

Regular Meeting & Continuation of Public Hearing for 1 Main Road
August 10, 2021 at 7:00 pm
Westhampton Town Hall

Tracy stated that a request was received from Wade Clement, 15 Main Road, was made for a variance to extend a porch. The application did not include the list of abutters, so it was not accepted as complete. Kelsey made the motion to decline acceptance. Loven seconded. All were in favor.

Mark Reed, a surveyor, spoke about the plan, citing 6.24 (a, b, c, d, and e) and noted the changes: new plan shows parking, loading areas, greenhouses, refuse, sewage and waste disposal, loading dock. The parking shows 2 spaces for the owners and two for the workers. It also shows where deliveries will take places.

Reed noted that you cannot see behind the building due to depth and topography

Attorney McLaughlin (rep for McMahon) asked about screening through planting. Reed said it isn't shown, but it's possible.

McLaughlin asked about hours of operation, sound proofing and other changes to the building structure.

Kemp says the retail portion of the existing business is closed, but the office is still being used and there is a landscaper /tenant. There has been no termination of business operating at any time.

Fortier says the tenant has 1 truck and operates 2-3 days/week. He does not anticipate additional use and the lease is month-to-month. Current owner Justin Pelis says 1 or 2 people are current tenant, whereas he employed 13.

McLaughlin asks about screening with arbor vitae. Fortier says he will plant trees.

Tracy invites people who were not at the previous hearing to speak.

Betty Anne Gould stated that she is an abutter, and would be happy to have the business. It has been a business a longtime and she has resided in Westhampton since 1940s. The proposed business has her full support.

Tracy reads the last paragraph from Attorney Eichman's response, which indicates that it's a "continued use", and "use" is a determining factor.

Tracy said the use of the lot is for the same general purpose and it is not for a specific use.

McLaughlin questions value of 3.31 in by-laws.

Tracy states that there are accessory uses on the lot.

McLaughlin states that from his opinion it seems like a change of use.

Tracy states that Planning board has historically approved such changes.

McLaughlin contends that the proposed use is "light" industrial.

Atty Kemp states that "light" industrial was done every other week; this is an accessory use and the main business is installing HVAC off-site. Cites 3.32 by-law which allows for this.

Pelis states that before he purchased the business, the workshop was in use and had 3-phase equipment (i.e. wood shop) operating.

Kelsey says that he believes that it is a continuation of a business He states that he has heard legitimate concerns (lighting, hours of operation, screening) and feels that can be addressed with conditions in an approval.

Tracy states that he believes the proposed business is an enhancement over doing nothing. The electrical work is hand operated (i.e. not pneumatic). He sees no legal reason why the project can't be approved, based on what he's heard and Town Counsel opinion. He is in favor of the project, with conditions.

Ignatovich asks what % of use of space for warehousing vs manufacturing.

Fortier says he estimates 40% office; 40% warehouse; 20% manufacturing. They have 8 machines; 1 makes noise.

McLaughlin suggests that ZBA could set a future hearing to determine if the conditions of approval have been met.

Loven states that lights & sound issues can be addressed with conditions.

Tracy moves to grant Special Permit approval for the use proposed by Jesse & Wesley Fortier (dba Rock Valley) as submitted in the application.

Kelsey says let's write conditions first and then make one motion to approve.

CONDITIONS (written in consultation with applicant and abutter and her attorney)

1. Hours of operation for specific activities (loading and unloading, deliveries and light manufacturing fabrication) shall take place between 7:30 am and 5:30 pm, Monday to Friday, except on occasions of a documented emergency.
2. The applicant will install a row of evergreen shrubbery (or equivalent) that are a minimum of 4 feet high along Main Road in Northampton.
3. Signage shall remain approximately the same size (or smaller) and in the same location and will not have exterior lighting. The new sign shall not exceed existing dimensions.
4. Exterior lighting will not extend behind the property or into the sky.
5. The applicant agrees to a regularly scheduled meeting in or about 6 months from the time of the transfer of deed to ensure compliance with all conditions.

MOTION: The Westhampton ZBA grants Special Permit v224 to Wesley and Jesse Fortier, doing business as Rock Valley, subject to conditions 1-5.

Tracy's motion is seconded by John Kelsey. All in favor.

The hearing was closed at 8:45 pm.

The regular meeting was re-opened and Lisa Marney and Michael Matrishon discussed a new house at 349 Main Road. Kelsey made a motion to sign off on the all boards sheet as all of the ZBA set-back and height requirements were met.

Kelsey provided an update on the by-law committee.

A motion to adjourn the meeting was made. All in favor.

The meeting ended at 9:30 PM.

Submitted Laurie Sanders, Secretary