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WESTHAMPTON ZONING BOARD OF APPEALS

MINUTES FOR MEETING OF AUGUST 14, 2018

The meeting was called to order at 7:05 PM. Members present: L. Aloisi, S. Morrigan, and W. Tracy. Associate members present: P. Ignatovich and L. Sanders. Members absent: J. Kelsey and W. Parks. Associate member absent: S. St. Marie. Guests present: A. Dunn, A. Macutkiewicz.

New Business

The ZBA decided to take the new business first and considered the request of A. Dunn for a sign-off on the sign-off sheet for a 2100 square foot, 3-bedroom, 3-bath house at 79 Burt Road. The ZBA reviewed the house plans, the plot plan, and frontage (300 feet on Burt Road) and found the setbacks to meet Zoning Bylaws requirements.

Mr. Tracy moved, and Mr. Ignatovich seconded the motion, to authorize Mr. Aloisi to sign the sign-off sheet. The vote was unanimous in favor with Mr. Aloisi, Mr. Ignatovich, Ms. Morrigan, Ms. Sanders, and Mr. Tracy voting in favor.

Minutes

The minutes of the July 10, 2018 meeting were distributed and reviewed. Mr. Ignatovich moved, and Mr. Tracy seconded the motion, to amend the minutes to change the reference to "Peter" before the word "Ignatovich" to the initial "P." The vote was unanimous in favor of the motion. Mr. Aloisi then moved, and Mr. Ignatovich seconded the motion, to approve the minutes as amended. The vote was unanimous in favor of the motion.

There were no **walk-in requests**.

Old Business

There was extensive discussion, from a zoning perspective, of the CVE application for a large-scale solar installation.

First, the question was raised as to the interpretation of Zoning Bylaws Section 6.342, which describes the procedure of a required joint hearing for a special permit with site plan approval. The ZBA recommended that the Clerk write to the Select Board and seek the opinion of Town Counsel as to whether a joint hearing was required for the CVE application. The ZBA discussed the fact that Town Counsel had instructed the ZBA to have joint hearings with the Planning Board in the instances of a 2-family house (Haas) and a commercial kennel (A. Smith), both of which were seeking special permits with site plan approval. In both of those cases, the Zoning Bylaws Table of Uses stated SP/ZBA/SPA, and Town Counsel recommended a joint hearing with the Planning Board. Similarly, here, the solar bylaw Table of Uses states SP/PB/SPA. Therefore the ZBA sought a legal opinion on whether a joint hearing was required for the CVE application.

Second, the ZBA discussed whether CVE had submitted an adequate site plan for the project. The ZBA reviewed the solar bylaws section xi. b., which requires dimensions, abutting properties, nearby streets, setbacks, total acreage, structures or concrete pads, and a certified land surveyor's signature and stamp. The ZBA discussed possible detriment to the neighborhood. The ZBA also reviewed Zoning Bylaws section 6.332a-i, which sets forth the Zoning Bylaws requirements for a site plan.

Ms. Sanders moved, and Mr. Ignatovich seconded the motion, to ask the Clerk to write a short letter to be submitted by no later than August 17, 2018, which summarized the ZBA's concerns and recommendation that the Planning Board require CVE to fulfill site plan requirements, as set forth in both the solar bylaw 5.13 xi b and in zoning bylaws section 6.332 a-i. The vote was 4 in favor (Mr. Ignatovich, Ms. Morrigan, Ms. Sanders, and Mr. Tracy) and one abstention (Mr. Aloisi). The motion passed.

Ms. Sanders moved, and Mr. Ignatovich seconded the motion, to adjourn the meeting. The vote was unanimous in favor of adjournment, and the meeting adjourned at 8:21 PM.

Respectfully submitted,

Shirley P. Morrigan
Clerk