

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, June 25, 2020 meeting

Online meeting via ZOOM- @ 5:00 PM

Present: Nancy Cole, Larry Schubert, Deborah Wells, John Rau and Andy Zaikis

Absent: Julius Lowe

Also Present: Justin Krogue, Hannah Scott, Diana Gilmore, Laura Broach, Pam Thors, Board Administrator,

The Board voted to approve payment of the following: Payroll-\$2,320.50 and MV Times bill-\$347.10

The minutes of the meeting held on June 11th 2020 were approved with corrections. Larry Schubert abstained.

The board agreed to try to have only one meeting in August. It is scheduled for August 27th. Pam said she would keep the board abreast of the number of incoming applications in case there needed to be a meeting earlier in the month.

5:15 pm- A Public Hearing was held online via ZOOM on an Application for a Special Permit from Summit Engineering Group to bring an existing ground mount solar array into compliance requiring 5' of side yard setback relief from the westerly lot line and 1' of side yard setback relief from the easterly lot line and to allow for location in front of the main dwelling under Sections 4.2-2 (D) 4 and 8.10-4 (C) of the West Tisbury Zoning Bylaws at 208 Edgartown Rd, Assessor's Map 30, Lot 13, RU District.

The notice was read and Justin Krogue explained the application. He said they had worked with Joe and thought that all was in order. During the final inspection, building inspector Joe Tierney discovered that the array being in front of the main dwelling required a Special Permit. He also found that the array was encroaching on the West side yard setback 5 feet and the East side yard setback 1 foot. Pam explained that the most updated plan showing both side setbacks was not uploaded to the website but verified that the plan was in her email and that it does illustrate the setback relief being requested.

It was verified that no correspondence was received.

Larry Schubert moved and John Rau seconded a motion to close the Public Hearing and open the Board Meeting.

Nancy stated that they would need to see the updated plan prior to the Decision being filed. Pam said she would upload it for the board's review for the next meeting.

Larry stated that the applicant really had no choice but to put the array in the front yard considering the location of the dwelling, which sits on the rear portion of the lot. He also stated that there are trees screening the array so the setback relief should not have much of an impact.

A motion was made to approve the Special Permit. A roll call vote was taken with the following unanimous results; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells- yes, John Rau-yes, Andy Zaikis-yes.

Diana Gilmore addressed the board regarding her Decision recently filed with the Town Clerk, (case #2020-13). She told the board that one of the conditions of approval did not seem to reflect what she remembered to have been stated at her hearing. She requested that the board approve the following change to condition #1;

“Applicant will submit an updated Site Plan indicating location of the existing driveway, the hammerhead and the proposed driveway, prior to the issuance of a Building Permit”.

Nancy asked Pam if this kind of change could be made this far along in the process. Pam said she would double check with the Town Clerk but believed that because the change does not affect the final decision of the board, that it could be made at this time.

Larry moved and Deborah seconded a motion to approve the change as requested.

A roll call vote was taken. The vote on the motion was unanimous; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes,

Andy Zaikis- abstained from the vote

5:35 pm- A Public Hearing was held online via ZOOM on an Application from Laura Broach for a Variance under Section 10.3-2 of the Zoning Bylaws seeking relief from Section 10.1-1 (C) which requires boundary monuments at each change of boundary direction at 16 Stone Bridge Rd, Assessor's Map 3, Lot 46, RU District.

The Notice was read and Laura Broach explained the application. She stated that towards the end of their renovation project, Building Inspector Joe Tierney told them that more cement bounds were required than existed on their property. He told them that a Special Permit would be required to comply with Section 10.1-1 (C) which requires a cement bound at every change in direction of the lot lines.

The Board discussed the large number of bounds that are required under the bylaw citing the unreasonable expense involved. After much discussion, the board agreed that one additional bound at the Northwest corner of Stone Bridge Rd would be sufficient.

Larry stated that the hardship in this case is financial and directly related to the topography and shape of the lot.

The board agreed that a letter should be written to Joe Tierney asking that these determinations be made in the Building Department rather than taking the time and money required for a ZBA review. Larry stated that requirements to comply via ZBA review on these types of issues is local overreach. Nancy agreed. Larry stated that it also seems a bit arbitrary.

A motion was made and seconded to approve the application for a Variance requiring only one additional bound be added at the Northwest corner of Stone Bridge Rd.

A roll call vote was taken. The vote on the motion was unanimous; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes

6:15 pm- A Public Hearing was held online via ZOOM on an Application for Special Permit from Nickolas Peters Construction, LLC to operate a Service Business (Construction) under Sections 3.1-1 and 8.5-2 of the Zoning Bylaws, Map 11 Lot 111, 343 State Rd., RU District.

The applicant due to mitigating circumstances did not attend the hearing.

Pam explained that the Home Occupation bylaw was passed in December of 1987 and that the Peters family purchased their lot in July of 1988. She also noted that Michael Goldsmith had advised that Ch40A is very strict in that the date the bylaw change takes place, the change goes into effect immediately. It was also verified that the word "shall" in the bylaw indicates that there is no room for negotiation when it comes to a Special Permit request.

Larry stated that the only reason he could see to approve this application is that the entrance to the property is on State Rd. Possible conditions were discussed

All agreed that a review by the Planning Board may be in order considering the increase in truck size and weight over the years since the bylaw was passed.

Screening as a way to condition approval on this application was also discussed.

A motion was made and seconded to continue this hearing until July 2, 2020 at 5:00pm. ,

A roll call vote was taken. The vote on the motion was unanimous; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes

The meeting adjourned at 6:35 pm.

Respectfully Submitted, Pam Thors-Board Administrator