

WEST TISBURY PLANNING BOARD MINUTES February 1, 2016, 5:30 PM

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

ABSENT: Henry Geller

ALSO PRESENT: Caroline Mayhew, Jack Mayhew, Daniel Mayhew, Reid Silva, Dale Julier, Susan Puciul, Joe Tierney, Chuck Gilstead.

CORRESPONDENCE:

- Violation letter from the Building and Zoning Inspector to Scott Bermudes RE: illegal fence.
- Violation letter from the Building and Zoning Inspector to Middletown Mowers
RE: Installation of a sign on a roof.
- Violation letter from the Building and Zoning Inspector to Middletown Mowers
RE: Unpermitted storage containers.
- Letter to Katie Upson was signed.
- Public Hearing Notice from the Town of Tisbury.

Form A application from Reid Silva for Dixon Rogers, Map 15, Lots 2.4-2.5 and 2.6, Indian Hill Road:

Reid Silva explained to the board that of the two lots on the plan, one contains a large stump dumping pit. He said that in 2007, the property was divided to create building lots in the back of the property of which Rogers's daughter received lots 1 and 2, and he kept lots 3, 4 and 5. At the time he didn't know what the consequences of the pit would be. It turns out that a dwelling has to be at least 500 feet away from the pit. So they created a new plan to adequately place buildings away from the pit. Reid explained that the DEP advised that if the pit was on its own lot, then the setback could be reduced to 100 feet.

The plan before the board creates lot 5 as being the lot containing the pit and is unbuildable. It will eventually be a pastoral meadow. Currently, the pit is not capped..

Reid explained that this plan is the first step in creating a final plan that the DEP will approve of. He just wanted to make sure that the planning board was ok with the plan currently before them. He is hoping that the next plan will create adequate access to the lots.

Susan motioned to approve the plan and Leah seconded the motion and all were in favor. The board signed the Mylar and the plans.

Joe Tierney mention as an FYI that there is a new fire code in the state regulations that requires a 20 foot wide cleared width to a driveway that is 150 feet in length or longer. Matt asked Joe to email him the regulation as he felt it was a bit extreme.

DISCUSSION:

●Chuck Gilstead with a frontage/buildability question regarding the property located on Map 19, Lot 2, 308 Oak Lane:

Chuck appeared before the board expressing his concerns regarding the frontage and buildability of the lot. It is his understanding that although it is undersized, the lot is grandfathered and is therefore buildable. He presented a plan that was signed by the planning board in 2010 approving a lot line change to create 100 feet of frontage. The board felt that the lot was actually not buildable. Bea suggested that the board request permission to consult Town Counsel regarding the status of the lot being (or not being) grandfathered.

●Accessory Apartments:

Dale Julier and Susan Puciul, local real estate brokers, appeared before the board to gain clarification on the regulations regarding accessory apartments. Dale explained that she was marketing a property that contained an accessory apartment which is either restricted to family members, or is rented as an affordable year-round unit only if the owner was domicile year-round in West Tisbury. She explained that Susan Puciul, a representative of a potential buyer of the property would be a seasonal resident so the rental unit would have to be removed from the affordable rental market. She felt the concept was unfortunate. Susan Puciul said that she had another potential buyer that would live here year-round but would like to rent their main house out while they live on their boat for a couple of weeks in the summer. The board said that they were allowed to do that, but the accessory apartment would have to be a part of the DCRHA rental program, would be used by family members, or would not be used at all.

Joe Tierney mentioned that he and Jane recently met with Michael Goldsmith who suggested that the bylaw be amended to allow a property owner with an accessory apartment to apply for a special permit from the ZBA to modify their ability to keep the apartment in the affordable rental market even if the owner doesn't live on the island. Bea felt that seasonal owners should be allowed to keep their apartment in the rental pool. She emphasized the need for these rental units. Matt asked why the owner needs to be domicile and was told it was for monitoring purposes, i.e., the owner is responsible for his/her own property.

Joe said that unless the accessory apartment is being rented affordably, the kitchen would have to be decommissioned. The board did not agree with that statement.

The board said the bylaw needs some work and they welcome any and all ideas, comments and suggestions.

Jane was asked to contact Dave Vigneault regarding seasonal employee rental units.

●**Town Meeting:**

Bea said she would speak on TM floor about the Special Ways warrant article and the Special Places article. Ginny said she would cover the Flood Plain and Swimming Pool articles. Bea said she would draft a brief explanation as to the proposal to replace the current special ways bylaw with a new one.

●**Parsonage:**

Ginny asked Joe about the new curb cut at the old Parsonage. He explained that the cut was temporary while the house was under construction and would be filled in upon completion.

Meeting Adjourned at 6:50 pm

Respectfully submitted,

Jane Rossi, Administrator