

Town of Sandisfield

Select Board

Minutes for Select Board Special Permit Hearing held on Wednesday, January 24, 2024 at 5:00PM at the Town Hall, 66 Sandisfield Road, Sandisfield, MA

Members present: Steve Seddon, John Field, Robert Fedell

Participants: Alexandra Glover, Chapin Fish, Kurt Will (remote), Barbara Cormier (remote)

1. Call to order: Note that the meeting is being recorded

2. Special Permit Hearing – 40 Viets Rd

Steve reads the Special Permit Hearing Notice on the application of Kurt and Aviva Will for zoning relief in the form of a special permit in accordance with Section 5 of the Sandisfield Zoning Bylaws for a proposed addition to the existing structure at 40 Viets Road, Sandisfield, MA, map 44 lot 45.2.

Alexandra Glover, lawyer representing Kurt and Aviva Will, summarizes that the Select Board is familiar with the project, as despite being a new application entirely, the project is essentially the same as the one Rob Akroyd previously presented in October 2023. The Will's are seeking to extend nine feet outside of the original footprint of their home to build a porch into the front setback. The porch will be open, unenclosed with no additional lighting.

Alexandra goes on to explain that the home is abutted by woods and farmland, and there are very few homes in the vicinity. Those who do have homes in the vicinity have written letters in support of the application, all of which have been made available to the Select Board.

According to the Sandisfield Zoning Bylaws, "Pre-existing nonconforming structures or uses may be extended, alter, or changed to another nonconforming use by special permit from the Board of Selectmen provided that the Board finds that such change, extension, or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood." Alexandra goes on to argue that this construction would not be detrimental to the neighborhood in any way, as most houses in the area share a similar exterior look, the home is not located in a high traffic area, the construction does not create any safety concerns, the road is not regularly maintained by the Town, their closest abutter is property owned by the applicant, and no other abutters have voiced any concerns.

Alexandra notes that sometimes Planning Boards and Special Permit Granting Authorities worry about setting a precedent when issuing permits. However, it's important to understand that all Special Permits need to be taken on a case-by-case basis, as there are many factors in this application that would not be considered in others.

Chapin Fish, an abutter to the Will's, reports that neither he, nor anyone else on the road have any issue with the proposed scope of work for this Special Permit. It's believed adding a porch to this home would be an improvement to the neighborhood.

Barbara Cormier, Planning Board Chair notes she would like the Select Board to follow the bylaws.

Steve does not believe the proposed construction is substantially more detrimental, especially because all of the abutters are in favor of it. Town Counsel is agreeable to the project, and notes that the porch is considered a secondary structure and not an extension of the main building. With no plans for the Town to repair the road, nor have any reason to believe the project would impact future use, Steve is in favor of approving the Will's Special Permit application. Robert Fedell and John Field are also in support.

A motion was made, seconded and so voted to approve the Special Permit for Kurt and Aviva Will at 40 Viets Road, Sandisfield, MA, map 44 lot 45.2.

Steve Seddon	Aye
John Field	Aye
Robert Fedell	Aye

3. Adjourn Meeting

Meeting adjourned at 5:27pm

Steve Seddon

John Field

Robert Fedell