

WESTHAMPTON ZONING BOARD OF APPEALS

MINUTES FOR MEETING OF JUNE 12, 2018

The meeting was called to order at 7:03 PM. Members present: L. Aloisi, S. Morrigan W. Parks, and W. Tracy. Associate Member present: S. St. Marie. Member absent: J. Kelsey.

At 7:04 PM, Mr. Tracy moved, and Mr. Parks seconded the motion, to enter into Executive Session, with the ZBA voting by roll call 5 yeas, 0 opposed, as the Chair declared that discussion in a public meeting may have detrimental effects on the town's litigating position with respect to the following litigation:

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

Mr. Aloisi then moved, and Mr. Parks seconded the motion, to adjourn the ZBA's Executive Session and return to Open Session at 7:06 PM. The vote was unanimous in favor of the motion.

The meeting opened at 7:08 PM. Members present: L Aloisi, S. Morrigan, W. Parks, and W. Tracy. Associate Member present: S. St. Marie. Member absent: J Kelsey. Guests present: G. Curtis, H. Hathaway, A. Kellogg, J. Powers, and M. Powers.

Minutes

The minutes of the May 15, 2018 meeting were distributed and reviewed. Mr. Tracy moved, and Mr. Aloisi seconded the motion, to approve the minutes. The vote was unanimous in favor of approval of the minutes.

Walk-in requests

None.

Old Business

Zoning Bylaws Review Committee

Ms. Curtis reported that there would be a hearing on recreational marijuana on June 13 at 7:00 PM at the Town Hall. She reported that the deadline for decision on proceeding further was September 30, 2018. She urged ZBA members to attend the hearing.

Application SP 211

Mr. Aloisi reported that he had placed the requisite notices in the newspaper and sent notices of the hearing to the abutters.

New Business

The ZBA then considered an application for an appeal of a Board of Health decision regarding 109 Northwest Road. There was extensive discussion of whether or not the ZBA could

consider this application because of several defects, including the lack of an application number, the question of whether a fee was due, and the fact that the appeal appeared to address a letter from the Board of Health which was dated May 7, 2018.

Ms. Kellogg, the appellant, gave the ZBA information about the appeal. She reported that Ms. Valerie Bird had stated that the decision had been made in June, rather than May, and that the ZBA should have no problem dealing with the appeal based on the May letter.

The ZBA spent a considerable amount of time going over with Ms. Kellogg the problems with the appeal and how she could address them - by obtaining an application number, checking on whether a fee was due, and by asking Ms. Bird to provide her with a letter that reflected the date of the June decision. The ZBA also pointed out to Ms. Kellogg that the Board of Health decision needed to be certified by the Town Clerk.

At 8:15 PM, Mr. Tracy moved, and Mr. Parks seconded the motion, to continue this June 12, 2018 meeting to June 19, 2018 to continue review of the matter. The vote was unanimous in favor of the motion.

There was no adjournment of the meeting.

Respectfully submitted,

Shirley P. Morrigan,
Clerk

DOCUMENTS REVIEWED BY THE ZBA

AT ITS JUNE 12, 2018 MEETING

E mail from C. Provost, dated June 12, 2018, and timed at 4:15 PM to L. Aloisi, S. Morrigan, R. Tracy, J. Kelsey, W. Parks, and S. St. Marie

Application: "Appeal of the Board of Health on Denial of a Temporary Occupancy Permit"

No application number

List of abutters

List of Parties in Interest

Letter dated 05/07/2018 from Tom P. Martin and D. Blakesley to A. Kellogg re: 109

North West Rd, Westhampton

Board of Health minutes for May 3, 2018

105 CMR 410.00 and 410.430

Westhampton Zoning Bylaws Section 5.61, Special Circumstances