

ZONING BOARD OF APPEALS SOUTHAMPTON, MA 01073

JUNE 6, 2013 MINUTES

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

7:08 p.m. Meeting called to order by Ryan Gleeher, Chair

General Business

- Signed bill warrants

7:12 pm Ryan Gleeher, Chair, opened the Hearing –
It was noted that all board members were present.

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.

Also present: Mark Reed of Heritage Surveys, Inc., Cathleen Grady, abutter
Joe Bianca was in attendance, but not needed as an alternate

- Ryan, chair, read the legal notice and checklist; Check for \$297.76 was collected
- It was stated that there is no conflict of interest amongst board members
- Mark Reed of Heritage Surveys, Inc. represented the Truehart's. He stated that they are requesting a frontage variance to allow a reduction in the frontage from 140' to 90' on Glendale Rd. The main reason is to provide 85 Glendale Rd. access to the stream without crossing over someone else's property. There is over 40' difference in elevation from one lot to another. They are not creating any new lots, and have received approval from the Conservation Commission for the building lots that exist.
- Linda read a letter from the Planning Board stating they oppose the ZBA granting the variance. They believe it does not meet the criteria that all three conditions need to be met.
 - Michael shared his lack of appreciation with this letter. He suspects that under the open meeting law, they have no control to vote on matters such as this. He is offended that they seek to usurp this board's authority.
 - Nilda stated that this is the second time this occurs, and Michael had the same reaction the first time. A memo was sent to the Planning Board indicating that this board would not accept letters without signatures. She also stated that there has been a problem with boards and committees not working cooperatively in the past, and if boards would have shared information, they would have had different results. Nilda said that Mark Reed has to follow protocol, and sometimes he has the responsibility to go to various boards and

express their opinions. She believes it doesn't reduce or diminish the value of information. The board votes as a group on the information given.

- Linda said they were notifying the board as to the reasons their board voted against it.
- Tom visited the property and said the elevation difference was accurate. He sees no problem using the stream as a boundary and thought it would be helpful in the case of downed trees.
- Ryan inquired about the possibility of creating an easement instead of seeking a variance. He stated that this is the first time he has had a request of taking a legal building lot and making it non-conforming.
- Mark Reed stated that granting this variance would not be a detriment to the public
- Michael noted that lot/width requirements as stated in the town's bylaws are not clearly defined
- Michael asked what the financial hardship would be if the variance was not granted. The reply was the maintenance of trees and the "what if's".
- An easement was again suggested, and also the potential liability
- Applicant said he's only trying to create harmony with both owners
- Linda questioned the fact that the Truehart's would be seeking an easement to himself
- Nilda's biggest concern is taking a conforming lot and making it non-conforming
- Mark Reed suggested a site visit
- Chair opened up the meeting to the public
 - Cathleen Grady of 85 Glendale Rd. spoke in support of the variance
- Access and potential upkeep of the property would be the potential hardship
- Michael made a motion to table the application, with the consent of the applicant, to conduct a site visit for Thurs, June 13th, 6:30 pm and continue the hearing at 7:15 pm; Linda seconded; Motion carried

8:30 pm There being no further business before the Board, the meeting was adjourned

Minutes were emailed to board members on 6/19/13 & 7/17/13 for review.

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

Respectfully submitted

Janine Domina, Clerk