

# City of Westfield

## ZONING BOARD OF APPEALS

Richard Sullivan III, Chair  
Gary Bacchiocchi, Member  
Sofia Bitzas, Member  
Kathleen Hogan-Friguglietti, Alternate  
Christine Webster, Alternate

January 30, 2019

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The meeting was called to order by Chairman Sullivan @ 7:15 p.m. Room 315, Municipal Building, 59 Court Street, Westfield, MA.

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- Members present
- Members absent

Staff

- Richard Sullivan, III Chair
- Gary Bacchiocchi, Member
- Sofia Bitzas, Member
- Kathleen Hogan-Friguglietti, Alternate
- Christine Webster, Alternate

- Jay Vinskey, Principal Planner
- Christine Fedora, Clerk

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1. *Call to order:* Chairman Sullivan called the meeting of the Zoning Board of Appeals to order at 7:15; members introduced themselves.

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2. *Public Participation:* Chairman Sullivan asked if there is anyone in the room who would like to address the Board regarding any non-hearing items? None.

Prior to officially opening the meeting Chair Sullivan gave a brief overview of the meeting process.

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3. *Continued Public Hearing (without prior discussion) on the petition of:*

DAVID GARCIA DAVID GARSTKA BUILDERS LLC who seeks a dimensional special permit per 3-50.4(5) to allow for a rear yard setback of less than 30 feet at 105 Long Pond Road, also known as 12 New Broadway /Lot 277-4-2E, zoned Residence A and Water Resource Protection.

Mr. Garska informed the Board he would like to build a house similar to a raised ranch with a walk out cellar, foundation of approximately 4 feet. The house will be located as close to the road as possible, similar to the house next door. He further noted he has cleared some trees. He presented photos of trees that will be staying as well as the trees he will be taking down; he also noted they cleared the brush alongside the road.

Board questions? In favor?

Concerns? Opposition? Questions?

Britney Grand

Direct abutter. Voiced concerns regarding encroachment on her property, when she purchased the property she didn't think it would be developed above her property, she thought the house would be closer to her old house. She is worried about privacy, the value of her home. Wondering if some kind of a natural barrier could be put there as a compromise.

Laurie 92 Long Pond Road. Voiced concerns regarding traffic, felt the speed limit should be changed. She also felt the view of the pond will be ruined if this is allowed. Concerned with drainage.

Against?

Laurie 92 Long Pond Road asked if anyone had done a site visit? Chairman Sullivan noted he's visited the area many times, he's been on the Board for 5 years and is familiar with the area.

Member Bacchiocchi MOTIONED, seconded by Member Webster to close. All in Favor.

4. Board deliberations/decision on above described petitioniers (if public hearing has been closed)

It was noted an E mail from David Weis regarding 11 new Broadway, raised concerns about privacy of dwelling, financial implications decreased property value.

The Board discussed the application and felt:

- The lots in the neighborhood are non-conforming this will make it less non-conforming.
- It will be a nice addition to the area.
- The relief that is being sought is not that great, there are a lot of cottages in the area that are close to each other.
- It doesn't derogate from the intent of the ordinance.

- The Board felt this is a minor deviance, and would be an improvement over what is currently there.
- Increase property values. There is no other way to configure lot.
  - ✓ Conditions to be added:
    - The existing structure on lot 4 1E should be razed prior to a building permit being issued.
    - Rear Setback is granted as follows: from the southeast building corner to be not less than 20 feet and the front northeast building corner be not less than 19 feet, plus deck encroachment and must be in conformance with the plan submitted and dated 12-21-81.

Further conditions?

Member Bacchiocchi MOTIONED, seconded by Member Webster to approve. All in Favor.

**5. Request for extension of a variance (granted 2/28/28) allowing for a new 120-foot wireless commun aint tower in a residnetail district at 855 Shaker Road. (north side of road).**

Attorney Michael Fenton addressed the Board he is here requesting an extension on the variance that was granted on 2-28-18 for a telecommunications tower. He further explained Verizon has done its due diligence but have not been able to secure a building permit because of ongoing disputes between the city and the landlord regarding a water bill. It was noted the Board can only grant an extension for 6 months. The Board inquired if the matter could be resolved within 6 months? Mr. Fenton stated he is the council for Verizon, not the landlords, they have their own council. He felt Verizon wouldn't be seeking an extension if they didn't feel they could demonstrate they have the capacity to fulfill. Chair Sullivan noted he didn't foresee any reason to deny it, it's not the fault of Verizon, he didn't see any problems with a 6 month extension.

Member Webster MOTIONED, seconded by Member Bacchiocchi to grant the 6 month extension from 8-28-18.AIF.

Attorney Fentin noted this would be a tight rope and asked if only one 6 month extension was possible? Planner Vinskey noted an extension cannot be granted for longer than 6 months per the law, the permit doesn't have to be tied to a building permit, you have to respectfully show that the permit is being exercised.

Postpone minutes?

Motion made and seconded to approve all minutes.

Motion to adjourn at 8:00.

Jay meet next week expect one for next week. Kick can be available. The Board agreed that any new applications that come next week can be administratively accepted to be placed on the 2-27 hearing agenda.