

**WEST TISBURY ZONING BOARD OF APPEALS  
MINUTES FEBRUARY 6, 2008  
TOWN HALL 7 PM**

**PRESENT:** Eric Whitman, Tucker Hubbell, Toni Cohen, Larry Schubert, Bob Schwier

**ABSENT:** Tony Higgins, Nancy Cole

**ALSO PRESENT for All or Part of the Meeting:** Randy Simon, James Paquette, James Sepanara

**BUSINESS**

- The minutes of Jan 30 were approved as written.

**HEARINGS**

**7:20 An application by D&S Construction for Gary Rome and Claire Rush for Special Permits for** 1) reconstruction of a house on a non-conforming (under 3 acre) lot; 2) height relief to build over 24' high in the Roadside District (along Old County Rd). Sects. 11.1-3 and 6.2-3D of West Tisbury Zoning Bylaws; 7 Yellow Brick Rd; Map 10 Lot 17; RU and Roadside Dist. *Letter from applicants; Other Correspondence so far: 1) Abutter Wayne Greenwell; 2) Abutter R. Kirkham Safford; 3) Abutter James Paquette; 4) Abutter Carol Marrama; 5) Abutter Polly Basset; 6) Abutter James Paquette. On file in ZBA office.*

Correspondence was read aloud. All the letters were against the granting of height relief and were worried about the amount of trees that might be cut down due to the modular trailers and any possible septic upgrades. Builder Randy Simon represented his clients Gary Rome and Claire Rush. He said he has tried cutting the roof pitch for the proposed 30' high house, and would be able to use the submitted plans if he were allowed to build up to 28'. His clients do not want to upset the neighbors by building something unacceptable to them. He said if they build a ranch, it will be spread out more and more trees cut down. The Board suggested a less tall 2-story house, discussed that a cape would be lower with less floor area. Tucker suggested a 28 by 40 cape. Randy said he had sent plans and a letter from his clients to all the neighbors. No one had responded or talked to him, yet the ZBA got 6 letters. If he had known of the opposition, he would have withdrawn the request for the height relief and kept it at 24'. He said it was not a hardship case for his client, but it was the house they hoped to build. Julie reminded the room that the application was also being heard for the alteration, reconstruction of a house on a non-conforming lot.

Tucker pointed out the irony that a great many of the old and historic houses along roads are 30' or more. He told the room that people absolutely have the right to apply to go higher than 24' in the roadside, the Bylaw provides for it. Randy returned to the subject of the abutters' letters; that he had sent out his letter and had no response and yet these letters were written to the ZBA. He said he understood the neighbors and the zoning concerns, but was trying to represent his clients as well as he could. They would replace some of the trees that would have to come down. Randy said he was in touch with the Board of health regarding the septic capacity for the project.

James Paquette said he had gotten Randy's mailing; he said he'd built his house according to zoning; he asked about the number of bedrooms. He had built the Rome house and sold it to them. There are three proposed, one in a small guest house on the lot, and perhaps the study would be counted as a bedroom (by the Bd. of Health). Eric pointed out that the neighbors who wrote have come out strongly against a house over 24'. Randy said he'd get new plans for a house not over 24'

high. The Board asked Randy to return with the new plan as they'd have to sign off on it. They asked him to measure the height of the existing house, as if it were over 24' perhaps he could apply for that height again.

James Paquette said that whatever is built will be scrutinized. Randy said he's representing his customers who are simply trying to build what they want. The hearing was continued until 6:45, March 12.

**OTHER CORRESPONDENCE**

- Letter to ZBA from Kevin Kiernan, Senior Regional Counsel, MA DEP, re rooster case (not read aloud as pertains to Harris rooster case to be continued on March 12, 08.)

The meeting was adjourned at 8:25 PM.

Respectfully submitted,  
Julie Keefe, Board Admin.