

## WESTHAMPTON ZONING BOARD OF APPEALS

### MINUTES FOR MEETING OF JULY 10, 2018

The meeting was called to order at 7:04 PM. Members present: L. Aloisi, J. Kelsey, S. Morrigan, W. Parks, and W. Tracy. Members absent: None. Associate members present: P. Ignatovich, L. Sanders, and S. St. Marie. Guests present: T. Alexander, G. Curtis, A. Kellogg, M. Powers, and E. Rickey.

Review of the minutes of the meeting of June 12, 2018 were distributed and reviewed. Mr. Aloisi moved, and Mr. Parks seconded the motion, to approve the minutes. Mr. Kelsey abstained, and the votes in favor were Mr. Aloisi, Ms. Morrigan, Mr. Parks, Mr. St. Marie, and Mr. Tracy.

The issue was raised of who votes at ZBA meetings. Mr. Tracy stated that all members and associate members were entitled to vote. Ms. Morrigan disagreed and asked for the legal authority for that position. The issue was left to later discussion.

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

There was one walk-in request.

Ms. Kellogg presented a sign-off sheet for 109 Northwest Road and stated that she would be removing the existing foundation and putting it back 10 feet. She presented a site plan dated July 10, 2018. Members reviewed the frontage, the setbacks, and the height and identified no problems. Mr. Parks asked about the direction to send any paperwork regarding Ms. Kellogg to Town Counsel. The specific instructions from counsel were read and deemed to be irrelevant to a new building permit sign-off sheet. Mr. Tracy moved, and Mr. Aloisi seconded the motion, to authorize the chair to sign the sign-off sheet, based on review of the Site Plan dated July 10, 2018 for Job. No. 2017-041 prepared for Amber Kellogg. The motion passed unanimously, with Mr. Aloisi, Mr. Kelsey, Ms. Morrigan, Mr. Parks, and Mr. Tracy voting in favor of the motion.

#### **Old Business**

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

Mr. Kelsey reported that the Committee was working on recommendations regarding recreational marijuana, and would be beginning discussion of the issue at its July 19 2018 meeting. He pointed out that the state had extended the deadline by which towns must decide on how to treat recreational marijuana to March 31, 2019. The issue of whether people in Westhampton knew exactly what they were voting for when they voted in favor of recreational marijuana was mentioned.

##### **Meeting postings**

Ms. Morrigan mentioned the difficulty and the necessity of posting the ZBA meetings on the town Web site.

#### **New Business**

**Todd Alexander** presented a sign-off sheet for a house at 117 Southampton Road for Tyler Sypek on Parcel 2. The ZBA reviewed the plot plan dated August 25, 2016 and approved the

setbacks, the frontage, and the height (32 feet). Mr. Kelsey moved, and Mr. Tracy seconded the motion, to authorize Mr. Aloisi to sign the sign-off sheet. The vote was unanimous in favor, with Mr. Aloisi, Mr. Kelsey, Ms. Morrigan, Mr. Parks, and Mr. Tracy voting in favor of the motion.

**CVE North America.** The ZBA was presented with a large file of documents related to a large scale solar installation for a company now called Sunrise on Montague Rd., LLC. The company is seeking a special permit with site plan approval for a large scale solar installation on private property. It was pointed out that no information had been given to the Fire Chief.

After some discussion, the ZBA decided that it did not have enough information to formulate an opinion on this application. The ZBA expressed the opinion that the Planning Board should be told that the ZBA had questions and was reserving its opinion on the project. Mr. Kelsey moved, and Mr. Tracy seconded the motion, that Mr. Aloisi as Chair of the ZBA notify the Planning Board that the ZBA reserves its right as to its recommendations on the CVE North America project until a future date. The motion passed unanimously, with the votes in favor by Mr. Kelsey, Ms. Morrigan, Mr. Parks, Mr. St. Marie, and Mr. Tracy. Mr. Aloisi abstained from the vote, because of his status as an abutter.

**17 Pine Island Lake.** The issue was raised of the status of the special permit on this house replacement because the ZBA already had a special permit hearing on June 26, 2018. The ZBA reviewed the fact that notices were sent to all town boards, including the Conservation Commission, which gave them 35 days to respond prior to the June 26, 2018 hearing with any concerns. Ms. Morrigan reported that the ZBA's decision was filed with the Town Clerk on July 2, 2018, and the decision would be final and no longer subject to appeal as of Monday, July 23, 2018.

It was noted that the Conservation Commission was having proceedings regarding the permit after the special permit had been granted by the ZBA. The Conservation Commission never responded to the ZBA's request for comment prior to the June 26, 2018 ZBA hearing. Mr. Parks pointed out that the Zoning Act, Chapter 40A, Section 11 provides that any board, such as the Conservation Commission, which fails to make recommendations within 35 days of receipt shall be deemed lack of opposition thereto.

No consensus was reached at the meeting regarding the Conservation Commission proceedings.

Mr. Kelsey moved, and Mr. Parks seconded the motion, to adjourn the meeting. The vote was unanimous in favor of adjournment, with Mr. Aloisi, Mr. Kelsey, Ms. Morrigan, Mr. Parks, and Mr. Tracy voting in favor of the motion. The meeting adjourned at 9:10 PM.

Respectfully submitted,

Shirley P. Morrigan  
Clerk

DOCUMENTS REVIEWED BY THE ZBA

AT ITS JULY 10, 2018 MEETING

Sign off sheets

109 Northwest Road

117 Southampton Road

Special Permit with Site Plan Approval Sunrise on Montague Road, LLC (aka CVE) materials  
prepared by SWCA Environmental Consultants