

**Zoning Board of Appeals
Regular Meeting, via Zoom
May 11, 2021**

Attending: Peter Ignatovich, Bill Tracy, Laurie Sanders, John Kelsey, Dave Loven

Attending: John Shaw, Shirl Morrigan, Paul Facteau, Ginny Curtis

Bill Tracy called the meeting to order at 7:08

Approval of Minutes: Peter Ignatovich moved that the April minutes be accepted. Bill Traced seconded. All were in favor. Dave Loven made a motion to approved the February minutes. Tracy, Ignatovich and Loven in favor; Sanders and Kelsey abstaining as they were not present.

New Business

Paul Facteau has submitted a new application for a Special Permit to add on to the existing outbuilding on the lot adjacent to his home. John Shaw asked if the Building Inspector had been asked for an opinion. Facteau said that there was a back and forth, but his position (Facteau's) is that it does not require a variance. Because the Building inspector said no to a building permit, he is requesting a Special Permit (SP) from ZBA.

Bill Tracy noted that Facteau had requested a withdrawal without prejudice in January and is now submitting a new Special Permit request.

Ginny Curtis stated that under Westhampton by-laws 3.32, Facteau's existing outbuilding has been in place for 10 years. She also asked who determined it was a SP vs variance.

Curtis stated that in review of 2006 court decision and minutes, the variance was legally vacated. Suggests determination should be by Building Inspector.

Facteau, said that although the 2006 request for a variance was vacated in 2007, the ZBA granted a variance for this building in 2007 and that decision was not appeals. Facteau futher cited case law staying that his building can expand because it is not becoming more non-conforming. He believes he has submitted all the previous info.

Curtis requests Book & Page citation for 2007 decisions by ZBA, i.e. Special Permit for House & Variance for outbuilding. Also requests building permit and Registry of Deeds references.

Tracy noted that he had contacted Mr. Dubendorf, a zoning attorney, who verified Facteau's position that because the building has been in place for 10 years, it can remain.

Tracy asks if board agrees to accept application and set a date for the public hearing. Kelsey asks if application complete.

Because the application packet was sufficient, Peter Ignatovich moved that a public hearing be scheduled for June 17 at 7 pm via zoom for a Special Permit (v 223) for the proposed work on a non-conforming lot (11-2) owned by Paul Facteau on East Shore Drive.

John Kelsey seconded. All were in favor.

1 Main Road: Committee members were reminded to read all the correspondence prior to the May 18 public hearing.

A motion to adjourn at 8 pm, was seconded and all were in favor.

