

# City of Westfield

## ZONING BOARD OF APPEALS

Martin Newman, Chair  
Richard Sullivan III, Member  
Gary Bacchiocchi, Member  
Sofia Williams, Alternate

January 25, 2017

---

---

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Martin Newman, Chair         | <input checked="" type="checkbox"/> Jay Vinskey, Principal Planner |
| <input checked="" type="checkbox"/> Richard Sullivan III, Member | <input checked="" type="checkbox"/> Christine Fedora, Clerk        |
| <input checked="" type="checkbox"/> Gary Bacchiocchi, Member     |  |
| <input checked="" type="checkbox"/> Sofia Williams, Alternate    |  |
- 
- 

1. *Call to order:* Chairman Newman called the meeting of the Zoning Board of Appeals to order at 7:00 P.M. in Room 315, Municipal Building, 59 Court Street. Westfield MA. Members introduced themselves.

---

---

### 2. *Annual election of officers*

Chairman Newman asked if this could be done later in the agenda.

---

---

### 3. *Public Participation (on any matter not the subject of a public hearing)*

Chairman Newman asked if there was anyone in the room who would like to address the Board regarding items not currently requiring a public hearing. There being no one heard the Board proceeded to the next item on the agenda.

Prior to opening the public hearings the members introduced themselves.

---

---

### 4. *Public Hearings on the petitions of:*

Notice is hereby given that Public Hearings will be held on Wednesday, January 25, 2017, at 7:00 p.m. in Room 315 Municipal Building, 59 Court Street Westfield, MA, upon the petition of:

DMITRIY KOSTYUSHKO who seeks variance relief from Section 3-40.5(3a) to allow for a carport having less than the required front yard setback. Subject property is 33 Russellville Rd. and zoned Rural Residential.

DAVE BRIGGS & CHAD HEDGES who seek variance relief from Section 3-70.5(1) (by reference) and a special permit finding per Section 4-10(3) to construct a two family dwelling in place of an existing non-conforming

# City of Westfield

## ZONING BOARD OF APPEALS

Martin Newman, Chair  
Richard Sullivan III, Member  
Gary Bacchicocchi, Member  
Sofia Williams, Alternate

dwelling structure having less than the required side yard setback and lot frontage/width/area. Subject property is 70 Franklin St. and zoned Business A.

He explained the process for the meetings. The public hearing would be opened and the Board would ask questions of the applicant. Then the meeting would be opened up for questions of fact from the room.

---

The first hearing held was on the petition of DMITRIY KOSTYUSHKO. Mr. Kostyushko explained his application to the room. He has constructed a carport for 3 cars, he didn't apply for the building permit until it was almost done. He further explained he tried to move it but it being on tubes made it difficult to move without breaking apart, he noted one of the reasons it's located where it is is because the water from the road comes down his driveway, as well as the fact there is a conservation area as well.

Chairman Newman noted if the water coming down is from the road the city may have to fix the problem. Chairman Newman reminded the applicant the requirements of granting a variance must be met. A variance is a hard thing to get the applicant has to show a hardship. Chairman Newman noted this was built without a permit and the applicant is coming in and saying they need a variance because it's too expensive to move it. He felt this was a problem that was created, adding he felt the best thing to do would be to move it 20 feet. He feels it is difficult to find a hardship when it was created by the applicant. Members inquired if he was intending on keeping the carport? He noted it was his hopes to build a permanent structure sometime in the future. It was also noted the applicant has many unregistered vehicles behind the house which is not allowed.

In favor?

Opposed?

The Board briefly discussed whether this should be voted on at this meeting, after some discussion the Board felt they should keep it open to give them an opportunity to do research. Alternate Williams MOTIONED, seconded by Member Bacchicocchi to keep open until February 1, 2017. All in Favor.

---

Dave Briggs

Presenting the application was Dave Briggs. His company purchased the property at 70 Franklin Street 5 years ago. The reason he is before the Board is because there is a window in the front of the apartment that couldn't be closed after hiring an engineer to check out the property they were told the property needed to be vacated as it was not safe. They are here before the Board seeking a variance to allow them to tear down the building and build a 2 family home.

They proceeded to show the Board the existing building, they felt the building has to come down and there needs to be something done with it. Currently the way it is with the ground settlement it is not considered insurable. The type of home they are proposing would be similar to the homes there, noting with a variance conditions can be attached. The Board wanted to make sure this would be in keeping with the neighborhood. Members inquired if they would be taking out the current foundation. They indicated they would be pouring a new foundation keeping the same footprint with the addition of an L shaped in the back. They noted they were hoping they would be able to work with the city. They also presented the Board with a letter from TKO Insurance stating they were fine with what the applicant was proposing.

# City of Westfield

## ZONING BOARD OF APPEALS

Martin Newman, Chair  
Richard Sullivan III, Member  
Gary Bacchiocchi, Member  
Sofia Williams, Alternate

Members inquired if they would be maintaining the front of the building to keep in character of the neighborhood and asked if they would submit a sketch as to what their plan is. The applicant noted this would be an energy efficient home there would be no chimney. Members also asked if they could keep this in the historic aspect and to keep it reasonably in keeping with zoning. The Board decided they would vote at the next meeting as well.

In favor?

Opposed?

Patricia Bernett ~ 68 Franklin Street

Voiced concerns regarding parking issues, a 2 family , 4 cars will the cars be able to park out back? She also mentioned she's had difficulties with college students having 5 and 6 cars, running into her fence. Called police regarding parties next door, loud noises. Chairman Newman noted no one wants to see the property fall apart but noted the parking might be a tricky.

Brook Ann Haskins ~ 68 Franklin Street

Voiced concerns regarding parking as well.

Sullivan MOTIONED, seconded by Bacchiocchi to continue to the next meeting scheduled for 2-1-17 to allow the applicant to bring in additional information.

### *2. Annual election officers.*

Chairman Newman informed the Board this probably would be his last year serving on the Board, he will probably be in FL for 3 months next year. Newman asked if there was anyone interested in serving as Chair? Member Bacchiocchi stated he would be happy to nominate Chair Newman for his last term as president. There being no other nominations Bacchiocchi nominated Newman to serve as President during his last term. All members were in agreement adding he has done a great job as Chair. Chair Newman thanked the Board for their support. Alternate Williams MOTIONED, seconded by Sullivan to appoint Chair Newman as Chair in 2017. All in Favor.

The Board briefly discussed the fact they are still short on members, members suggested the Stetzer's and Ficaletti's might be interested.

The Board voted to have member Richard K. Sullivan III be the Designated Board Member to approve bills and payrolls with the Back Up Designated Member being Sofia Bitzas Williams.

Approval of minutes January 4, 2017 and November 20, 2016. Bacchiocchi MOTIONED, seconded by Sullivan to approve the January 4, 2017 minutes and November 20, 2016 minutes . All in Favor.

Discussion regarding manuals.

Motion to adjourn at 7:43.

# *City of Westfield*

## **ZONING BOARD OF APPEALS**

**Martin Newman, Chair**  
Richard Sullivan III, Member  
Gary Bacchiocchi, Member  
Sofia Williams, Alternate

APPROVED