

# ZONING BOARD OF APPEALS SOUTHAMPTON, MA 01073

## JULY 18, 2013 MINUTES

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

7:05 p.m. Meeting called to order by Ryan Gleeleher, Chair

### General Business

- Michael moved to accept 2/25/13 minutes as written; Susan seconded; Nilda opposed; 4-1
- It was mentioned that the clerk bold or underscore changes made to previous minutes
- Nilda moved to accept the 6/6/13 minutes with corrections "with consent of applicant" and that "Joe was in attendance but was not needed as an alternate"; Linda seconded; motion passed
- Michael moved to accept 6/20/13 minutes as written; Tom seconded; motion passed
- Nilda moved to accept 6/26/13 minutes with corrections "Nilda stated her disagreement with Interim Acting Town Administrator, Regina Shea Sullivan's, opinion" and change "part two to continuation of the hearing"; Linda seconded; motion passed
- Legal opinion will be sought regarding alternates on the board and voting rights
- Signed bill/payroll warrants

7:25 pm Ryan Gleeleher, Chair, opened the Hearing

**Applicant: Esther Clark and Ruth McCormick**  
**Property Location: 379 College Highway**

The applicants are appealing a May 9, 2013 decision and order of the Building Inspector/Zoning Enforcement Officer regarding the selling of plants at a temporary farm stand at 379 College Highway.

Others Present: Joe Bianca, Richard Oleksak, Building Inspector/Zoning Enforcement Officer, Margaret Walden, Barbara Laflam, and Abutters - Joseph Muse and Thomas Lucchesi

- Chair, Ryan Gleeleher, read the legal notice and checklist, and collected amount due of \$260.54
- It was noted that Joe Bianca was present, but not needed as an alternate
- Chair, Ryan, read the Building Inspector/Zoning Enforcement Officer's letter
- Ryan asked Richard for his interpretation of Section V, Table 1-3
  - Richard stated that a special permit was needed because it was more of a greenhouse product instead of a farm product, and he also had an issue with the size of the signs
- Ryan then opened the hearing up to the applicant as to what her intentions were
  - House was purchased as co-owners
  - Would like to sell mainly hardy plants such as oranges, kiwis, tomatoes, strawberries on a temporary self-service basis (less than 3 months)
  - There is no greenhouse; desirable flat location to plant

- Believes no special permit was needed for a temporary farm products stand per Section V, Table 1-4
- Did not know signs were not in compliance until receiving Richard's letter, and immediately complied
- Nilda asked for clarification as to what the difference is between this and Wintergreen Kennels just down the road
- Chair opened the hearing up to the public
  - Abutters, Joseph Muse and Thomas Lucchesi were opposed to this appeal, stating that Richard has the authority to make such decisions, and the fact that it is a state highway with cars going by at speeds of 60-70 mph
  - Margaret Walden of Fomer Rd cited other people having stands along the roads, selling corn, etc
  - Barbara Laflam of Cook Rd believed that a 3-month operation is well within the scope of the zoning regulations
- Michael made a motion to **overrule** the Building Inspector/Zoning Enforcement Officer's decision to cease and desist the temporary farm stand; Nilda seconded; Unanimous
- Michael added that unfortunately many concerns such as traffic are not under the ZBA's authority
- Linda motioned to close the hearing; Nilda seconded; unanimous

General Business [Continued]

- Updating the ZBA application and cover page requirements
  - Michael and the ZBA clerk worked to update the application and cover page requirements
  - Linda would like to add that the explanation should include as much detail as possible
  - Nilda said to expand on the first area
  - Joe added the amount "as specified by ZBA Clerk"
- Michael moved to approve the application and cover page requirement sheet as amended; Linda seconded; Unanimous

There being no further discussion, Ryan made a motion to adjourn; Seconded; Unanimous

Respectfully submitted,

Janine Domina, Clerk