

**ZONING BOARD OF APPEALS  
SOUTHAMPTON, MA 01073  
JANUARY 28, 2013 MINUTES**

ZBA Members Present: Ryan Gleeleher, Chairman  
Michael Sacco  
Linda Hiesiger  
Tom Sears

Absent: Nilda Cohen

7:01 p.m. Meeting Called to Order by Ryan Gleeleher, Chair

General Business

- Ryan discussed the possibility of adding a PDF format to the application's list of requirements so that the Clerk could email them to ZBA members beforehand
- Linda Hiesiger moved to purchase a new tape recorder; Michael Sacco seconded; Motion carried
- Discussion to complete minutes of 12/17/12 meeting; Clerk will revise and minutes to be reviewed at next meeting
- Michael Sacco moved to amend the application requirements to include: An electronic file to be mailed to ZBA Clerk within 2 business days of receipt of the application ([zba@town.southampton.ma.us](mailto:zba@town.southampton.ma.us))

7:15 pm Hearing - **[Continued from 12/17/12]**  
Applicant: 18 Pequot Road, LLC, Attn: Robert Bacon

The applicant is seeking a special permit under Section X for a proposed project, which involves the demolition of an existing storage building and the construction of a storage building and office addition.

Also present were Richard Oleksak, Building Inspector, Mark Reed from Heritage Surveys Inc., Attorney John Fitzgibbon, and several abutters. Chair announced that the hearing is being recorded.

- Mark Reed stated that existing building is 40' x 40', and that a prior Special Permit Decision was granted for a 40' x 80' pavilion
- Mark Reed also stated at the last ZBA meeting that outside storage does not apply and that everything would be inside. An addition (24' x 24') to office space is also being requested.
- Agreed at the last meeting there would be a 12 feet maximum height
- Robert Bacon, Principal of 18 Pequot Road, LLC, did not seek additional permit
- Ryan Gleeleher reviewed issues, prior special permit, 3 prior when it was owned by the Pequot Club
- Richard Benoit of 17 Pequot Rd. thought this was zoned residential and stated that he was not happy that property values would decrease
- Ryan read the 3/2/1999 ZBA Decision
- John Fitzgibbon, Esq. represented Tom and Valerie Matthew, and stated the use is non-conforming
- The Matthews bought home in 6/2008, and nothing was going on at this location until 9/2010. It was abandoned and lost its non-conforming status, and may not be eligible. The second issue is that non-conforming cannot be expanded if it will be more detrimental; also, non-conforming principal use cannot be expanded
- Alternative, non-conforming accessory use can only be expanded up to 40 percent of the floor area of existing structure

- Rochelle Benoit cleaned up landscape, good neighbors
- Mark Reed said the point is to clean it up; the building is in dire need of repair
- Atty. Fitzgibbon stated that the applicant is seeking a permit for a non-conforming use
- Robert Bacon said that the main building is not the issue
- Linda Hiesiger asked about fencing around the property
- Atty. Fitzgibbon reviewed the 1999 ZBA Decision
- Sean Hamel, abutter, stated the building is lesser of many evils, and trying to protect the neighborhood
- Mark Reed reiterated 40' x 80', 12' eave, 16' around the peak
- Michael Sacco stated that if Atty. Fitzgibbon is correct, then ZBA has no jurisdiction in granting a Special Permit
- With the assent of the applicant, Michael Sacco motioned to continue the hearing until 2/11/13 at 7:05 pm; The board will seek an opinion from Town Counsel on validity of the Special Permit that was granted 3/2/1999; Ryan Gleeher seconded

8:11 pm           Hearing -  
                       Applicant: Richard L. Truehart, Jr. & Cathy Truehart  
   57 Lead Mine Rd., Southampton

Applicant is seeking two variances to allow a reduction in the frontage requirement from 140' to 30' for 9 & 10 Birchwood Drive. Access for the two proposed single family dwellings on the two lots were originally approved within the Notice of Subdivision Approval and recorded in Bk 3216, Pg 182.

Also present were Richard Oleksak, Building Inspector, Paul Diemand from Planning Board, Mark Reed from Heritage Surveys Inc., and several abutters. Chair announced that the hearing is being recorded.

- Ryan Gleeher, Chair, read the checklist, application, and the abutter's list; there is no conflict within ZBA
- Mark Reed represented the Trueharts and discussed the history of Birchwood Dr and the current plan. There are currently 3 conforming lots that were never developed (1 lot could be split in half). Although two lots have frontage on Glendale Rd, the Planning Board stipulated in 1988 that driveway access be off Birchwood Dr. (higher plateau than Glendale Rd); Value of the lots will not increase
- Planning Board approved subdivision
- Richard Truehart, applicant, indicated that there are wetlands on B-2
- Donald Cawrse, abutter, said land was always going to be accessed by Birchwood Dr.
- Diane Bederman said change is precedent; Trueharts designed it that way
- Suzanne Walker, abutter, indicated plans always shared 2 driveways off Birchwood Dr.
- Francine Tishman, abutter, asked if it will change
- Mark Reed explained changes to parcels that abut Glendale, and that then can build without a Variance
- Paul Diemand of the Planning Board submitted materials
- Michael Sacco commented that he did not appreciate receiving information the night of the hearing
- Cathy Truehart stated that her husband has been building for 40 years, and is conscious and respectful of the land
- Ryan, Chair, read Federman's letter into the record
- Ryan Gleeher has concerns about the frontage
- Michael Sacco made a motion to table the hearing until 2/11/13 ; Tom Sears seconded;

9:12 pm Michael Sacco moved to adjourn the meeting; Seconded by Tom Sears; Unanimous

Minutes reviewed and approved as written my majority vote on 2/25/13.

Respectfully submitted,  
Janine Domina, Clerk