

City of Westfield

ZONING BOARD OF APPEALS

Martin Newman, Chair
Richard Sullivan III, Member
Gary Bacchicocchi, 2nd Alternate
Sophia Williams, Alternate

08-10-16

The meeting was called to order by Chairman Newman @ 7:00 p.m. Room 315, Municipal Building, 59 Court Street, Westfield, MA.

- Members present
- Members absent

Staff

- Martin Newman, Chair
- Richard Sullivan III, Member
- Gary Bacchicocchi, Member
- Sophia Williams, Alternate
- Jay Vinskey, Principal Planner
- Christine Fedora, Clerk

1. *Call to order:* Chairman Newman called the meeting of the Zoning Board of Appeals to order at 7:00 and asked the members to introduce themselves.

2. *Public Participation:* Chairman Newman asked if there as anyone in the room who would like to address the Board regarding items not currently before the Board? There being no one heard the Board proceeded to their next item on the agenda.

3. *Public Hearings on the petitions of:*

Prior to opening the public hearings Chairman Newman explained the process of the meeting to the public. The petitioner would present a summary of the application to the room. The Board would follow up with any questions they might have for the applicant and then it would be opened up for questions from the room. He also noted the Board might vote on this petition at the conclusion of the new petitions being presented to the Board for the Board's acceptance.

Chairman Newman read the notice into the record for:

LEONARD PHELON who seeks variance relief from Sections 3-40.4 and 2-20 (lot layout) to allow for house construction on a lot having less than the required frontage/width/layout. Subject property is 0 Prospect St. Extension (Parcel 41R-37) and zoned Rural Residential.

Mr. Phelon informed the Board he does not have the required frontage for his zoning. Years ago there was a land swap with the neighbors, the Moran's, which gave them access to the property on Prospect Street Extension. Mr. Phelon proceeded to show the lot to the members. The Board voiced their concerns regarding the wording on the plan which stated this is "Not a Building Lot." The Board inquired as to where the house would be located? Mr. Phelon indicated the house would be in the back of the lot with a long driveway leading to it.

Further discussion regarding the current frontage requirement which is currently 150 feet.

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Members questioned whether or not the findings for the hardship portion of the variance were addressed in the dialogue.

Chairman Newman asked if there was anyone in the room in favor?

Chairman Newman asked if there was anyone in the room against?

Member Sullivan MOTIONED, seconded by Alternate Williams to close the hearing. Chairman Newman noted the Board will vote at their next meeting, he would like to look at the zoning ordinance to investigate when the zoning was changed. He also noted the petitioner is welcome to attend but it will be closed for public input.

All in favor of continuing to August 31, 2016.

4. Review and acceptance of new applications & scheduling of public hearings.

Chairman Newman explained to the room this is a brief review of the applications being presented.

Chairman Newman read the proposed notice into the record:

LIONEL JOAQUIN who seeks a special permit per Section 3-50.4(1) for conversion of a single family dwelling to a two family dwelling, and variance relief from Section 3-50.5(1) to allow said use on less than the required minimum lot area. Subject property is 270 Notre Dame St. and zoned Residence A.

Mr. Joaquin explained to the members currently there is a single family home located on the second floor of a building, the first floor was previously used as a market and restaurant. His intentions are to make this a 2 family home. The property is currently not occupied and he is not the current owner. Members inquired if he's under an agreement? The applicant responded he has a P & S Agreement.

Alternate Williams MOTIONED, seconded by Sullivan to accept the application and schedule it for August 31, 2016. All in Favor.

Alternate Williams noted for the previous application they should address the findings which have to be met in order for a variance to be approved noting it cannot be for personal reasons, it has to be hardship.

Chairman Newman read the proposed hearing notice into the record for:

JSF ENTERPRISE who seeks a special permit finding per Section 4-10(3) for a residential addition extending a non-conforming setback and/or a dimensional special to allow for a side yard setback of less than 15 feet. Subject property is 23 Bates St. and zoned Residence B.

Jon Flagg of JSR Enterprises addressed the Board informing them he would like to build an in law apartment with less than the 15 feet of side yard setback that is required, he noted the addition would fit the current style of the home and it would not stand out and it would not look like an addition and he felt it would not be detrimental to the neighborhood.

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Member Sullivan MOTIONED, seconded by Alternate Williams to accept the application and schedule the hearing for August 31, 2016. All in favor.

Chairman Newman read the proposed hearing notice into the record for:

THOMAS SULLIVAN who seeks a special permit finding per Section 4-10(3) to construct a new single family dwelling in place of a previous non-conforming structure. Subject property is 44 Bennett Rd. and zoned Rural Residential and Water Resource.

Mr. Sullivan informed the Board when purchased the home it was not worth renovating so he tore the house down. He would like to put a new house on the same foot print with a little addition on side. Chairman Newman inquired if there would be any additional runoff? He replied he would be putting the house on the same foot print. Vinskey noted the lot is undersized because it is located in the Water Resource District.

Member Sullivan MOTIONED, seconded by Alternate Williams to accept the application and schedule for August 31, 2016. All in favor.

Chairman Newman read the proposed hearing notice into the record for:

JEAN VALENTINE who seeks variance relief from Sections 3-50.5(1) for lot area, frontage/width, and 4-20.1, lot reduction prohibition, to allow for creation of an additional building lot. Subject property is 0 and 111 Roosevelt Ave. (Parcels 211-27-1A, -50), and zoned Residence A.

Representing the petitioner was Robin Sheldon he proceeded to show where Jean Valentine lives. He indicated the proper channel for Ms. Valentine would be the in-fill ordinance, noting he did the calculations and out of 29 lots, her lot was larger than 27 of them. He noted the problem is she owns the adjoining lot which has to be taken into the average. She bought the land, cleared it, it was a dumping ground. He felt there is a quirk in the infill ordinance which is stopping her from proceeding.

Chairman Newman reminded the applicant of the findings that must be met in order to grant a variance. This is something they cannot predict, but noted the Board likes to avoid empty lots.

Member Sullivan MOTIONED, seconded by Alternate Williams to accept the application and schedule for August 31, 2016. All in Favor.

Chairman Newman read the proposed notice into the record for:

ANTHONY & LYNETTE LANGONE who seek variance relief from Sections 3-40.5(1) & (3), frontage, width and front yard setback, 2-20 (lot layout) and 4-20.1, lot reduction prohibition to allow for creation of an additional building lot. Subject property is 0, 399 and 391 Prospect St. Ext. (Parcels 39-41-1A, -40, -41) and zoned Rural Residential

Vinskey informed the Board the applicants Attorney Brad Moir couldn't make the meeting tonight and asked that he give a brief summary of the application. He indicated this application is similar to the previous application. He informed the Board the applicant purchased the lot and did not build on it. In 2009 they received a variance and they never exercised that variance they are here because they are trying to sell off the land.

Member Sullivan MOTIONED, seconded by Alternate Williams to accept and schedule for August 31, 2016. All in favor.

Chairman Newman read the proposed notice into the record for:

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HAMPTON PONDS REALTY who seeks an amendment to conditions of a variance (voted 4/1/15) granting relief from Sections 3-50.5(1) and 3-170.5(4) for lot area, frontage/width, and 4-20.1, lot reduction prohibition, to allow for a division of a lot into two. Subject property is 105 Long Pond Road, also known as 12 New Broadway, and is zoned Residence A and Water Resource

David Weise gave a brief summary of the previous applications he filed. He informed the Board in April of 2015 he was granted a variance, this variance was at the request of a buyer but the buyer has withdrawn their proposal. He would like to return to the Board to for further changes.

Mr. Weise proceeded to identify the areas to the room that he was talking about he felt the changes he's presenting will be more consistent with lot sizes.

Member Bacchiocchi MOTIONED, seconded by Member Sullivan to accept the application and schedule for August 31, 2016. All in Favor.

Vinskey noted we are waiting on the abutters list.

5. *Approval of Minutes.*

Motion made and seconded to wait on approval of minutes for review.

6. *Review of filing fees*

Vinskey gave a brief overview of the proposed fees.

Member Sullivan was in agreement with increasing the fees. Chairman Newman felt the fees should be at the low end of other municipalities.

Alternate Williams MOTIONED, seconded by Member Sullivan to accept the fee increase as submitted. All in favor.

7. *Update on the Board's pending zoning amendment re: administrative/minor revisions.*

Vinskey noted the Zoning amendment has been rescheduled because it is outside the 60 day time limit.

8. *Board deliberations on the above described petition (if public hearing is closed)*

None to discuss, continued to August 31, 2016.

9. *Other Business/Future Agenda Items*

Member Bacchiocchi asked if there was any news on new members? He mentioned Mike Ziter and felt he might be someone to consider.

Motion made and seconded to adjourn at 8:05.