

## WESTHAMPTON ZONING BOARD OF APPEALS

### MINUTES FOR MEETING OF DECEMBER 12, 2017

The meeting was called to order at 7:06 PM. Members present: L. Aloisi (Chair), J. Kelsey, S. Morrigan (Clerk), S. St. Marie, and W. Tracy. Member absent: W. Parks. Guests present: J. Powers, G. Curtis, R. Walker, D. Hardy, B. Jablonski, M. Hathaway, E. Rickey, A. Kellogg, K. Robbin, S. Raymond, D. Graham, T. Graham, R. Morrigan, J. Axon, A. Adams, B. Gerald, P. Coffey, A. Smith, and P. Cotton.

#### **Walk-in Requests**

The ZBA decided to change the order of the agenda and accept walk-in requests first. There were two walk-in requests.

R. Walker presented a plot plan for 66 Stage Road, where he is doing construction on a garage/studio for J. Dunaway. In response to questions, Mr. Walker stated that the total height of the construction was 24 feet above grade, and that there may be an extra bedroom. He said that the Department of Health had signed off on his septic system, which he had improved because of the possibility of another bedroom. Mr. Walker said that Mr. Quinlan, the current Building Inspector, said "get all those signatures." The ZBA reviewed all of the paperwork submitted by Mr. Walker. There were no further questions or issues. Mr. Aloisi signed the sign-off sheet on behalf of the ZBA.

D. Hardy presented a site plan by Siegfried Porth, Architect, for construction of a new house at 87 Southampton Road for W. Tangel and V. Vigneault. It is a two story 4-bedroom house with a total height of 28 feet, 10 inches. The ZBA reviewed all of the paperwork and had no questions or issues. Mr. Aloisi signed the sign-off sheet on behalf of the ZBA.

#### **Old Business**

**Decision on Application No. 208 by Amber Kellogg and Michael Barbeau:** The Decision was distributed, and members reviewed the decision, part by part. Typographical errors were corrected. The following changes were made:

Under **General Comments in opposition to the variance.**

Ms. Morrigan added an item that she had omitted which now reads: "1. The appeal of Ms. Powers was accepted by the ZBA on June 13, 2017 because of its finding that Ms. Powers had no notice of the building permit given to Ms. Kellogg and Mr. Barbeau."

Under **Arguments that the applicant meets the requirements of section b.** The ZBA accepted the request of Mr. Tracy, a change was made to item no. 2, which now reads: "2. It was argued that it would be a substantial hardship to move the foundation; quotes were provided with the application."

The ZBA also accepted Mr. Tracy's addition of the following item: "3. Ledge was encountered during pouring of the current foundation."

#### **Minutes of the November 28, 2017 hearing**

The ZBA then reviewed the minutes of the November 28, 2017 hearing. One correction on page 5 was suggested by Mr. Tracy. He recommended deleting the words "found the building permit invalid." The ZBA adopted the following alternate language: "agreed with the appeal that (Ed. note: quoting from the ZBA's decision dated August 9, 2017) 'the Building Inspector,

in relying on his interpretation of Chapter 40A, Section 6, Paragraph 4 and the single lot exemption, was in error in issuing a building permit to Amber Kellogg and Michael Barbeau for property located at 109 Northwest Road.”

Mr. St. Marie moved and Mr. Kelsey seconded the motion to approve the November 28 minutes as revised, to include the recording. The vote was unanimous in favor of the motion to approve. The motion passed.

### **Minutes**

The minutes of the November 14, 2017 meeting were distributed and reviewed. Mr. Kelsey noted that he was absent, and that he was not listed as absent. Mr. Tracy moved, and Mr. Aloisi seconded the motion, to approve the minutes as revised to include Mr. Kelsey's absence. The vote was unanimous in favor, and the motion passed.

### **New Business**

Ms. Kellogg approached the ZBA with comments on the October 24, meeting minutes which have already been approved. The Chair found that this issue was not on the agenda, and that Ms. Kellogg should return to make her comments at the ZBA's regular January meeting on January 9, 2017 at 7:00 PM.

The Planning Board then entered the Town Hall for the 8:00 PM hearing related to an application for a special permit at 250 Southampton Road.

### **Adjournment**

Mr. Aloisi moved, and Mr. Tracy seconded the motion, to adjourn the meeting. The vote was unanimous in favor, and the meeting adjourned at 8:05 PM.

Respectfully submitted,

Shirley P. Morrigan  
Clerk