

WEST TISBURY PLANNING BOARD MINUTES July 11, 2016, 5:30 PM

PRESENT: Ginny Jones, Bea Phear, Leah Smith, Susan Silva, Matt Merry, Henry Geller.

ALSO PRESENT: Dale Julier, Faith Runner, Carol Craven, Timothy Tsai, MD, Phyllis Meras, Susan Wasserman, Shanti Blum, Susan Block, Robert Gothard, Richard Knabel, Bill Veno, Cara Shemeth, Jane Rossi

Ginny opened the meeting at 5:30.

Public hearing on an application from Jim Feiner for a Special Permit to install a temporary curb cut on the property located at 35 Music Street, Map 32, Lot 44:

Ginny read the hearing notice into the record. She explained to the room that the board had received word just prior to the meeting that the applicant would not be in attendance due to a fever, so the meeting may be continued, and pointed out that written correspondence would still welcome. Bea suggested that those in attendance be given the opportunity to speak at that time since they are already present.

Bea asked if the applicant had submitted a plan or a statement, which he had not. In that case, she said she had no questions. It was clarified that he had submitted an application without any plan however. Matt asked what the applicant's intention was regarding how temporary the cut would exist. Leah said that the area where the proposed cut would be is obvious but the board doesn't know for sure what he is planning. She said we can't have a proper hearing if we don't have a proposal before us.

Ginny read an email from Sean Conley, Chairman of the Historic District Commission. The email touched on some non-compliant work that had transpired on the property which was approved after completion, and some landscaping requirements that remain incomplete. Jane was asked to scan and email the other correspondence to the board members as they were numerous.

Susan Wasserman was recognized, and explained that she lived on Music Street and, in her letter, tried to detail what has transpired. She said that the property was subdivided prior to zoning (1971), however, the map was re-drawn so the "71" map is no longer relevant and the property is one lot. Also, Mr. Feiner has created his own problem by planning poorly. She encouraged the board to not approve the curb cut, or, most importantly, get a date certain of when the cut will be permanently closed.

Susan Block stated that she lives right next door to Jim and the proposed driveway is a few feet from hers. She explained that Jim has proceeded with work three times without permission, and each time he has claimed he didn't know. The second cut is being opened and closed regularly. She said there was a split rail fence that her father-in-law had placed on the property, to the east side of the house, that he would periodically open to do some maintenance work on the buildings out back but it was not intended to be a driveway. She felt that granting Jim permission to have a temporary curb cut could turn into a permanent driveway. She suggested that perhaps the stone wall that Jim built on the existing driveway be shortened to allow cars to get through. Robert Gothard said he found it disturbing that Jim Feiner repeatedly altered the property without approval by the Historical District Commission.

Bea moved to postpone and continue to July 25th and if we don't have a plan at that time, then we should close the public hearing. Leah seconded the motion and the vote was unanimous.

WEST TISBURY PLANNING BOARD MINUTES July 11, 2016, 5:30 PM, pg 2

Ginny encouraged the public to submit additional testimony in writing if appropriate, and also mentioned that the property has been significantly improved with a lot of work to the house and it is now very attractive.

Public hearing on an application from Deborah Mayhew for a Special Permit to install a curb cut Map 25, Lot 18.7, 82 Panhandle Road:

Ginny read the public hearing notice into the record and asked Deborah to present her plan..

Deborah explained that this is the third time she has appeared before the board to discuss a temporary curb cut that was placed on her vacant lot several years ago. Just for the record, she was supposed to have closed it once the solar panels were installed, and she was so instructed by the zoning inspector, Ernie Mendenhall. She said there are two issues regarding the placement of the curb cut, safety and aesthetics. She said that when she began planning for the sale of the lot, she realized that many trees would have to be removed in order to install a driveway through an easement that runs through her property to get to the vacant lot. She also pointed out that safety was an issue. She explained that the only “close calls” she has had have been with the neighbor she currently shares her driveway. She said that the board had told her she couldn’t have the curb cut but she realizes she would have to take out a lot of trees and relocate the electrical box and propane tank to make room for the driveway. Bea pointed out for the record that the planning board had never reviewed an application nor had they voted to either approve or deny the plan. Deborah concurred with Bea.

Jane read comments from Leo DeSorcy, the Road Inspector, who made a site visit to the temporary curb cut. Jane’s notes from Leo’s remarks indicated that the curb cut in question was not safe and the Inspector did not recommend that it be approved. He suggested the existing cut be widened and the sides leveled and cleared to improve visibility when approaching the road. Deborah said that wasn’t expected in the original deed. Ginny said we didn’t expect that what has happened to the Vineyard has happened back then, there are more cars, they move faster and the vegetation has grown. Matt stated that he disagreed with Leo’s recommendation. He said that the aesthetic part of it has a much greater value. He said he has driven both accesses and feels that cutting down too many trees will expose the solar arrays on Deborah’s property. Bea said she agreed with Matt and stated that a better line of sight would make the second curb cut safer. She said she would recommend approving the application. Leah and Susan were also in agreement that the temporary curb cut should remain. Ginny disagreed. Deborah suggested that perhaps there could be a condition in the decision to improve the safety of the cut.

Ginny read a letter from Andrea Hartman, owner of a lot on Panhandle Road and a direct abutter, that was in opposition of the curb cut. The letter explained the layout of Panhandle Road and specifies the easements and deeded access over certain lots for ingress and egress to Panhandle Road. The letter also mentioned the application submitted to the Zoning Board of Appeals for the placement of Deborah’s solar panels and the propane tank and electrical box hinder the deeded easement to the neighboring lot. She also read from a second letter which Andrea submitted which clarified and confirmed some details of the original plan and approval.

Richard Knabel read a letter he had submitted to the board which pointed out that the added curb cut would conflict with the 1982 Whiting subdivision plan along Panhandle Road and would be **WEST**

TISBURY PLANNING BOARD MINUTES July 11, 2016, 5:30 PM, pg 3

inappropriate. He explained that his Panhandle Road property shares a curb cut as is indicated on the original plan. The letter also stated that the Mayhew illegal cut was a temporary access to install solar panels on her lot. He was further concerned that the approval of this cut could, over time, give rise to other lot owners requesting a single-use curb cut. Richard added that his shared driveway is sufficiently buffered from the road and the entrance is 16 feet wide which is ample for the traffic. Susan Wasserman pointed out that the easement over Deborah's lot is 40 feet wide so there should be enough of a buffer of trees to screen the solar panels. Bea confirmed with Richard that the branching driveways on his property are within the easement. Richard said they were. Henry said he had driven in and out of the cut and was not comfortable exiting the property but he inched out until he could see. He suggested that the existing driveway be widened and a mirror added as a visual aid.

Bea stated that she recognizes and sympathizes with the precedence issue, but in this instance, the disruption would be lesser if the new curb cut was granted and she recommended approving the application. Leah agreed that the removal of a lot of trees would not be good. Susan agreed and stated that Panhandle Road is a lovely scenic road-the less invasive, the better. Ginny stated that she digressed. She said she was disappointed that Leo's opinion was not being recognized as while aesthetics are important, , safety issue takes precedence. She felt that having both entrances was a mistake. Richard said that his driveway works fine and the original planning was well intended. Leah said that the planning board does not grant exceptions "willy nilly" so she didn't feel this would set a precedent. Further she felt that aesthetically, the screening would be destroyed. Matt said that in "82" the planning board saw the easement as a positive but times have changed and solar energy has happened. He said the amount of trees that would have to be removed would be significantly greater than the impact of the curb cut. He pointed out that he creates roads all day long and this one would be visually opened up.

Bea moved to approve the application and Susan seconded the motion. Matt suggested a restriction of no more than a 12 foot width of clearing and a 10 foot wide driveway be added to the decision. Matt, Bea, Susan and Leah voted in favor of the application and Ginny voted to deny- 4 to 1 in favor. The public hearing was closed.

Form A application from Cara Shemeth on behalf of Red Farm Realty Trust V for a lot line change at Map 12, Lots 40, 40.1, 40.2, 0.3:

Cara Shemeth of Schofield, Barbini & Hoehn, explained that the slight lot line change to a plan that the board had recently approved, was due to a lot that had several dips in it. The line change would provide for more level ground to build on.

Susan moved to approve the plan and Leah seconded the motion. The vote was unanimous.

DISCUSSION:

1850 Map:

Ginny informed the board that she attended a lecture where David Foster spoke about the 1850 map. She said the map is very detailed, scanned and digitized. She said that MVTv will air the slides and the lecture. She suggested that the Planning Board have its own copy and that whenever the MVTv show with the lecture is available that folks listen.

WEST TISBURY PLANNING BOARD MINUTES July 11, 2016, 5:30 PM, pg 4

State changes to zoning:

Bill Veno said the state zoning changes are out of the conference committee and will now appear before the Senate. He said they may not pass the Senate.

League of Women Voters:

Bea informed the board that the LWV will

Parking spaces at the West Tisbury School:

Jane informed the board that Joe Tierney noticed there were several new parking spaces located behind the tennis courts where the busses used to be located. He asked if the board should have approved them. Jane was asked to get more detailed information and the number of new lots.

Manter's Path:

Harriet Bernstein informed the board that the Byways Committee is in the process of designating Manter's Path as a special way. She said the informational meeting is scheduled for Monday, August 8th at 5:30 before the Planning Board.

Walsh Property:

Jane informed the board that Katherine Walsh had been in to discuss options for her mother's property that recently sold to the MV Film Festival. Katherine would like to purchase the house and sell the back lot. She wondered if she could subdivide the back lot into two 3 acre lots. She also asked if the covenant on the property which stated that the back lot shall not be reduced to less than 6 acres, was still valid or could be removed.

The board said they do not have the ability to make any decisions without reviewing a valid plan and application.

MINUTES:

- The minutes of the June 13, 2016 meeting were approved as amended.
- The minutes of the June 27, 2016 meeting were approved as amended.

Meeting Adjourned at 7:00 pm

Respectfully submitted,

Jane Rossi, Administrator