

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES OCTOBER 29, 2008
HOWES HOUSE 7 PM**

PRESENT: Eric Whitman, Tucker Hubbell, Nancy Cole, Tony Higgins, Bob Schwier, Larry Schubert

ABSENT: Toni Cohen

ALSO PRESENT: Myron Garfinkle, Margaret Curtin

BUSINESS

- The minutes of Oct 15 were approved.
- Bobrowski bill for signed legal opinion regarding maximum size of non-residential building in RU District re the proposed Kenworth restaurant was approved and signed. Bobrowski bill for MV Savings Bank affordable apartment signed opinion: The bank had previously said they might share or pay all for this opinion. The legal opinion did not find in favor of the bank's proposal to have detached apartments due to the wording in the Bylaw; ZBA will, however, inquire to see if they would pay half the bill.

HEARINGS

7: 20 An application by Myron Garfinkle for a Special Permit to alter and extend a pre-existing, non-conforming (by setback) house: Bumping out the 8' by 16' sun room/greenhouse an additional 8 ft, to be 40' from the west bound. Section 11.1-3 of Zoning Bylaws. Map 38, Lot 7.2; 39 Sarita Walker Rd; RU District. *Correspondence: 1) Abutters Fran and Sarita Valenti, in favor; 2) Abutter Charlotte Caskey, in favor*

Myron Garfinkle and designer Margaret Curtin presented the plans for the proposal. The house has a 6' by 14' sunroom which they want to enlarge in order to increase it's usability as a 4 season room. The existing dwelling is 45' feet from the south bound at its nearest point (an entry hall), making it pre-existing non-conforming, as setbacks are required to be 50'. The 8' bump-out for the greenhouse/sunroom will make the room 14' by 14'. The applicant submitted that the existing and proposed measurements are for the interior. After discussion, the Board found that the addition would not be detrimental to the neighborhood and granted the special Permit, granting 10' of relief; 2' more than an 8' incursion gives the project 2' of leeway needed to ensure the exterior is no closer than 40' from the bound.

DISCUSSION

- Richard Knabel asked for direction regarding Mark Bobrowski and David Maxson DAS reports which the Board had received last week. After discussion, the Board concluded that zoning does not regulate poles on the public right of way, but may apply to erection of poles on private property; that Dave Maxson described a way in which the DAS nodes could be considered "repeaters" as considered in our current bylaw should it be decided that DAS should be heard under zoning; that it was not the ZBA that would make that decision; that it was not the ZBA who would write new regulations for DAS if deemed necessary. Every Board member felt strongly that there should be a form of public meeting, or hearing if appropriate, held by the Town to inform citizens before any installation of a DAS system.

The meeting was adjourned at 8 PM.

Respectfully submitted, Julie Keefe, Board Admin.

