



Town of West Tisbury
BUILDING & ZONING INSPECTOR
West Tisbury, Massachusetts 02575

March 2, 2023

West Tisbury Zoning Board of Appeals
1059 State Rd.
West Tisbury, Ma 02575

Re: 89 Pond Rd.- ZBA Application

Dear ZBA Members,

I have reviewed the application for 89 Pond Rd to convert and pool equipment shed into habitable space.

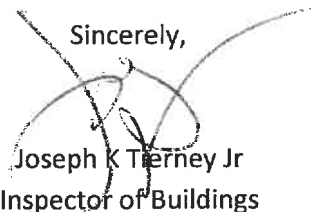
The submitted plan does not appear to indicate the intended use of the 1st floor of habitable space. If the intention is to have the 1st floor be part of the detached bedroom then the floor area of the proposed alteration exceeds what is allowed for a detached bedroom.

4.2-2 (E) Detached Bedrooms- Detached bedrooms, with or without toilet facilities, shall be considered part of the dwelling unit with which they are associated. Detached bedrooms are limited to 400 square feet.

The pool equipment shed appears to be a conforming structure and meets current setback requirements. The detached bedroom was added without a building permit, by a previous owner. That does not make it non-conforming, it is a violation of Section 10.1-1 A of the Bylaws.

The proper process would be for the Building Inspector to reject a building permit application and the applicant could then appeal that determination to the ZBA.

Sincerely,


Joseph K Tierney Jr
Inspector of Buildings
Town of West Tisbury

COPY

Cc: Planning Board



Town of West Tisbury

PLANNING BOARD

P. O. Box 278

West Tisbury, MA 02575-0278

508-696-0149

planningboard@westtisbury-ma.gov

March 1, 2023

West Tisbury Zoning Board of Appeals
P.O. Box 278
West Tisbury, MA 02575

Dear Board Members:

At our meeting of February 27, 2023, the board reviewed an application referred by your board under Section 9.2-1D, from Marie and Bruce Bullen to convert a pool house and outdoor shower into a habitable space. On Assessor's Map 30, Lot 2.68, 89 Pond Road.

The board determined that the space exceeds the allowable 400 square feet to be called a detached bedroom. However, we affirm that the Zoning Board will make a sound decision.

Thank you.

Sincerely,

Virginia C. Jones, Chair

Zoning Board of Appeals

From: Admin Donna Bouchard <dbpondoa@gmail.com>
Sent: Monday, February 27, 2023 3:52 PM
To: ZBA Kim Leaird ZBA WT
Cc: Joe Tierney
Subject: Re: Hearing March 2 Bullen Application for Special Permit

To the Zoning Board of Appeals,
West Tisbury, MA

It was the understanding of the Deep Bottom Pond Board of Directors' Approval Committee that the intention of the proposal by Maria and Bruce Bullen to renovate their pool house was to reallocate space within and renovate an existing combined pool-machinery structure / existing detached bedroom. Under those assumptions, it was approved by the Committee. We now have been made aware that the existing structure had never been approved by the WTZBA as a detached bedroom and would, as currently planned, be considered by West Tisbury zoning bylaws as a habitable guesthouse.

The Deep Bottom Pond Owners' Association, Inc. had as a condition of the development's approval by the Martha's Vineyard Commission a clause prohibiting guesthouses. (A copy of this MVC condition has been sent by email to Kim Leaird.) Therefore, The Association is opposed to the Zoning Board of Appeal's approval of a guesthouse in Deep Bottom Pond. However, the Association would not be opposed to an approval of a "detached bedroom" as defined by the West Tisbury bylaws.

Please confirm your receipt of this email. Thank you.

Stephen D. Chapman
Deep Bottom Pond Owners' Association Board of Directors
and Approval Committee

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Donna R. Bouchard
Office Administrator & Property Manager
Deep Bottom Pond Owners' Association, Inc.
P.O. Box 4273
Vineyard Haven, MA 02568
Tel: Office 508-693-6585 Cell: 508-228-7378
Email: dbpondoa@gmail.com

Zoning Board of Appeals

From: Admin Donna Bouchard <dbpondoa@gmail.com>
Sent: Friday, February 24, 2023 12:22 PM
To: Zoning Board of Appeals
Subject: Re: Deep Bottom Pond MVC Condition of No Guesthouses

Thank you Kim. The question we have is: Are they applying for a guest house vs. a detached bedroom by calling it "habitable space" even though they have indicated to us it would not have a "permanent cooking facility" which would make it a Subordinate Dwelling. And why isn't it being applied for as a detached bedroom? If you can let me know I would appreciate it and so I can explain this to the DBP approval committee.

On Fri, Feb 24, 2023 at 12:13 PM Zoning Board of Appeals <zba@westtisbury-ma.gov> wrote:

Thank you, Donna. I will share this with the board at the public hearing on 3/2.

Kim Leaird, West Tisbury Zoning Board Administrator

From: Admin Donna Bouchard <dbpondoa@gmail.com>
Sent: Friday, February 24, 2023 11:51 AM
To: Pam Thors ZBA WT <zba@westtisbury-ma.gov>
Subject: Deep Bottom Pond MVC Condition of No Guesthouses

Kim,

Attached is page 1 and page 10 of the MVC approval for the Deep Bottom Pond development indicating conditions put in place for its approval. Page 10, #2 states: There shall be single family residences only, no guest houses will be allowed. The Association was questioning the ZBA Notice stating the Bullen's request for a "habitable space" rather than a detached bedroom and is concerned about unknowingly approving a guest house.

Kind regards,

Donna

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Donna R. Bouchard

Office Administrator & Property Manager

Deep Bottom Pond Owners' Association, Inc.

P.O. Box 4273

Vineyard Haven, MA 02568

Tel: Office 508-693-6585 Cell: 508-228-7378

Email: dbpondoa@gmail.com

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THE MARTHA'S VINEYARD COMMISSION

BOX 1447
OAK BLUFFS
MASSACHUSETTS
02557
617-693-3453

DATE: September 18, 1986
TO: Planning Board, Town of West Tisbury
FROM: Martha's Vineyard Commission
SUBJECT: Development of Regional Impact
RE: Residential Subdivision
APPLICANT: Magid Property
c/o Peter Rosbeck, Agent
P.O. Box 609
Vineyard Haven, MA 02568

DECISION OF THE MARTHA'S VINEYARD COMMISSION

SUMMARY

The Martha's Vineyard Commission (The Commission) hereby approves, with certain conditions, the application of Magid Property, c/o Peter Rosbeck, Agent, P.O. Box 609, Vineyard Haven, MA 02568, for the development of land in the Town of West Tisbury as shown on the plans entitled: "Magid Property, Plan of Land in West Tisbury, Mass., Dated May 1, 1986, by Dean R. Swift, Vineyard Haven, Mass.", consisting of four (4) sheets; and "Topography by the University of Pennsylvania Regional Planning 1981, Contour Interval 4'" consisting of three (3) sheets; making a total of seven (7) sheets, (The Plan).

The Decision, with conditions contained herein, is rendered pursuant to the vote of the Commission on September 18, 1986. The Planning Board of the Town of West Tisbury may now grant the necessary development permits for the

will not interfere substantially or unreasonably with the achievement of the objectives of any general plan of the Town or of Dukes County.

- c. The Commission finds the development as set forth in the Application and the plan will be consistent with local development ordinances and By-laws.
- d. The Commission finds that the development proposal will be more beneficial than detrimental when compared to alternative manners of development or developments occurring in alternative locations.

The Commission has considered the Question of the potential impact of this proposal on the environment and on other persons or property pursuant to Section 15 of the Act and has therefore set the following conditions:

1. LEACHING FIELDS WILL BE USED IN CONJUNCTION WITH INDIVIDUAL SEPTIC SYSTEMS, UNLESS WAIVED BY THE WEST TISBURY BOARD OF HEALTH.
2. THERE SHALL BE SINGLE FAMILY RESIDENCES ONLY, NO GUEST HOUSES WILL BE ALLOWED.
3. IN VIEW OF THE FACTS PRESENTED AT THE PUBLIC HEARING REGARDING THE POSSIBLE IMPACT OF THIS PROPOSAL ON TISBURY GREAT POND AND FURTHER, THE NEED TO ESTABLISH A DATA BASE, THE COMMISSION FINDS THAT THE APPLICANT SHALL INSTALL, AT HIS EXPENSE, A DEEP EXPLORATION WELL WITHIN THE SUBDIVISION AT A LOCATION AND WITH SPECIFICATIONS TO BE DETERMINED BY THE TOWN OF WEST TISBURY'S BOARD OF HEALTH AND THE STAFF OF THE MARTHA'S