

ZONING BOARD OF APPEALS SOUTHAMPTON, MA 01073

JUNE 26, 2013 MINUTES

ZBA Members Present: Ryan Gleeher, Chairman
Linda Hiesiger
Nilda Cohen
Joe Bianca (alternate)

7:10 p.m. Meeting called to order by Ryan Gleeher, Chair

General Business

- Signed bill/payroll warrants
- Nilda expressed concern with Joe sitting on as an alternate with the board and his authority to vote, being a continued hearing; although he was present at the 6/6/13 hearing, an alternate was not needed because all members were present; She also mentioned that he was not recorded as a member at the 6/6/13 meeting and not listed on the signature page of the minutes
- Ryan stated that Joe was also at the 6/13/13 site visit and was well versed with the case; both he and Janine had checked with Regi, acting town administrator, who said the Selectboard had already appointed Joe and it was acceptable for him to serve as an alternate
- Nilda stated her disagreement with Interim Acting Town Administrator, Regina Shea-Sullivan's opinion
- Linda saw no problem with having Joe serve as an alternate
- Ryan said either they could vote him in and continue as informed to move forward, or vote for a continuance, or ask for an extension; his concern was meeting the deadline with vacation schedules
- Nilda made a motion to acknowledge for the record that Joe Bianca serve as an alternate for the Zoning Board of Appeals for continuation of the hearing; Linda seconded; Unanimous
- Linda is of the opinion that Joe can't vote on minutes, but he can vote on the case
- Joe stated that he felt comfortable with knowing the facts of this case
- Minutes were tabled until next meeting (3 members were absent)

7:20 pm Ryan Gleeher, Chair, opened the Hearing [Continued]

Applicant: Richard L. Truehart, Jr. and Cathy Truehart
Property Location: 9 Birchwood Dr.

The applicant is seeking a frontage variance to allow a reduction in the frontage requirement from 140' to 90' on Glendale Rd. Access for the proposed single family dwelling will be off Birchwood Dr., as originally approved within the Notice of Subdivision Approval Book 3216, Page 182.

Others Present: Mark Reed of Heritage Surveys, Inc., Robert Canon of Canon Real Estate

- Ryan, Michael, and Joe did a site visit on 6/13/13. They looked at the topography, existing property lines, and proposed property lines, and the stream. Tom visited the site prior
- Ryan had difficulty seeing the hardship, considering the applicant owns both parcels
- Joe was in agreement and thought there are alternate ways to accomplish the same thing

- Nilda’s major concern, as stated previously, was taking a conforming lot and making it non-conforming, and also the case of it being a hardship. She could not see a hardship other than if the lot was sold and the issue of access for maintenance
- Mark Reed interpreted the by-law that “whether financial or otherwise” as not having to be financial; that the Trueharts strongly believe that they meet all three criteria in being granted a variance (1) substantial hardship, financial or “otherwise”, (2) unique physical conditions, and (3) would not be a determinant to the public good; and it makes most sense to have the boundary line in the stream all the way to the street
- Robert Canon of Canon Real Estate, spoke on behalf of the applicant, stating that it makes sense to follow the natural terrain and is environmentally sensitive
- Mark Reed stated that an easement would add another encumbrance to the two existing drainage easements, which could be a negative to prospective buyers
- Additional comments:
 - Linda – makes sense to define property lines
 - Nilda – always tries to adhere to by-laws best we can
 - Joe – not a perfect solution in drawing property line to the road using a stream
- Nilda made a motion to **DENY** Richard L. Truehart, Jr. and Cathy Truehart’s application for a variance to reduce frontage along Glendale Rd. Linda seconded the motion, adding an amendment to read “taking a conforming lot with 140’ frontage and making it a non-conforming lot with 90’ frontage”. Nilda seconded; Ryan Geeleher, Nilda Cohen, Linda Hiesiger, and Joe Bianca all voted in favor of the motion as amended; Unanimous

There being no further discussion, Linda made a motion to close the hearing; Ryan seconded; Unanimous

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

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

Respectfully submitted

Janine Domina, Clerk