

# 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 23, 2019

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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 7:16; 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 items non-hearing items? None.

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### 3. *Public hearings*

SAMUEL GENOVESE who seeks a special permit finding per 4-10.3 to allow for the extension of a garage not conforming to side yard setbacks at 27 Vadnais St., zoned Residence B.

Mr. Genovese stated he would like to add a 20' addition to the rear of his garage, approx. 64' from rear lot line, 2' from side line. The Board noted that it should conform to the submitted plan. He agreed and stated he would match the siding of the existing. When asked for public comment, Mayme Lajoie, 21 Vadnais St., stated she had no problem with the project. The hearing was then closed.

LUCILLE FEORINO who seeks a special permit finding per 4-10.3 to allow for the extension of a dwelling not conforming to 4-30.1a (closer than 10 feet to a garage structure) at 30 Berkshire Dr., zoned Residence A.

Ms. Feorino, owner, stated she has a 3 season porch about 8.5' from the garage and proposes a full addition to within approximately 7.5' per her measurements, assuming allowance for an overhang. The addition will be 12' x 16' (not 8' x 12' per the drawing, which was corrected). The addition will

match the house, with vinyl siding, and will still be 7.5' from, the garage. Vinskey clarified that appurtenances and overhangs less than 12" are excluded from the setback distance and may be measured wall-to-wall with such setbacks. An email from abutter Lynette Litourneau in support was noted. With no others in the room speaking to the petition, the hearing was closed.

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.

Bitzas disclosed a conflict on this item, as her firm (R Lévesque Associates) was involved in preparing the application plan. As such, only two members present were eligible. Sullivan declared a 5 minute recess at 7:23, indicating he'd try to contact alternate Hogan-Friguglietti. At 7:30, the meeting reconvened and it was stated that there are not enough members to proceed tonight. Upon a motion of Bitzas, seconded by Bacchiocchi, the hearing was continued to next Wednesday, January 30<sup>th</sup>. It will be in Room 315 at 7:15pm. Audience members asked if that was enough time to notify abutters; the Chair informed them that it will not be renoticed, as the notice has been given tonight.

#### *4. Deliberations*

GENOVESE - 27 Vadnais St.

Sullivan noted that the direct abutter was OK with this. Other long garages are in the area and it will increase the property value. The Board found that the existing garage structure does not conform to the current side yard requirement (having an approximately 2' setback), but its rear expansion of about 20' x 13' which maintains that same setback will not be substantially more detrimental than the existing situation, and is in harmony with the ordinance's general purpose and intent. On a motion to approve the special permit, it was voted 3-0 in favor.

FEORINO - 30 Berkshire Dr.

It was noted that this will increase the property's value. Bitzas disclosed that while her office had a role in an earlier survey plan, it was not involved in the current proposal being considered. The Board found that the dwelling is not conforming to 4-30.1a (being about 8.5' feet from a garage structure), but its expanded living space to within approximately 7.5' will not be substantially more detrimental than the existing situation, and is in harmony with the ordinance's general purpose and intent. On a motion of Bitzas, seconded by Bacchiocchi, to approve the special permit, it was voted 3-0 in favor.

#### *5. Review and approval of previous meeting minutes*

The Board postponed the approval of the minutes until their next meeting.

#### *6. Annual election of Chair*

Bitzas felt Sullivan was doing a good job and should continue as Chair; Sullivan accepted the nomination. Upon a motion by Bacchiocchi, it was voted 3-0 that Sullivan continue to serve as Chair.

#### *7. Other Business*

Vinskey briefly informed the Board that non-conforming protections (Sec. 4-10) were extended to structures existing for 10 years, even if not legally built in the first place; this was a 2016 change to state zoning law. Previously it only protected them from enforcement action.

#### *8. Adjournment*

Upon a motion by Bacchiocchi, the meeting was adjourned at 7:55.

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