

ZONING BOARD OF APPEALS SOUTHAMPTON, MA 01073

FEBRUARY 25, 2013 MINUTES

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

7:02 p.m. Meeting Called to Order by Ryan Gleeleher, Chair

General Business

- Michael moved to accept 12/17/12 minutes as drafted; Linda seconded; Unanimous
- Michael moved to approve 1/28/13 minutes as drafted; Linda seconded; 4-0, Nilda abstained
- Michael moved to approve 2/11/13 minutes with amendments; Linda seconded; 4-0, Nilda abstained
- Reviewed the notification of meeting with Finance Committee on 3/26/13, 7:45 pm
- Michael moved to approve \$99 reimbursement for the voice recorder; Linda seconded; Unanimously approved
- Michael suggested adding the criteria for applying for a Variance to be handed out with the application; Linda agreed and thought it would be fairer to all parties (both applicants and ZBA board members); Requested that Clerk send him the application to work on; Continued until next meeting

7:20 pm Ryan Gleeleher, Chair, opened the Hearing - **[Continued from 2/11/13]**
Applicant: Richard L. Truehart, Jr. and Cathy Truehart

The 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/Zoning Enforcement Officer, and Mark Reed from Heritage Surveys Inc. The Chair announced that the hearing is being recorded.

- Ryan read a letter from the Vice Chairman of the Planning Board dated 2/25/13; Michael noted that the letter was unsigned and questioned if it was the opinion of the Vice Chairman or the whole board; It needs to be communicated to the Planning Board that letters need to be signed in the future; Letters of that nature are not appreciated.
- Ryan stated that he instructed the Clerk to send both Truehart's application and amended application to Town Counsel for a legal opinion. He then read the opinion in part, stating "the applicant may, with the approval of the Board, withdraw the application without prejudice to immediately re-file"; Michael added that this makes the most sense, especially in the case should an abutter appeal the decision.
- Mark Reed stated that he delivered a stamped copy of the amended application as a general practice to the Town Clerk
- Ryan read the letter from Heritage Surveys dated 2/25/13, stating the applicant was **WITHDRAWING WITHOUT PREJUDICE** their request for two frontage variances filed with the Town Clerk on 12/10/12,

for property located at 9 & 10 Birchwood Drive, as well as their amended application for a hearing filed with the Town Clerk on 2/11/13 for a frontage variance on Glendale Rd.

- Michael moved to approve the request; Linda seconded; Motion granted 4-0; Nilda abstained

7:45 pm There being no further business before the Board, the meeting was adjourned

Minutes were emailed to board members on 3/14/13 & 7/17/13 for review.

Minutes reviewed and approved by majority vote on 7/18/13.

Respectfully submitted

Janine Domina, Clerk