



## PLANNING AND SUSTAINABILITY • CITY OF NORTHAMPTON

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Carolyn Misch, AICP, Senior Land Use Planner • cmisch@northamptonma.gov • 413-587-1287

### The Northampton Zoning Board of Appeals Minutes of Meeting June 9, 2016

City of Northampton Council Chambers 212 Main St., Northampton, MA

Members Present:		Time
	Chair, David Bloomberg	
R	Sara Northrup	
R	Bob Riddle, Assoc. Member	
R	Elizabeth Silver, Associate Member	

#### Staff:

R	Senior Planner, Carolyn Misch	
	Planning Director, Wayne Feiden	

**5:30 PM** Sara Northrup opened public comment. There was none.

**5:30 PM** Sara Northrup opened the continuation of the hearing (previously not discussed) on a Dimensional Variance for 2 Flag lots by Neil and Kerry Homestead at 408 North Farms Rd, Florence Map Id 7-11.

Benjamin Barnes, representing the applicant, described the request and information within the application via powperpoint.

Elizabeth Silver asked for clarification about how the applicant would meet the variance requirements given that financial hardship is not a basis on which to grant a variance?

Barnes replied.

Elizabeth Silver asked whether the interest was to expand the existing residence (accessory dwelling) or to create a separate lot?

Keri Homestead stated that their intent was to keep the existing home as it is but to separate it onto a distinct lot. She noted that they have a lot of investment in the portion of the parcel itself with separate septic and water.

Sara Northrup asked for clarification about the described “surprise”.

Homestead indicated that they weren’t aware of water supply protection requirements.

Elizabeth Silver asked what would be done to the site if the variance were granted.

Homestead responded that nothing would be different than now.



Elizabeth Silver asked how the granting the variance be beneficial?

Neil Homestead noted that it would be easier if it was a separate lot to sell.

Robert Wade, 422 North Farms Road confirmed the sale of the lot to Homestead in the 70's.

Dana Pasquale 390 North Farms, noted support for the project.

Elizabeth Silver asked Barnes for clarification of request. She asked if the units could be sold now.

Barnes noted that they could sell it as a condominium but it is much harder to sell.

Neil Homestead noted that banks don't look highly on condos.

Northrup stated that her experienced indicated that 2-unit condos are frequently used. Neil Homestead stated that current bank wouldn't do it and that further these structures act independently and separately.

Sara Northrup noted that generally variances are difficult to approve and they are technically asking for 2 lots to be granted a variance.

Elizabeth Silver asked if someone is living in both of the units?.

Neil Homestead said they were both occupied.

Homestead noted that there were previously two tax bill.

Upon motion by Bob Riddle and second by Elizabeth Silver, the Board closed the hearing.

Bob Riddle noted that he didn't think that the request met the criteria for a variance, stating that the property is being fully used despite topographical issue. He stated that there wouldn't be any sense in going through list of issues since the standard requires that all requirements be met.

Elizabeth Silver sympathized with the feelings of frustration regarding the changes that occurred over the time. She emphasized that the variance standard is hard to overcome and the property is being fully utilized. She noted that the hardship standard hasn't been overcome and that rules exist for the public good.

Sara Northrup noted that typically the Board likes to find reasonable use and there should be justice for the changing regulations, but that it takes a unanimous vote to grant the variance.

Upon motion by Bob Riddle and second by Elizabeth Silver, the Board voted 2-1 (Sara Northrup voted against the motion) to deny application request for 2 variances on grounds that it doesn't meet criteria in general.

6:35 Adjourn.