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WESTHAMPTON ZONING BOARD OF APPEALS

MINUTES FOR MEETING OF SEPTEMBER 18, 2018

The meeting was called to order at 7:07 PM. Members present: L. Aloisi, J. Kelsey, and S. Morrigan. Members absent: W. Parks and W. Tracy. Associate members present: P. Ignatovich and L. Sanders. Guests present: G. Collins and G. Curtis.

The minutes of the August 14, 2018 meeting were distributed. There was considerable discussion about the portion of the minutes regarding Zoning Bylaws requirements for joint hearings in the situation of Site Plan Approval and Special Permits. The Clerk offered to make an effort to revise the minutes to be acceptable for the next meeting.

There was one walk-in request. Ms. G. Collins of 15 Southampton Road discussed new construction she was contemplating and asked a number of questions of the ZBA. She stated that the land on which she was going to building her house had been surveyed. The ZBA gave her a copy of the Zoning Bylaws, and she was shown the sections on site plan, setbacks, frontage, and height. The ZBA referred her to Tom Quinlan.

Old Business

Zoning Bylaws Review Committee

Ms. Curtis reported on the activities of the Zoning Bylaws Review Committee (ZBRC). She stated that the ZBRC had passed two motions unanimously, one to request the Select Board to follow up on Tom Quinlan's request for a joint meeting of all town boards, and one to write a letter to the Attorney General to request continuance of the moratorium on recreational marijuana. Ms. Curtis further discussed the upcoming Town activities, including the election on the debt for the Public Safety Complex on October 27 from 8:00 AM - noon. Another was the preparation of a warrant for a special town meeting scheduled for October 27 at 1:00 PM by the Select Board to (1) approve the PILOT (payment in lieu of taxes) for the CVE solar project and (2) to discuss the Green Communities Act and adoption of the Stretch Code. She mentioned that the Select Board was going to conduct an informational meeting on the Green Communities Act and the Stretch Code at a date to be determined. Mr. Kelsey, also a member of the ZBRC, stated that the ZBRC's next meeting would be on October 3, and then mentioned that the ZBRC was working on meeting twice a month.

CVE

Ms. Morrigan presented the responses to the ZBA's two questions on CVE.

First, Ms. Morrigan presented the information given to the Planning Board about the requirement for a site plan that meets both the Zoning Bylaws and Solar Bylaw. Ms. Morrigan reported that the Planning Board forwarded the ZBA's non-exhaustive list of site plan issues to Meredith Savage and CVE.

Second, Ms. Morrigan presented Town Counsel's opinion that a joint hearing with both the ZBA and the Planning Board was not required for a site plan review. The ZBA had cited Zoning Bylaws Section 6.342 as requiring such a hearing in a site plan *approval* and special permit situation. Ms. Morrigan pointed out that there is a difference between a site plan *review* and site plan *approval*.

There was much discussion regarding the importance of following the law, the authority of the Zoning Enforcement Officer, solar projects other than the CVE project, and consultants utilized by the Town. There was also a question raised about the sign-off sheet that is being used by Tom Quinlan for building permits, and the need for a consistent approach in the proper sequence for building permits. Discussion ensued regarding the Special Permit granted to Cotton Tree Services for Lot 15 and the issue of Lot 26.

New Business

None.

Adjournment

Ms. Sanders moved, and Mr. Kelsey seconded the motion, to adjourn the meeting. The vote was unanimous in favor, and the meeting adjourned at 9:00 PM.

Respectfully submitted,

Shirley P. Morrigan
Clerk