: L. Aloisi, S. Morrigan, W. Parks, and W. Tracy. Associate Member present: S. St. Marie. Member absent: J. Kelsey. Guests present: M. Powers, J. Powers, S. Holt, A. Kellogg, M. Hathaway, G. Curtis, and E. Rickey.

#### **Review of Minutes**

The minutes of the December 12, 2017 meeting were distributed. There was a suggestion of one correction on the second page, to which all members agreed. Mr. Aloisi moved, and Mr. Parks seconded the motion, to approve the minutes, as amended. The minutes were approved with 4 votes in favor and one abstention.

The ZBA then reviewed several questions and suggestions for revision of the already-approved October 24, 2017 minutes from Ms. Amber Kellogg. The ZBA clarified why the minutes read as they did, and it did not change the minutes.

#### **Walk-In Requests**

There was one walk-in request. S. Holt presented plans for a new dwelling on his property, which was being divided into two lots. He mentioned that there would be two driveways. The ZBA asked Mr. Holt to draw in the exact location of the new house. The ZBA reviewed all of the setbacks. Mr. Holt drew in the house and drew in the 250 feet of frontage and initialed both of those clarifications. He described the new house as a 3-bedroom, 3-bath 1920 square foot house. Mr. Holt stated that the land had been surveyed by Northwest Survey Consultants. He stated that he would return to the ZBA if the house location he drew was not possible. Mr. Aloisi signed off his construction sign-off sheet.

#### **Old Business**

#### **Zoning Bylaws Review Committee**

Ms. Curtis stated that there had been a hearing on several recommended zoning bylaws revisions and that the Committee was going to hold the solar bylaw in order to obtain more clarification. She stated that there was to be a Town Meeting to consider bylaws on recreational marijuana, medical marijuana, dimensions and density, and cell towers. She reported that the meeting would probably occur on February 12, 2018.

#### **250 Southampton Road**

Ms. Morrigan reported that she had drafted the joint hearing decision and obtained Planning Board approval and that it had been filed on December 15, 2017.

#### **263 Main Road**

The ZBA reviewed Application No. 207 for a variance, which was received on January 5, 2018. The ZBA scheduled a hearing on the variance application for 8:00 PM on February 13, 2018 at 8:00 in the Town Hall. Mr. Aloisi confirmed that there was no need for an extra fee. Mr. Aloisi stated that he would notify the applicants of the hearing date by email and that he would mail the notices to the abutters. Mr. Aloisi also clarified that the Building Inspector is not fining the

applicants for the shed because it is in the variance application process. Further, Mr. Aloisi clarified that if the variance is denied, then the applicants will be fined, but only going forward, and not retroactively.

## **New Business**

**Amber Kellogg and Michael Barbeau v. Zoning Board of Appeals of the Town of Westhampton, MA, Leo Aloisi, Richard Tracy, Wayne Parks, John Kelsey, Shirley Morrigan, and Steven St. Marie, defendants, Trial Court of the Commonwealth, Housing Court Department, Western Division, Docket No. 18CV0012**

The ZBA then reviewed the complaint that Ms. Amber Kellogg had filed in Housing Court. There were a variety of questions raised by the members about the defense of the decision, indemnification of the ZBA members, how the Town is handling the litigation, and what the time frames were for an answer. Members expressed the desire to talk to the Select Board, and Mr. Aloisi stated that he would contact Jim Huston, Select Board President. Members expressed the strong desire to talk to Town Counsel.

Mr. Aloisi moved, and Mr. Parks seconded the motion, to adjourn the meeting. The vote was unanimous, and the meeting adjourned at 8:30pm.

Respectfully submitted,

Shirley P. Morrigan  
Clerk

DOCUMENTS REVIEWED BY THE ZBA

AT ITS JANUARY 9, 2018 MEETING

ZBA Minutes for Meeting of October 24, 2017

Application No. 207 V for a Variance, submitted by Reverend Ryumon H. Baldoquin and Dr. Catherine Hondrop, 263 Main Road, with attachments

Reapplication dated 15 December 2017 (2 copies)

List of Parties in Interest

Sketch

Pictures