

## **SOUTH HADLEY PLANNING BOARD PUBLIC HEARING**

### **Application for Special Permit to Install an 8 Foot Fence at 10 Bengier Ave**

**MINUTES OF OCTOBER 28, 2019**

**AS APPROVED**

**Present:** Mark Cavanaugh, Chair; Melissa O'Brien, Vice-Chair; Diane Mulvaney, Clerk; Brad Hutchison, Member; Joanna Brown, Member; Richard Harris, Town Planner; and Colleen Canning, Senior Clerk Planning and Conservation

Chair Cavanaugh called the Public Hearing into order at 6:45 PM.

Clerk Mulvaney read the Public Hearing notice aloud:

*The South Hadley Planning Board, in accordance with the provisions of Chapter 40-A, Section 11, Massachusetts General Laws will hold a public hearing on Monday October 28, 2019 at 6:45 p.m. in the Selectboard Meeting of the South Hadley Town Hall at 116 Main Street, South Hadley, MA to consider and discuss the application of Richard Rigali; 10 Bengier Avenue, South Hadley, MA 01075 for a Special Permit under Section 255-32 and Article IX of the Town's Zoning Bylaw. The applicant is seeking a Special Permit to allow installation of an 8 foot high fence in a residential zoning district.*

*The subject property is known as 10 Bengier Avenue and identified on Assessor's Map Number #31as Parcel #75. The property is located in the Residence A-1 zoning district.*

*Plans and the application may be viewed at the Office of the Planning Board during normal office hours (8:30 a.m. to 4:30 p.m.). Additionally, the plans and application are posted on the Planning Board's "Project Plans A through L" page on the Town's website [www.southhadley.ma.gov](http://www.southhadley.ma.gov) labeled "10 Bengier Avenue – Proposed 8 foot fence – 2019". Any person interested in, or wishing to be heard regarding, this application should appear at the time and place designated.*

*Diane Supczak-Mulvaney, Clerk  
South Hadley Planning Board*

*Publication: Friday, October 4, 2019  
Friday, October 11, 2019*

The applicant, Richard Rigali of 10 Bengier Ave, was present at the Public Hearing.

Richard Rigali opened the discussion by describing the proposed project. He explained that, since his retirement, he had not been experiencing the level of privacy as he had hoped for. He described his experience as living in a "fishbowl" as he felt his neighbor could watch him from their kitchen window. He contacted a number of fencing contractors in the area to install an eight foot fence. The contractor explained to him that the project would require a Special Permit;

as the proposed fence was over six feet in a residential area. He explained that the proposed fence would be located at the rear of his property; parallel to an existing fence at rear abutting property. The proposed fence would be located three feet from the property line.

Eileen Courtney, 9 Hickory Place, addressed the Board. She owned the rear abutting property and submitted pictures of the view from her kitchen window which showed she could not see into the applicant's home. She expressed concern for plants and shrubs that would be contained inside the two fences, if the special permit was granted. She wanted the applicant to remove the trees and shrubs if the fence were allowed to be installed.

Mr. Hutchinson inquired how tall the fence was on the property at 9 Hickory Place, which butters the subject property at the rear. Eileen Courtney responded the fence at her property was six feet high. Board Members observed that the grading of the property at 10 Bengier Avenue was lower than the abutting property at 9 Hickory Place. Additionally, observations were made that the planter along the rear of the 10 Bengier Ave was elevated a few feet higher than the grade of the backyard.

Ms. Brown expressed concern for allowing the 8 foot fence installation. She explained that the six foot fence standard within a residential area was well thought out. There were ways of addressing privacy concerns that did not have negative impacts on the abutting properties.

Richard Rigali responded to the comments made during the hearing. He explained that he could see the kitchen window of the property at 9 Hickory Place. Therefore, he assumed they were able to see inside his home.

Chair Cavanaugh noted that, as the property at 9 Hickory Place was graded higher, an eight foot fence on at 10 Bengier Avenue would effectively be a similar height to that of the six foot fence at 9 Hickory Place. Mr. Harris respond that the observation should be included in the Board's findings, if the Special Permit was approved, so that future applicant's did not inappropriately use the decision.

Mr. Hutchison observed that installation of the fence would not block the abutting property's window view. Therefore, the fence didn't effectively add privacy but the abutting property still had enjoyment of their view.

Eileen Courtney addressed the Board again. She did not have an objection to the installation of the fence. However, she wanted to make sure that the shrubs and trees would be removed from the created 'no man's land' and that the fence would installed on the lower grade of the property; not on top of the elevated planter.

Chair Cavanaugh closed the Public Hearing at 7:22 PM.

Respectfully Submitted,  
**AS APPROVED**  
Colleen Canning, Senior Clerk Planning and Conservation

**Appendix**

<b>Document</b>	<b>Document Location</b>
Special Permit Application to install eight foot fence at 10 Benger Ave	Planning Files
E-mail from Eileen Courtney, abutter of 10 Benger Ave	Planning Files