



The Zoning Board of Appeals
TOWN OF WESTHAMPTON
Town Hall, 1 South Road
Westhampton, Massachusetts 01027
413-203-3086 – administration@WesthamptonMA.org

Received:
12/14/2022
Date
1:00 pm
Time
by
Katrin Kaminsky
Westhampton Town Clerk

DECISION

Terri Schmidt and Lori Ingraham, 71 Pine Island Lake

On October 11, 2022, at 7 PM, the Westhampton Zoning Board of Appeals scheduled a public hearing in the Town Hall, 1 South Road, at the request of Emily Estes Baillargeon, Estes Architecture and Design, LLC, on behalf of Terri Schmidt and Lori Ingraham (Owner) for a special permit, to demolish an existing dwelling and construct a new single-family dwelling; remove an existing garage; add a square footage to the new dwelling to allow for a single-story screen porch; no change of use from a single-family dwelling is proposed.

The property is located at 71 Pine Island Lake, Assr. Pcl. Map 11E-13.

Applicable Law

The application was made in accordance with Sections 3.3 and 6.2 of the Westhampton Zoning Bylaw.

Applicant Provided

- Application, received on August 11, 2022
- Plan of Land (October 28, 2020) and Progress Set, including Proposed Site Plan A-001, Proposed Floor Plans A-100, Proposed Exterior Elevation A-200, Existing Photos EX-200, prepared January 26, 2022 by Emily Estes Architects.
- ABUTTERS LIST, and certification by Assessors, received on August 11, 2022.

Procedural Record

The application and plans were submitted to the Westhampton Zoning Board of Appeals on August 11, 2022. A public hearing notice was properly advertised in the Daily Hampshire Gazette, on September 27 and October 4. Hearing notices were posted by the Town Clerk, placed on the Town's website, placed on the Town bulletin board, and distributed to appropriate town departments. Abutters, certified by the Assessors' Office, were notified by mail on about September 24, 2022.

The public hearing was opened on October 10, 2022, at 7:04 PM, and continued to November 11, 2022 at 7:00 PM to consider input from Town Counsel regarding seasonal use, and closed on November 11, 2022.

Criteria

Zoning Bylaw, section 6.27 Criteria for Grant of Special Permit:

Where a special permit may be authorized by the Special Permit Granting Authority under this Bylaw, said Authority may grant, upon written application, such special permit if it finds, among other things:

1. That the proposed use would be suitably located in the neighborhood in which it is proposed and/or the total town.

2. That the use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.
3. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories.
4. The adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation.
5. The proposed use shall comply with any and all additional special permit criteria or special use regulations imposed on individual uses in Section V of this Bylaw.
6. The proposal will not create traffic congestion or impair pedestrian safety. Provision shall be made for convenient and safe vehicular and pedestrian circulation with the site and in relation to adjacent streets, property or improvements.
7. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.
8. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other wastes generated by the proposed use.
9. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use of screening or vegetated buffer zones.

Findings

The following is based on application as submitted, and offers made by agent for the applicants.

1. Applicant describes the property as "a small parcel, approximately 10,100 sq ft, located on the banks of Pine Island Lake in Westhampton, MA."
2. Structure is described as "a simple, seasonal wood cottage built in 1940 located approximately 16'-9" from 233 linear feet of lake frontage."
3. Applicant requests permission to demolish the existing dwelling, and proposes a new construction, single-family dwelling with historically inspired design and detailing, on largely the same footprint.
4. Applicant describes the existing dwelling as "gravely compromised: exterior rot, non-code compliant stairs, obsolete plumbing and electrical systems, single-pane windows, no heating system, or shower."
5. Applicant notes that the new dwelling will be insulated, have new efficient systems, and code-compliant stairs.
6. Applicant proposes to remove the existing detached garage located near Peninsula Road and to add a single-story screen porch of the same square footage to the house.
7. Applicant notes that the former garage location will become 2 off-street parking spaces.
8. Applicant will install straw wadding around the perimeter of the property and will cover any exposed earth with tarps to reduce any potential for adverse impacts to the resource area during construction.
9. Specifications / Comparison to Zoning Regulation:

- a. Current Use: Single-Family Dwelling// *Conforming -- no change proposed.*
- b. Current Min Lot Area: ± 10,100 sf; Zoning Requires minimum of 50,000 sf.//*Pre-existing, non-conforming. No change proposed.*
- c. Current Min Frontage: ± 175'; Zoning Requires minimum of 250'//*Pre-existing, non-conforming. No change proposed.*
- d. Current Min Setback: ± 19'-10"; Zoning Requires minimum of 50'//*Pre-existing, non-conforming. No change proposed.*
- e. Current Min Setback: ± 42'-5"; Zoning Requires minimum of 20'//*Current and Proposed conforms to Zoning.*
- f. Current Min Setback: ± 16'-8"; Zoning Requires minimum of 20'//*Pre-existing, non-conforming. No change proposed.*
- g. Current Max Stories: 1.75; Zoning limits to no more than 2//*Conforms to Zoning. No change proposed.*
- h. Current Max Height: ± 31'-4"; Zoning Requires limits to maximum of 35'//*Proposed change conforms to Zoning.*
- i. Current Max Coverage: 11.6%; Zoning limits to 20%//*Proposed change conforms to zoning.*

Applicant Responses to Westhampton Zoning Bylaw, Section 6.27 ("Criteria")

Criteria #1. That the proposed use would be suitably located in the neighborhood in which it is proposed and/or the total town.

RESPONSE: There is no proposed change of use. To remain a single-family dwelling.

Criteria #2. That the use will be reasonably compatible with the character and scale of other uses permitted as of right in the same district.

RESPONSE: There is no proposed change of use. To remain a single-family dwelling. Alterations to the dwelling are within the character of the existing surrounding homes on Pine Island Lake. Please refer to drawing A-200 for exterior elevations.

Criteria #3. That the use will not constitute a nuisance by reason of an unacceptable level of air or water pollution, excessive noise or visually flagrant structures and accessories.

RESPONSE: There is no proposed change of use to this single-family dwelling. New, highly efficient HVAC systems and appliances will be installed to reduce energy usage.

Criteria #4. The adequate and appropriate facilities will be provided for the proper operation of the proposed use, including special attention to safe vehicular circulation.

RESPONSE: We are proposing to add two off-street parking spaces, which will reduce on-street parking. Removing the existing garage will also improve site lines for pedestrians and drivers.

Criteria #5. The proposed use shall comply with any and all additional special permit criteria or special use regulations imposed on individual uses in Section V of this Bylaw.

Criteria #6. The proposal will not create traffic congestion or impair pedestrian safety. Provision shall be made for convenient and safe vehicular and pedestrian circulation with the site and in relation to adjacent streets, property or improvements.

RESPONSE: We are proposing to add two off-street parking spaces, which will reduce on-street parking. Removing the existing garage will improve sight lines for pedestrians and drivers.

Criteria #7. The proposed project shall not create a significant adverse impact to the quality of surface water or groundwater during and after construction, and provision shall be made for maximizing groundwater recharge.

RESPONSE: The excavation for the new piers will use a very small machine: the 304E2 CR Mini Hydraulic Excavator by Caterpillar. This machine was selected as it delivers efficient performance and precise excavation while remaining small and compact in size. The work will utilize best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of the structure. Additionally, the contractor will install straw wadding around the perimeter of the property and will cover any exposed earth with tarps to reduce any potential for adverse impacts to the resource area during construction.

Criteria #8. The design of the project shall provide for adequate methods of disposal of sewage, refuse or other wastes generated by the proposed use.

RESPONSE: The existing septic system is being evaluated by the Board of Health and a septic inspector. At this point, it is being assumed that a new tight tank will be installed in place of the current septic/leach field system.

Criteria #9. The design of the project shall minimize the visibility of visually degrading elements and protect the neighboring properties from potentially detrimental or offensive uses through the use of screening or vegetated buffer zones. RESPONSE: The existing vegetation on the East side of the property to remain.

Action

It was MOVED by Kelsey, SECONDED by Ignatovich,

To APPROVE the project at 71 Pine Island Lake in accordance with Sections 3.3 and 6.2 of Westhampton's Zoning By-laws as it will not be more detrimental to the neighbor for the following reasons:

- *The proposed use is consistent with the existing use on the property.*
- *The proposed structure will not significantly expand the use on the property.*
- *The proposed use will not constitute a significant detriment to the neighborhood.*
- *The location of the property near Reservoir Road means that any truck traffic associated with construction will not have a substantial impact on the neighborhood.*

VOTED: 4, 0, 1.

(In favor: Kelsey, Ignatovich, Loven, Sanders; Abstaining: Tracy)

Conditions

- This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Zoning Board of Appeals and Building Inspector.
- This special permit shall run with the land.
- Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.
- Substantial activity authorized by this Special Permit must commence no later than one year from the date of final action by the Zoning Board of Appeals.

Standard Conditions for Pine Island Lake Projects

Project must comply with the Westhampton Zoning Board of Appeals "Standard Pine Island Lake Conditions", as follows:

- No lighting is to shine over the property lines or into the sky
- All private roads must be maintained during construction; following construction, all roads shall be in equal or better condition than before construction.
- Hours of outside construction:
 - From May 1 to Memorial Day, work can be done from 7 AM to 7 PM and 7 AM to 5 PM on weekends.
 - From Memorial Day to Labor Day, outside construction is limited to 7 AM to 5 PM, with no outside construction permitted on Sundays.
 - No specific restrictions between Labor Day and May 1.

###

These proceedings were conducted in accordance with the provisions of the General Laws, and the Westhampton Zoning Bylaw. A full copy of the application, plans and proceedings is on file for inspection. Persons aggrieved by this decision may appeal in accordance with the provisions of MGL Ch. 40A §17 by filing notice of such appeal with the Westhampton Town Clerk within 20 days of the filing of this decision with the Town Clerk.

For the Westhampton Zoning Board of Appeals


Richard W. Tracy, Chair

Date: _____

I hereby certify that no appeal has been filed in the twenty-day period following the date of filing this decision.

Attest: _____
Katrin Kaminsky, Town Clerk