

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES JULY 25, 2007
TOWN HALL AT 5 PM

PRESENT: Chair Eric Whitman, Tucker Hubbell, Tony Higgins, Bob Schwier, Toni Cohen, Larry Schubert

ABSENT: Nancy Cole

ALSO PRESENT: Harriet Bernstein, Connie Koch, Betty Vorenberg

BUSINESS

- The minutes of July 11 were approved as written.

HEARINGS

5 PM Continuation from July 11 of an application by Harriet Bernstein for a Special Permit for setback relief for a 16' by 16' one story shed/studio to be sited 34' from the rear north bound and 25' from the side west bound. Section 11.2-2 of Zoning Bylaws; Map 31 Lot 26; 629 Edgartown Rd; RU District. *No correspondence.*

The above ZBA members along with Julie Keefe, Harriet Bernstein, Connie Koch and Betty Vorenberg made a site visit to the property at 4:30 PM and met at Town Hall to continue the hearing from July 11.

The detached bedroom issue was discussed. First, it was said, the Board of Health has to determine if the septic capacity is adequate for another bedroom. You can have a detached bedroom in a studio, but not at the setbacks Harriet is asking for. Yes you can have a bathroom in a studio or garage, etc, but it needs Board of Health approval. Mrs Koch expressed worries that plumbing would affect her. The ZBA pointed out that should Harriet upgrade her septic system, it would be under Board of Health and State guidelines. A toilet in a studio wouldn't affect the Koch property, as any sewage or wastewater is piped away into a septic system a prescribed distance from her well and property line under Board of Health regulations. Harriet said she was asking for a shed/studio.

Harriet asked if she could have plumbing in a 120 sq ft building? (The Zoning bylaws allow that one building of 120sq ft may be built, by right, 10' from the bound or the height of the roof, whichever is larger. The studio roof is 14' high). Tucker replied she could, but by Board of Health approval. He advised her she had the right to withdraw now if she decided to build the 120 sq ft studio. Harriet discussed building the studio 14' from Mrs. Koch's some more. Tucker said that the site she has chosen is a nice site, but 25' of setback relief is a lot. The Board might grant 10 or so feet. He suggested she compromise by moving the 16 by 16 building 15 feet further away from Mrs. Koch's bound, even though it would mean moving her fire pit and associated lawn furniture, putting the building at 40' from that bound, and still 34' from the Bruno property. Harriet said she wanted the building to be in the shade and asked for 15' of relief (making it 35' from that bound). Larry said the 5' would not make a large difference to her.

Eric said it makes sense to have the larger building further away, rather than the smaller one 14' from a property line. Mrs Koch found the compromise to be acceptable, better than 25'. She asked that assurances would be made that there would be no door on the west side and that the shrubbery be put in on the Bernstein side of the bound. Bob Schwier encouraged that this be a condition, but a moderate amount of shrubbery to thicken what is already on the Koch side. Other conditions were that a window was OK, but no door on the west side, the building is to be 40' from the west bound and 34' from the north. Harriet accepted the compromise and the Board voted to grant the Special Permit with

conditions. She also made sure that if she chose she could build the 120 sf building by right and 14' from the west bound without a Special Permit. She can.

OTHER CORRESPONDENCE

- Gail Rowe: Request for more setback relief for a garage permitted in November. The ZBA decided she would need to have a new hearing.
- Donna Bouchard of DBPARC...phone call re part of patio and stonewall of ZBA permitted Elkind pool is 10' into no-cut zone and they don't like it. ZBA felt that that organization can modify the pool to their liking at an ARC meeting with the Elkind, and felt that the small amount of patio did not detract from the intent of the Green Belt.

- Notices of Planning Board hearings from Simone DeSorcy:

The meeting was adjourned at 6:15 PM.

Respectfully submitted, Julie Keefe, Bd. Admin.

Approved on September 5, 07