

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, July 23, 2026

Meeting Minutes

Approved August 27, 2026 (6-0-1)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Pat Barrett, Sebastian Hiatt

Absent: Casey Decker

Also Present: Kim Leaird (*Administrator*), Deanna Ahearn Laird, Steven Katz, Iris Gold, Everett Bramhall, Sue Hruby, Kate Guiney

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5:00 pm – Minutes of July 2, 2026 meeting were approved 6-0. Larry appointed associate member Pat Barrett to the full board.

Other business

Informal hearing, Deanna Laird Ahearn, **72 Vineyard Meadow Farms Rd. (Map 29 Lot 34)** re: approved pool shed in SP #2023-35 and a de minimis change request.

Deanna Laird Ahearn met informally with the Board regarding an accessory structure approved as part of Special Permit # 2023-35. The Building Inspector had advised her that the approved “pool shed” was being used as a “pool house,” constituting a change of use, and suggested she return to the Board for a de minimis review. The structure contains electricity but no plumbing, bathroom, kitchen facilities, heating, air conditioning, or sleeping accommodations and is used only as a seasonal gathering space adjacent to the pool.

The Board reviewed the approved plans and discussed the apparent ambiguity in the original application materials, which referred to the accessory structure as a “shed” while also depicting a recreational structure associated with the pool. Julius noted that, from the Building Inspector’s perspective, a structure approved as a shed would ordinarily not be expected to function as a gathering space, while Sebastian said that the building simply represented an enhanced use of a shed rather than a habitable structure. Deborah commented that the issue was largely one of semantics, noting that the structure remained non-habitable and that the Board does not regulate how the interior of a shed is finished or furnished. Larry further observed that the Board may not have fully explored the intended use of the structure during the original 2023 hearing, contributing to the present ambiguity.

Following discussion, the Board voted 3–2 that the matter was de minimis in nature and did not warrant requiring the applicant to file a new Special Permit application or undergo a new public hearing. Kim will provide a letter to the Building Inspector reflecting its determination.

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5:15 pm – A public hearing on an application for a Special Permit from **Steven Katz and Iris Gold** to allow the operation of a seasonal chiropractic and acupuncture home occupation in a 12’x16’ gazebo to be erected and attached to a plywood platform under Section 8.5-1 of the West Tisbury Zoning Bylaw at **46 Buttonwood Farm Rd., Map 8 Lot 14.2**, in the RU district.

Larry read the hearing notice at 5:25pm. Present were property owners Steven Katz and Iris Gold. The applicants explained that they propose to operate a seasonal chiropractic and acupuncture practice, "Under the Oaks Chiropractic and Acupuncture Care," from a 12' x 16' screened gazebo located near the entrance to their property. The practice would operate from approximately June through September, generally Monday through Friday between 8:00 a.m. and 6:00 p.m., with an anticipated maximum of 24 to 30 patient visits per week. Patients would park near the driveway entrance and walk along an existing path to the gazebo. The applicants stated that the structure would remain unheated, contain no plumbing or bathroom facilities, and would be served by a newly permitted electrical connection.

Board members discussed the proposed hours of operation, patient scheduling, parking, lighting, electrical service, restroom availability, noise, privacy, and traffic. The applicants explained that appointments would be staggered to minimize vehicle overlap, that no more than one patient would be treated at a time, and that any music played during treatments would be at a very low volume. They further stated that patients would be advised in advance that no restroom facilities were available in the gazebo and that the practice represented a low-volume, semi-retirement home occupation. Larry read into the record a letter from abutters Elliot Kronstein and May Baldwin expressing their support for the application. The Board also discussed the potential impact on the private road and noted that while increased traffic appeared minimal, maintenance of the roadway remained a matter for the road association rather than the Zoning Board.

A motion was made and seconded to close the hearing and open the board meeting.

During deliberation, Deborah questioned whether the applicants' status as seasonal residents affected the home occupation provisions of the bylaw. The Board concluded that because the applicants would reside on the property while the practice was in operation and no non-resident employees were proposed, the application was consistent with the intent of the bylaw. Members further agreed that the proposed use was a low-intensity home occupation compatible with the surrounding neighborhood.

Larry stipulated that if the Board were to grant the special permit, it would run with the current property owners only.

A motion was made and was seconded to GRANT the Special Permit as conditioned.

Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 5-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, P. Barrett-yes

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5:30 pm – A public hearing on an application for a Special Permit from Vineyard Land Surveying & Engineering, Inc. on behalf of **Everett K. Bramhall** to allow the construction of a 16'x34.5' inground swimming pool and hot tub under Section 8.5-4C of the West Tisbury Zoning Bylaw at **35 Forest Rd., Map 14 Lot 6**, in the RU district.

Larry read the hearing notice at 5:50pm. Larry read the hearing notice at 5:45 p.m. Present was property owner Everett Bramhall. The Board reviewed the plans, noting that the proposed pool would be located on a 10.5-acre property within Seven Gates, would comply with applicable setback requirements, and would not be located in front of the principal dwelling. Mr. Bramhall stated that the pool would include an automatic safety cover and that additional fencing would be installed for the safety of his

grandchildren. Board members discussed the proposed safety features, including fencing, door alarms, and compliance with applicable pool safety requirements.

No correspondence or public comment was received regarding the application, and no concerns were raised by Board members.

A motion was made and seconded to close the hearing and open the board meeting.

There was no further discussion.

A motion was made and was seconded to GRANT the Special Permit.

Larry went over the 20-day appeal period and further noted that the Special Permit would include the Board's standard conditions applicable to swimming pools, including provisions related to lighting, signage, and water use.

A roll call vote was taken with the following resulting votes. Motion passed 5-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, P. Barrett-yes

Other business

Discussion with the Climate & Energy Committee Regarding Proposed Land Protection Bylaw

Sue Hruby and Kate Guiney met with the Board to discuss a draft land protection bylaw being developed by the Climate & Energy Committee and to solicit feedback prior to advancing the proposal.

Larry expressed concern that, as drafted, the bylaw appeared to place the burden on property owners to demonstrate compliance before undertaking land clearing activities and questioned whether it vested too much discretion in the Zoning Inspector. Ms. Hruby agreed that implementation remained a work in progress and said the Committee was seeking feedback from Town boards before finalizing the proposal. She also acknowledged that enforcement responsibilities might ultimately involve the Conservation Commission or Conservation Agent rather than relying solely on the Zoning Inspector.

Andy asked whether the proposal had been modeled after similar bylaws adopted in other communities and how those communities administered and enforced them. Ms. Hruby explained that Tisbury had recently adopted a similar bylaw, although it was too early to evaluate its effectiveness, and noted that comparable regulations exist in other parts of the country like Florida. Andy encouraged the Committee to look closely at communities with established programs rather than "reinventing the wheel."

Sebastian questioned how the proposed land disturbance thresholds had been established and whether they had been tested against typical West Tisbury lots, particularly smaller homesite parcels. He expressed concern that the proposed percentages, when combined with existing setbacks, septic systems, wells, and utility requirements, could unnecessarily force homeowners into the Special Permit process for otherwise routine projects. He suggested modeling the bylaw against representative parcels throughout town before adoption to better understand its practical impacts. Ms. Hruby responded that the Committee had already begun mapping exercises and, following comments received at an earlier meeting, had recently expanded its review to include homesite lots.

Julius questioned how the proposal would be administered over time, observing that advances in aerial imagery and parcel mapping may provide more effective tools for documenting existing site conditions and assisting with future enforcement.

Deborah encouraged the Committee to consider whether appropriate exemptions should be included for agricultural activities and emphasized that the proposal would be more successful if property owners clearly understood both the environmental and personal benefits of preserving natural vegetation. She also supported the idea of testing the proposal against actual properties before advancing it.

Larry thanked Ms. Hruby and Ms. Guiney for bringing the proposal before the Board. Members agreed the discussion had been productive and encouraged the Committee to continue refining the draft bylaw, balancing its conservation objectives with practical implementation, administration, and enforcement before returning for additional review.

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The Meeting adjourned at 6:35 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator