

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, May 13, 2021 meeting
Online meeting via ZOOM- @ 5:00 PM

Present: Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Andy Zaikis, Jeffrey Kaye and Casey Decker
Absent: N/A

Also Present: Pam Thors, Bd. Administrator, Jay Deyette, Rhonda and David Crichlow, Robert and Janet Stein, Kristen Reimann, Jim Eddy.

The minutes of the meeting of 4/29/2021 were reviewed and approved with corrections. Pam said she will send them to the board members after corrections were made.

Pam told the board that the bylaw changes voted at the last Town Meeting have been approved by the Attorney General's Office. She said that she will leave copies of the updated Zoning Bylaws downstairs in the Town Hall lobby for members to pick up at their convenience.

Jeffrey mentioned a change in State laws that would enable the State to change zoning in Massachusetts cities and towns. He said he will look into the particulars on this and report back.

Larry stated that he will be away on May 27th and may not be available to chair the meeting. He said he will try to attend but asked Julius Lowe-co-chair to take the helm if necessary.

John asked where in the minutes of the last meeting it says that he will recuse himself from the discussion and vote on the Lamberts Cove Inn issue. Pam said that the discussion is noted on page 1 of the minutes.

5:15 pm - A Public Hearing on an Application to amend Special Permit #2005-04 from Robert and Janet Stein to construct a single-story addition to a pre-existing, non-conforming structure requiring 6' of west side yard setback relief and 30' of rear yard setback relief on a pre-existing, non-conforming lot located in the Major Roads Zone of the Island Roads District at 2 Pond View Farm Rd., Assessors Map 31, Lot 67 RU District under Sections 9.3-3, 11.1-3(A) and 4.3-3(D) of the West Tisbury Zoning Bylaws.

Jan stated that she and her family need more space and are looking to add a bedroom and bath on the side of the house most suitable for the addition to their pre-existing, non-conforming home. She said that going up with the addition was not recommended.

Larry verified that they are looking for 6' of side setback relief and 30' of rear setback relief.

The floor plans and elevations were reviewed and the previous Special Permit #2005-04 was discussed. John noted that the entire new edition encroaches on the setback. He asked if the board should even be considering this amount of relief. Larry said that it is within the purview of the board to do so.

Pam read bylaw section 11.1-3A which states that, "The Zoning Board of Appeals may grant a special permit to allow a non-conforming structure or use to be extended or altered, provided that the ZBA finds that the extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure or use".

Andy asked the applicants why they didn't locate it toward the center of the lot. Robert pointed out the main entrance to the house on the site plan and Jan stated that they would have to cut into one of the bedrooms and create a long narrow hallway if the addition were put in a different spot. Robert explained the layout of the proposed addition.

Julius noted that this is a very small lot.

Pam said that there was no correspondence from abutters.

The Google map was reviewed and Casey verified that the closest house to the addition is approximately 160' away. It was also noted that this is a very heavily wooded area.

Andy said that in looking at the lot sizes in the neighborhood, that this is comparatively a very small lot.

Jeffrey asked if they had spoken with their neighbors. Jan said that they had and found that there were no neighbors in opposition to the project.

Julius moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

Andy stated that he doesn't usually like seeing a structure entirely within the setback but in this case, seeing that the neighboring lots are larger and the addition is heavily screened, it seems much less impactful to the neighborhood.

Deborah noted that a second story addition might be much more intrusive than the proposed ground floor addition.

A motion was made and seconded to approve the application.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

Larry went over the 20-day appeal process.

The Steins stated that they won't be back on island until July and requested that the Special Permit be mailed to them when the 20-day appeal period is over. Pam said she will send it to them via certified mail.

5:35 pm- A Public Hearing on an Application for a Special Permit from James Eddy of Kaysky LLC and Big Sky Tent and Party Rental to amend Special Permit #2011-04 in order to place three (3), 8' x 20' portable storage units for rental furniture at 90 Dr. Fisher Rd., Assessors Map 21, Lot 12 LI-1 District under section 9.3-3 of the Zoning Bylaws.

Larry read the notice. He stated that the Martha's Vineyard Commission, (MVC), will need to review the application because the property is a Development of Regional Impact, (DRI). He suggested that the hearing be continued without testimony until such time as the MVC has made and recorded their decision.

The Planning Board letter dated May 17, 2021 was read, (see file).

Andy moved and Julius seconded a motion to refer this application to the MVC and to continue the hearing without testimony until the MVC has reached and recorded their decision.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

5:55 pm - A Public Hearing on an Application for a Special Permit from Kristen Reimann, agent for David and Rhonda Crichlow, to construct a 22' x 45' swimming pool at 62 Pond Rd, Assessors Map 30, Lot 2.8 RU District under section 8.5-4 C of the Zoning Bylaws.

Kristen presented the project and all plans and elevations. Larry verified that this lot is located in the Deep Bottom Pond Subdivision. Kristen shared the site plan prepared by Schofield, Barbini and Hoehn, Inc., noting that the property is 2.78 acres. She said that the pool is sited in the best location and it and the pool equipment

enclosure require no setback relief. She said it sits at the ground level of the garage and the finished floor level of the house. She stated that it will have an automatic pool cover and fencing with self-locking gates. She also noted that the pool shed design has been reviewed and approved by the building inspector. In discussing the retaining wall which will be a substitute for fencing in some areas Kristen noted that the top of the wall is 48” from finished grade but in some areas will have a stone fence topper to achieve that height.

Pam stated that there was no abutter correspondence.

Julius moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

Larry went over the, “boiler plate”, conditions for pools in West Tisbury.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

Larry went over the 20-day appeal process.

He thanked Kristen for her excellent presentation.

Larry brought up the Jim Eddy – Kaysky LLC application. He said that the abutters would appreciate follow through on the condition of the Special Permits on this lot requiring that the “Right of Way”, to the back of the lot be cleared for use. All agreed that this should be brought up at the hearing.

The Meeting adjourned at 6:15 pm.

Respectfully Submitted,

Pam Thors-Board Administrator