

November 30, 2017

To the Westhampton Selectboard,

I write to you in reference to the public hearing on November 28<sup>th</sup>, concerning the application #208 for a variance at 109 Northwest Road, owned by Amber Kellogg and Michael Barbeau. As a member of the Zoning Board of Appeals I feel the negative decision we issued was technically, legally, and morally wrong. It has destroyed the applicant's hopes, dreams, and finances, and served no benefit for anyone, except spitefulness. Because of the rules that prevent a second variance application for a two year period, it has left them with no recourse except to appeal in a court of law. I'm not sure they have the means to follow that route. Also, if it does go to court, I feel quite certain that the town would loose and then we would end up paying not only our portion of the legal costs, but probably the appellant's costs as well. With the slow process of the courts, there is also the risk of damage to the present house foundation and the actual modular home as it sits on a trailer during a winter season. That could also be charged to the town, and we would end up paying for a new home and foundation. All of this seems like a terrible risk to taxpayer money for no good reason.

The first two remedies I have been able to come up with are to have a special Town meeting to consider narrowing the layout of Northwest Road at that area, or for the town to grant the owners an easement for the few feet that the home is in the setback area. The narrowing of the road, I know is a possibility, but I don't know how the county is now handling these processes, or if they even want to be involved. The granting of an easement would be the quickest and easiest route but I don't know if that is legal or not, and I expect the Selectboard would prefer some show of endorsement from the town voters before they would issue such an easement. Based on the support shown at the public hearing, I am quite sure that endorsement could be forthcoming.

I am sending this in letter form because I will be away from Dec. 2nd, through the 10<sup>th</sup>, and cannot actively be involved in person until after that. I believe because of the time of year, this is an important enough issue that it requires constant attention. Also, I want to cc. this to a number of people so it can be an open and wide conversation, and to eliminate any idea of secrecy or collusion. Are there any other solutions or ideas out there, or what are your thoughts?

Sincerely,

Richard W. Tracy,

106 South Road, 527-1731