



The Zoning Board of Appeals

TOWN OF WESTHAMPTON
TOWN HALL
1 SOUTH ROAD
WESTHAMPTON, MASSACHUSETTS 01027

Minutes of the Meeting - Westhampton Zoning Board of Appeal

Tuesday, August 9, 2022, at 7:00 PM

The Westhampton ZBA scheduled a regular meeting on Tuesday, August 9, 2022, at 7:00 PM.

Call to Order

The meeting was called to order at 7:04 PM

PRESENT IN PERSON: Dave Lovin, Bill Tracy, Peter Ignatovich, John Kelsey, Laurie Sanders

ALSO PRESENT: Douglas Finn, others (see attached list)

Public Hearing

In accordance with Section IV of the Westhampton Zoning Bylaw, the Westhampton Zoning Board of Appeals will hold a public hearing on Wednesday, July 20, 2022 at 7:30 PM, at the request of Emily Estes Baillargeon, Estes Architecture and Design, LLC, on behalf of Janna V. Ugone (Owner) to move an existing dwelling approximately 23 degrees so the house is parallel with the waterfront; there will be no change to the existing footprint, or substantial change to the existing non-conforming structure; use will continue to be seasonal. The property is located at 44 Pine Island Lake, Assr. Pcl. Map 13, Lot 20.

It was MOVED by Ignatovich, SECONDED by Lovin

To continue the public hearing.

VOTED 5, 0, 0 (7:04 PM).

The Chair continued the public hearing at 7:04 PM.

Presentation / Findings

- Ms. Emily Estes Baillargeon represented the owners, and presented the overall project to the Board.
- Existing structure is extremely weak, and may not be salvageable, or saveable. Permission is requested to either repair existing, or demolish and replace, if structurally necessary.
- Proposed structure will have same footprint area as existing, but will be shifted in shape and location.
- Applicant proposes an increase in height to allow for a full-height second-story.
- The interior layout is expected to remain similar to the existing cottage. No new bedrooms are proposed.
- Some windows on the east- and west-sides of the cottage will be reduced in size or eliminated.
- The intention is to be left with a structure that 'looks like it has been there'.
- The shape and layout of the proposed deck was reviewed.
- The existing deck and proposed deck are roughly in the same place.

- The existing shed will remain on the site.
- The bedroom count will remain the same.
- Floor area will increase with the addition of the second floor.
- Ms. Jamie Williams asked if a survey had been done. Response: A survey has been done. Are there ground monuments? Unknown.
- Ms. Jamie Williams; Scoping of the demo / rebuild? Logistics of equipment placement on the lot, workers travel to and from the lot, materials staging, etc.?
- Ms. Estes: The project has been reviewed by the Conservation Commission through a Request for Determination of Applicability, and conditions have been issued.
- Mr. Bill Tracy: The Standard Conditions of Pine Island Lake Projects will apply in this case, which should include (in part) limits on construction between Memorial Day and July 1; no construction on Sunday, and no construction at all Between July 4 and Labor Day.
- Ms. Williams expressed concern in regard to the staging of the materials, movement of trucks and equipment, etc.
- Mr. Tracy: We can condition any approval to take concerns into account.
- Mr. Paul Facteau: a single felled tree required four separate vehicles on site, a great deal of disturbance, and no oversight by any board.
- Ms. Williams: Currently, there is a loft bedroom. The open second-floor sleeping loft will be maintained.
- The number of parking spaces on the lot will not change. Parking is anticipated to be as before.
- Mr. Peter Whalen (co-owner) noted that he would ask his contractors to be as sensitive as possible.
- Ms. Williams noted that plantings would help to provide privacy for neighbors. Ms. Estes noted that windows were placed to enhance the view of the lake, and reduce visibility from side lot lines.
- Mr. Facteau expressed concern about whether the existing vegetative screening would shield the visibility of the cottage.
- There was extensive discussion related to increases in glazing, increases in massing, and light pollution.
- There was some back and forth between the applicant's agent and Mr. Facteau regarding the potential use of the loft.
- Mr. Facteau noted that water pooled under the existing cottage. Ms. Estes noted that the proposal included significant improvements to the footings of the structure.
- Mr. Facteau expressed concern regarding potential grade changes and their impact on whether a change in grade would affect surface hydrology. The applicant affirmed that there will be no grade change to the lot overall.
- Ms. Ugone suggested that part of the intent is to allow for unrestricted air-flow under their cottage, to allow for minimal impact of moisture on the structure.
- Mr. John Shaw: Has the board requested an engineering study in regard to water runoff?

- Mr. Alan Seewald, 65 Pine Island Lake: A grade change would require conservation commission approval. No grade change is proposed. Mr. Seewald also suggested that the question is whether the proposal is more detrimental to the neighborhood or not.
- Ms. Ugone noted that no change in grade is proposed.
- Mr. Finn: How is stormwater managed currently? Mr. Whalen: stormwater is collected in gutters, to downspouts, deposited on the surface of the ground. No change is proposed.
- Mr. Alan Seewald, 65 Pine Island Lake: (Comment): every cabin on the lake will need some help in time. We should applaud the applicant for their intent to upgrade the property. This proposal will improve the quality of the area. Other renovations have upgraded the lake, this one will as well. Concerns about vehicle traffic, and privacy may be valid, but the short-term disruption will allow for a long-term benefit.
- Martha Lellman, 48 Pine Island Lake, spoke in support, noting that the existing cottage is crumbling, and the owners are looking to improve and upgrade. While the neighborhood
- Mr. Peter Whalen (Owner), noted their interest in maintaining and improving their property to the best of their ability.
- Ms. Ugone (Owner) noted recent troubles with the existing cottage, their intent to keep the structure as it is to the best of their ability.
- Mr. Jonathan Moskin, #60 Pine Island Lake, spoke in favor of the application: There are other properties on the lake have fallen into disrepair; we should encourage restoration and improvement of properties wherever possible.
- Ms. Shirl Morigan, 52 East Shore Road, added support for the proposal, noting that the changes will increase the value and appeal of the property and the neighborhood. Construction always causes disruption, but it can be minimized through cooperation. Given that there is no expansion of bedrooms, the improvement to the house should be allowed – it seems as though it is not an option.
- Ms. Williams: Please ensure that construction vehicles do NOT travel over neighboring properties, as the risk to tight-tanks is significant.
- Mr. Facteau read a letter from Ms. Shireley C. Malove, 35 Pine Island Lake (included in public record).
- Mr. Facteau noted that he understands what a renovation looks like; that said, what is being said is a significant change – the addition of an entire second floor; with larger massing moved closer to the boundary than the existing structure. Mr. Facteau expressed concerns with privacy and visibility.
- Mr. Facteau noted that the existing lot is about 20% of the minimum lot size, and the lot coverage is higher than permitted in Zoning; he also noted concerns with parking space size.
- Mr. Facteau noted that he would not object to maintaining the existing cottage as it sits, even if to be rebuilt.
- Ms. Estes noted that most of the mass of the proposed second floor would be screened by the existing arbor vitae hedge.

- Mr. John Shaw noted that the only determination that the Zoning Board needed to make was whether the proposal is more non-conforming than the existing use on the land.
- Ms. Leah McConnaughey also expressed concern about the size of the proposed structure.
- Ms. Ugone noted that there would be less fenestration on the east side of the building, reducing light impact onto Mr. Facteau's property.
- Mr. Facteau again expressed concern with the increased size of the structure.

There being no new public comment, it was MOVED by Ignatovich, SECONDED by Kelsey

To close public comment and move to deliberation.

VOTED: 5, 0, 0.

Deliberation

Mr. Tracy expressed his opinion: The ZBA has been respectful of the Pine Island Lake Community as best as possible. While the camps on Pine Island Lake were at one point 'fishing cabins', or simply summer shanties, times change, and more use on the lake has come about. Folks were interested in improving their lots, and the Town was interested in upgrading septic treatment facilities. Tight-tank systems have become more popular. While year-round use on the lake remains a concern, the Board has tried to recognize the value of the property, and respect the right of the owners to improve their property so to better enjoy their investment. Significant upgrades of structures, even replacement in some cases, have been approved for that reason. The increase in height is a bit of a concern, as it is the only option for improvement in some cases.

Mr. Kelsey: Our job is to determine whether the property is substantially detrimental to the neighborhood. In my opinion, the increase in height, and the increase in mass, and the relocation of the structure on the lot, does not increase any non-conformity on the lot. Further, a tear-down will cause much less disturbance to the land than attempts to renovate the existing structure.

Mr. Tracy noted that detriment to the neighborhood should be considered, and the absence of an increase in non-conformity does not mean no increase in detriment to the neighborhood.

Mr. Kelsey noted that all setbacks, and all side lot lines should be identified and staked prior to commencement of construction.

Mr. Lovin: A larger machine can reduce the impact of demolition. Mr. Lovin expressed familiarity with the proposed GC, and noted that he was known for quality work, and consideration of neighbor's concerns. Mr. Lovin also noted that the existing hedgerow would still provide adequate screening, and their location would likely reduce privacy concerns.

Mr. Tracy asked if the proposed structure will have the same square footage. Answer: same footprint, increase in livable area.

Ms. Sanders: There should be significant attention paid to conditions for approval, if the project is approved.

Mr. Tracy noted the board's standard condition requiring the filing of a deed restriction noting the seasonal nature of the property. Mr. Shaw questioned whether the requirement

is effective or legal. Mr. Tracy noted that the condition has been imposed for some time without difficulty.

There was some discussion related to the intention behind the requirement for maintaining the residence as a seasonal use.

Mr. Tracy asked the board members if a site visit was warranted.

Mr. Tracy also noted that the road in that specific area were of poor quality, and that some maintenance would be warranted.

It was MOVED by Tracy

to approve the application as presented, for the following reasons:

that he finds the proposal to be in harmony with the Zoning Bylaw, and will not be more detrimental to the neighbor for the following reasons:

that the proposal as a seasonal cottage is the same as the existing use,

that the additional massing of the building from the proposed second story would be remediated by existing visual screening, and would not impose a greater deterrent to the immediate neighbors;

that the final use on the lot as a seasonal cottage does not expand upon the existing use (no new bedrooms); and

that no greater use in terms of time is proposed.

Said approval shall be subject the following conditions:

- *This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Zoning Board of Appeals and Building Inspector.*
- *The construction shall conform to the application considered and approved by the Zoning Board of Appeals, including all plans and documents submitted in support of same, and approved by the Zoning Board of Appeals.*
- *This special permit shall run with the land.*
- *Outdoor lighting shall be limited to that required by the building code and shall be down-lit only and fully shielded when viewed from the top and sides.*
- *Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.*
- *Substantial activity authorized by this Special Permit must commence no later than one year from the date of final action by the Zoning Board of Appeals.*

Standard Conditions for Pine Island Lake Projects

- *Project must comply with the Westhampton Zoning Board of Appeals Standard Pine Island Lake Conditions, as follows:*
 - *No lighting is to shine over the property lines or into the sky*
 - *All private roads must be maintained during construction; following construction, all roads shall be in equal or better condition than before construction.*

- *Hours of outside construction:*
 - *From May 1 to Memorial Day, work can be done from 7 AM to 7 PM and 7 AM to 5 PM on weekends.*
 - *From Memorial Day to Labor Day, outside construction is limited to 7 AM to 5 PM, with no outside construction permitted on Sundays.*
 - *No specific restrictions between Memorial Day and May 1.*

Other conditions:

As agreed by the applicant, a licensed surveyor shall place and/or confirm boundary markers at corners of lot.

Applicant shall comply with any conditions imposed by the Conservation Commission.

Contractor shall provide offset stakes prior to placement of foundation piers, relative to offsets of edge of structure as proposed and depicted on the plans; applicant or their agent shall monitor construction activity for compliance with setbacks as proposed and approved.

As agreed to by the applicant, no construction vehicles shall be permitted to be parked on any road.

As agreed, applicant or their agent shall control and direct all truck traffic to and from the site, to ensure that roads are not unreasonably obstructed for any significant duration of time.

Licensed surveyor shall provide "as built" plans to the Building Inspector prior to issuance of a Certificate of Occupancy

As agreed, Applicant shall record a deed restriction, denoting that the property is intended to be for seasonal use only.

Seconded by Ignatovich for reasons as stated.

VOTED: 5, 0, 0. (9:20 PM).

It was MOVED by Tracy to close, SECONDED by Ignatovich

To close the public hearing.

VOTED 5, 0, 0. (9:21 PM)

The public hearing was closed at 9:21 PM.

Minutes from

The minutes from July 12 and July 20, 2022 were reviewed.

After review it was MOVED by Kelsey, SECONDED by Sanders

To accept the July 12, 2022 minutes as presented.

VOTED: 3, 0, 2 (TRACY, IGNATOVICH).

It was MOVED by Kelsey, SECONDED by Ignatovich

To approve the minutes from July 20, 2022 as presented.

VOTED: 5, 0, 0.

Presentation: Mr. John Shaw

Mr. Shaw asked to postpone his presentation to a later meeting; but advised the ZBA to

prepare and file the "Pine Island Lake" policy with the Town Clerk as soon as possible.

Application Receipt / Review

No new applications have been received.

Adjourn

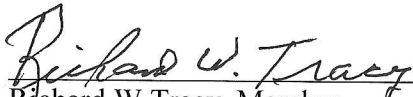
It was MOVED by Kelsey, SECONDED by Ignatovich
To adjourn.

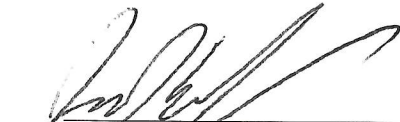
VOTED: 5, 0, 0. (9:33 PM)

Respectfully submitted,


Douglas C. Finn.


Approved by vote of the Board at a regular meeting held on SEP. 13, 2022.


Richard W Tracy, Member


John Kelsey, Member


Peter Ignatovich, Member


Laurie Sanders, Member


Dave Loven, Member

ZONING BOARD OF APPEALS

Public Hearing Attendance Sheet

Date of Hearing

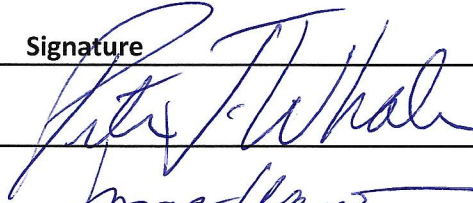
8/9/2022

NAME (Please Print!)

Signature

Street Address, and Town

PETER WHALEN



44 EAST SHORE RD. W. TOWN

Janna Ugone



44 EAST SHORE RD Westhampton

EMILY ESTES ~~BRANDEN~~



19 ALLISON ST NORTHAMPTON, MA 01060

ALAN SEEWALD



65 PENINSULA RD W. HAMPTON

TOM PELOQUIN



46 PINE ISLAND LK W. HAMPTON

Sandy Peloguin



46 Pine Island Lk W. Hampt

Pax Facion



43 PINE ISLAND LAKE WESTHAMPTON

Leah McConaughy



43 Pine Island Lake Westhampton

Mark Karolides



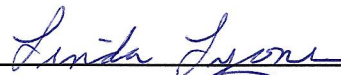
45 pine Island Lake westhampton

Brenda Karolides



45 PINE ISLAND LAKE

Linda Lyons



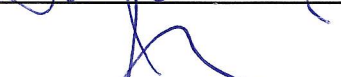
45 Pine Island Lake

Jaime Williams



45 Pine Island Lake

Jeff Zesiger



8 Pine Island Westshore Dr.

Dorien McFar



8 Pine Island Lake Rd.

LISA WEIR



60 PINE ISLAND LAKE

MARTHA LEUMAN



48 Pine Island Lake Westh.