**WEST TISBURY PLANNING BOARD MINUTES June 11, 2018 5:30 PM**

**PRESENT:** Ginny Jones, Bea Phear, Leah Smith, Susan Silva, henry Geller, Matthew Merry.

**ALSO PRESENT:** Attorney Ron Rappaport, Jane Rossi

Ginny opened the meeting at 5:30 pm.

**CORRESPONDENCE:**

 **●Memorandum from the Buzzards Bay Coalition RE: Coastal issues and climate change.**

**DISCUSSION:**

 **●Flat Point Farm Form B application:**

Jane informed the board that Attorney Eric Peters had contacted her regarding review and approval of the Form B application and plan. Jane asked the board if they felt it necessary to hold a public hearing for the approval even though a public hearing is not required on a Form B plan. Bea stated that she felt it best to review the application ahead of time and then schedule a public hearing. Jane said she would inform Attorney Peters.

 **●Meeting with Attorney Rappaport:**

Ron Rappaport met with the board to discuss a legal case that had recently been dismissed without prejudice. Ron began by explaining that the Doane lot that abuts Blackthorn Road is 11 acres. Mr. Doane had sued his neighbors on Blackthorn Road to obtain access through that road to his lot. He claims he is land locked. Mr. Doane also named the Maciels in the suit. He also claimed that he was allowed access to Watcha Path, claiming it is a public and he should be able to access it. Ron argued that there is no segment of Watcha Path that is public. Ron reported that the judge told Mr. Doane would have to name every abutter along the 5.4 mile stretch of road and bring them all in, or the case will be dismissed. Ron said that Doane’s attorney would like to drop the case against the Town without prejudice, which was done. He said that the case is public information. Ginny confirmed with Ron that even though the case has been dismissed, it could come up again. Ron confirmed her statement.

The board discussed a Form A application that they had recently reviewed and approved. Ginny explained that the surveyor had presented the plan and stated that the structures on the property pre-existed zoning so the size of the lot could be reduced. Ron explained that the board needs to confirm that each lot on the plan has sufficient frontage on to a public way, or a previously approved subdivision road, or a private way that has been in existence since April of 1973 and has the sufficient width, grade, etc., to support a subdivision. However, you cannot make a pre-existing non-conforming lot more non-conforming through the Form A process. There is a way to do it but it would require more steps and a special permit.

One final thing the board discussed with Ron was an illegal curb cut on Old County Road that has never been permitted. Ron explained that the lot has been in existence by itself since the 1930’s. He said that the rule that driveways need to be 1000 feet apart only applies if the lots are in common ownership. The current owner became the owner in 1987. Jane asked Ron if he would proof read the letter she will draft to the neighbors and he said he would.

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**●Form A application from Schofield, Barbini & Hoehn on behalf of Red Farm Realty Trust, Map 12, Lot 40-40.2, Christiantown Road:**

The board reviewed the plan that they had reviewed preliminarily a week ago. The lot line change cordons off Lot 13 because it has cloudy title and the owner doesn’t want it to interfere with another lot. The owner feels it best to clear up the title on the newly created lot and sell the other lots. A 1.7 acre lot labeled Parcel A on the previous plan is not buildable by itself. Bea pointed out that Parcel A could potentially have a guest house if it joined another lot. Leah stated that at this point it is not on the table.

*Leah moved and Susan seconded the motion to approve the plan. The vote was unanimous and Ginny signed the Mylar.*

●**Chilmark Planning Board request for a meeting:**

Ginny mentioned that Jen Christy, Administrator for the Chilmark Planning Board, asked her if the two boards could meet to discuss guest house size. The CPB wants to increase the maximum size of a guest house to 1200 square feet. Jane was asked to check on other towns to see what they allow for square feet. The board determined that they would meet with Chilmark after all.

**MINUTES:**

 ●Bea moved and Leah seconded the motion to approve the May 14, 2018 minutes. The vote was unanimous.

 ●Leah moved and Susan seconded the motion to approve the May 21, 2018 minutes. The vote was unanimous with an abstention from Bea.

 ●Bea moved and Susan seconded the motion to approve the June 4, 2018 minutes. Jones, Phear and Silva in favor of the approval. Smith and Merry abstained.

Meeting Adjourned at 6:30 pm

Respectfully submitted,

Jane Rossi, Administrator **Unanimously approved on 9/10/18**