

Westhampton Zoning Board of Appeals

Public Hearing for the Special Permit Request by Paul Facteau

January 13, 2021 at 6 pm

Via Zoom

Present: John Kelsey, Laurie Sanders, Bill Tracy, Peter Ignatovich, David Loven

Public: Peter Bigwood, Liz Bigwood, Ginny Curtis, James Jewell, David Gengler, Karen Gengler, Martha Lellman, Doreen Miller, Rowan Morrigan, Shirl Morrigan, John Shaw, Janna Ugone, Peter Whalen, and applicant, Paul Facteau.

6:04 Bill Tracy called the public hearing for Special Permit 219 to order. The hearing was recorded. Bill established the ground rules and introductions were made.

Paul Facteau delivered a presentation, which was recorded. Noting that he lives in a year-round residence and described how the project met the criteria of the Westhampton by-laws under 6.29. He wants to alter a 16'x20' building and convert it to a 3-bay 30' x 40' structure, and 24' in height. He owns 91 acres on the nearby slope and 4 acres at the lake. In total, he owns 4 lots in common. He wants to build the larger structure for his vehicles and equipment (tractor, boats). The building will have no septic, running water or living space. The first floor would be 1,100 sf. He will screen it with vegetation and stated that he feels like it fits in the neighborhood (6.271) because he owns a large lot (albeit non-conforming) and that the design will match his home. Facteau ran through the criteria, stating why he felt the project met them.

He completed his presentation at 6.28 pm.

Bill Tracy asked if the proposed structure location was the same as the original plan from last March. (Facteau- yes).

Laurie Sanders stated that the ZBA had received information from the building commissioner, and read the comments into the record, which says the project requires a Variance (not a special permit). It related to the past ZBA application that the building was to be a temporary structure. Facteau responded stating that the existing building was always intended to be temporary, with the application at hand being his planned-for final building. John Kelsey and Bill Tracy were on the board at that time of this decision.

Ginny Curtis made a detailed presentation regarding the history of the site & applications from Mr. Facteau. She provided two copies, which are in the files. In summary, when the property was deeded in 2003, 2 lots were combined to form 11F-2. 11F3 (64 acres) has the septic; 11F-4 (.07 acres) shows the shed (12' x 13', now 16' x 20'). She noted that the variance request in 2006 was almost identical. Curtis

says it is grandfathered structure, because the shed was supposed to be temporary and on the lot with the house (lot LF-2), but it is on lot LF-4. In 2006, the ZBA determined that the project did not meet Special Permit criteria, but required a variance. She stated that she understood why the current building commissioner stated it should be a variance, because the shed was supposed to be temporary on other lot.

When Facteau came back for a variance, the board granted it, but the neighbors appealed. The judge overturned the board's decision. The shed was built in 2008.

Facteau clarified that the shed is 12' x 13', but the drip edge is 16' x 20'.

Curtis noted that in March 2006, Facteau had requested to build a 3-car garage on LF-4. ZBA asked for a variance under 6.11. This was granted and appealed. Key different—temporary shed was supposed to be on LF-2, but is on LF-4 (which is where the 3-car garage is proposed).

Bill asked if any of the public wished to speak in favor of the project. No one did.

Question from the public were asked about the structure (height, look, roof material).

John Shaw said this was not a special permit but a variance.

David Gengler said if/when the project comes back, he wants to make sure all of the details are included as it is difficult for neighbors to report violations on neighbors.

ZBA members discuss that the project should be a variance.

Paul Facteau agrees to withdraw his application and will resubmit with a variance.

The board agreed to meet Facteau at his property on Thursday, January 21 at 3 pm for a site visit.

Facteau formally withdraws his application. Peter Ignatovich made a motion to close the hearing. Dave Loven seconded. All in favor.

Motion carried: 7:40 pm.