



The Town of Westhampton Zoning Board of Appeals

Town Hall, 1 South Road
Westhampton, Massachusetts 01027
413-203-3086 – administration@WesthamptonMA.org

RECORD OF PROCEEDINGS

Special Permit Public Hearing for 71 Peninsula Road, Pine Island Lake October 11, 2022 at 7 pm Town Hall, Westhampton, MA

Present: Bill Tracy, Chair; John Kelsey, Peter Ignatovich, Dave Loven, Laurie Sanders

Public: Lori Ingraham, owner; Owner's Representative architect Emily Estes, and former owner, Wendy Blow

Bill Tracy opened the meeting at 7:04 and read the legal notice for the special permit request (232) for the demolition of an existing dwelling and reconstruction of a single family dwelling on a non-conforming lot, remove an existing garage, and add square footage to the dwelling for a single story screened porch. The Special Permit concerns Sections 3.3, 4.18 and 6.2 in the Westhampton by-laws. The legal ad was properly advertised in the Daily Hampshire Gazette, abutters were notified, and the public hearing was properly posted.

Emily Estes spoke on behalf of the owners, Lori Ingraham and Terri Schmidt. She showed the lots (approx.. 10,000 sf) and explained that the existing house was built prior to 1945 and has some serious upgrades needed, both in terms of basic repairs and code issues. When all were factored, the decision was to take down the existing building and construct a new house on the same footprint. An ancillary garage will be removed, and the square footage will be added to the house as a screened porch.

In terms of setbacks, the side setbacks are in compliance with current zoning, but the front (19' 10") and rear (16' 8") are not. The new configuration will not create more of a non-conforming as neither the front or rear setback will change.

The grade will be the same. It will include 1.75 stories, and will use a historical style (clapboards, windows with simulated divided light. The proposed work has been issued an Order of Conditions by the Westhampton Conservation Commission, and the applicant is currently working with the Board of Health to determine if a tight tank will be installed, which would limit occupancy to 180 days. The existing leach field failed Title 5.

Following questions by the board, Tracy asked for comments and questions from the public. Wendy Blow, the former owner and mother of Lori Ingraham, spoke in favor. No one was opposed. Seeing no further comment, Tracy asked for a motion to close the public input of the public hearing. Ignatovich made the motion, Loven seconded, and all were in favor.

The board then discussed the potential conditions to be applied for an approval of the Special Permit request. Prior to issuing a decision, the ZBA wishes to seek advice from the Town's legal counsel on the topic of seasonal use. With no objection from the applicant, Kelsey made a motion:

Motion: To continue the public hearing to Thursday, November 10 at 7 pm in the Town Hall.

Igantovich seconded. All were in favor.

Other Business

With election day on November 8 (ZBA's regular meeting day), Ignatovich then made the following motion:

Motion: To hold the ZBA's regular meeting following the public hearing on November 10.

Loven seconded. All in favor.

The board discussed the questions for Town Counsel:

1. Is "seasonal use" to "full-time use" considered a "change of use"?
2. Is there a legal definition for "seasonal"? (e.g. if a building has a leach field but has historically been used as a summer cottage, is it seasonal or a permanent dwelling?)
3. If the ZBA includes language for "seasonal use" in the revised by-laws, would it be legal and can it be enforced?
4. Can the ZBA determine if a building is not permitted to have year-round use because (a) it has a tight tank, or (b) is located an unsafe distance to a water body so that pollution is a risk, or (c) threatens a neighboring well, or other environmental concern?

Kelsey made the following motion:

Motion: That Chairman Bill Tracy request that the Selectboard allow Town Counsel to respond to these four questions.

Loven seconded. All in favor.

There being no further business, the ZBA stood adjourned at 8:55 PM.

Respectfully submitted by Laurie Sanders.

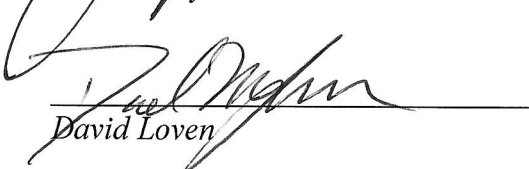
APPROVED by a vote of the Zoning Board of Appeals at a regular meeting on Nov. 10, 2022.


Richard W. Tracy


Laurie Sanders


John Kelsey


Peter Ignatovich


David Loven