



COMMONWEALTH OF MASSACHUSETTS

Town of Southwick

Board of Appeals

454 COLLEGE HIGHWAY, SOUTHWICK, MA 01077
Telephone (413) 569-5995 Fax (413) 569-5001
Town Website: www.southwickma.org

Board of Appeals

Meeting Minutes April 24, 2023

Attendees: Christopher Mastroianni, Chairman, William Lis, Vice Chairman, Paul Grégoire, Thomas Stapleton, Michael Parent (via Zoom) and Wendy Cordeiro

7:00 PM Mr. Mastroianni opened the meeting. The Board reviewed and signed the newspaper notice. Mr. Lis made a motion to accept the meeting minutes of February 13th, 2023, Mr. Grégoire second and all were in favor. Mr. Lis made a motion to accept the meeting minutes of April 10 2023, with changes, Mr. Grégoire second and all were in favor.

7:10 PM 79 Mort Vining Road

The Chairman read the hearing notice for 79 Mort Vining Road. Ms. Nelson (representing Mr. Smith) was available via zoom to discuss the application. She advised that the building inspector denied a building permit because of the current town bylaw. The current bylaw restricts common driveways to allow only two lots to access a common driveway. She stated that they do not understand why lot A was able to access the driveway but their lot was not. Ms. Nelson advised a court case was filed and the applicant won allowing access to the lot via the common driveway. Mr. Mastroianni advised that the lawsuit was between the original builder and the Conservation Commission and there was never any approval from the zoning board. Also the Planning Board approved a plan that stated there would be three separate driveways. Ms. Nelson advised that applies to parcel A, B & C. She stated someone did draw up a plan for the three driveways and it was decided to be too cumbersome so a common driveway was established. Mr. Mastroianni stated there was never zoning approval for the plan. Mr. Mastroianni advised that the zoning board is responsible for following the bylaws of the town,

Ms. Nelson wants to know why parcel A and B are allowed the driveway. Mr. Stapleton advised that because houses were built on parcel A and B they were allowed access to the common driveway. Parcel C has not been developed. Mr. Lis addressed bylaw 185.30 01 section C which is permitted use of a common driveway. It states that no common driveway will be allowed that will serve more than two lots. Mr. Lis advises that the board cannot allow a third lot to access the common driveway.

Ms. Nelson states in section B it does not talk about homes on lots it just states lots. Ms. Nelson asks why the other lots have been using the driveway? Mr. Stapleton advises two homes currently exist and does she want the use taken away from lot A for lot C's use that does not have a home on it? Mr. Stapleton asked if a field is available to put in a driveway. Ms. Nelson advised that the lot is surrounded by wetlands. Mr. Lis advises 185 30.01 section C states residential common driveway will be allowed. Ms. Nelson states it only applies to residential lot not homes.

Mr. Stapleton asked why the single driveways were considered too cumbersome? Ms. Nelson states three individual driveways were determined to be too cumbersome to exit onto Mort Vining Road. Ms. Nelson states all the cables to all three lots run under the driveway. She advised that the book of deeds has a seven page document on the shared common driveway.

Mr. Mastroianni stated he was unable to find any approvals from the Planning Board regarding the common driveway. Mr. Mastroianni stated that the Board is unable to approve use of the common driveway according to the town bylaws. Mr. Mastroianni advised the applicant to explore working with the Planning Board and Conservation Commission in order to put in a driveway to access the property.

Mr. Mastroianni suggested that Ms. Nelson withdraw the application. Ms. Nelson states that will be starting all over. Mr. Parent advised Ms. Nelson that if the Board denies the application, the applicant will need to wait two years in order to reapply. Ms. Nelson, upon conferring with Mr. Smith, would like to withdraw the application. Mr. Lis states two lots are currently using the driveway, parcel A & B but Ms. Nelson states no; three lots are using the driveway.

Mr. Mastroianni read the Planning Board comments regarding the lot in their meeting, as requested by Ms. Nelson. Mr. Lis also spoke about the bylaw reference to a single family dwelling. Ms. Nelson advised that the Board is not seeing the wording as she is.

Mr. Mastroianni filled out a withdrawal form for Ms. Nelson to allow the applicant to explore other options. Ms. Nelson is in agreement with the withdrawal. Ms. Nelson stated that the Board is horrible to work with.

7:52 PM Mr. Parent made a motion to adjourn, Mr. Grégoire second, all were in favor.

Respectfully Submitted,

Christopher Mastroianni
Chairman