

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES MAY 13, 2009**  
**HOWES HOUSE 7 PM**

**PRESENT:** Eric Whitman, Tony Higgins, Toni Cohen, Bob Schwier, Larry Schubert

**ABSENT:** Tucker Hubbell, Nancy Cole

**Also Present for All or Part of the Meeting:** MadelineWay

**BUSINESS**

The minutes of April 29, 2009 were approved with corrections.

**HEARINGS**

**7:20 PM An application by Robert Herman and Madeline Way for a special permit** under Sects. 3.1-1 and 8.5-4 of the Zoning Bylaws to have an 18' in diameter circular, inflatable above-ground pool with associated fencing. Map 31 Lot 102.9; 9 Dylan's Way; RU Zone.

*Correspondence: 1) Tom Wetherall for Alden property; 2) Kevin and Maria McFarland*

The pool is a portable non-permanent structure under 250 sq ft, but because there is an attached permanent filter system the pool meets the State building code definition of a swimming pool, and is in need of a Special Permit. The West Tisbury Zoning Bylaw requires a Special Permit from the ZBA to install a swimming pool.

Correspondence was read: Tom Wetherall wanted to make sure the Herman bounds were correctly observed and that the pool and associated fencing make the 50' setback. The McFarlands voiced concern that the pool might increase the barking of the Herman dogs which they have found issue with over the years. They also want it to be made clear that the pool will be within setbacks. Madeline Way, Dr Robert Herman's wife, presented her submitted plot plan and photographs of the pool to the Board. She had talked to Ernie Mendenhall regarding the pool's type and height and whether or not it would need the 4' fencing. He had said it did, with a self latching gate. She said in the winter it would come down, or they might cover it up. It will be a chlorine pool. ZBA members told her of the boiler plate conditions that will be attached to the Special Permit, including, no emptying of the pool while there is any chlorine content left in the water. There is an attached filter which she said would run 4 hours a day. The Board voted to grant the Special Permit with conditions. There is, as always, a 20 day appeal period.

Madeline briefly discussed the orders her dogs are under, that they must be inside when they are not home. They do have an outside pen for them; they no longer use the electric fence.

**OLD BUSINESS**

DAS and WECS were briefly discussed.

**OTHER CORRESPONDENCE**

Out: 1) to Selectmen copy to ATC, letter saying DAS application from ATC must come to ZBA; 2) letter to ken Kimmell saying bill should not override Town's Zoning authority re WECS.

In: from MVC, copy of State Wind Energy Siting Bill about to be enacted. I gather public comment closes today Friday and hearing starts the 12<sup>th</sup>. This was emailed to Jen on Thurs aft.

The meeting was adjourned at 8:30.

Respectfully submitted, Julie Keefe, Board Admin.