

## Zoning Board of Appeals

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**From:** Robert Fox <robertclintonfoxjr@yahoo.com>  
**Sent:** Thursday, February 29, 2024 11:06 AM  
**To:** Zoning Board of Appeals  
**Cc:** Katherine@KTlaw.us  
**Subject:** Objection to petition of Sylvia Hargrave, trustee of Silver Strand Trust Agreement @ 57 VMFR for setback relief

Chair Schubert, Vice Chair Lowe and Members of the Board of Appeals,

I am an abutter of 57 VMFR, residing at 62 VMFR, and received notice from the Board regarding the application for special permit. Thank you for the notice.

I object to the granting of a special permit.

1. The cover letter from Vineyard Land Surveying & Engineering is inaccurate. The proposed building WILL be visible to the public. I was there earlier in January, and could see the existing house without getting out of my car. And, if you go to Axis GIS tool on the West Tisbury site (as I did this morning) and select "street view", it is visible there too. Surely the addition will make it even more visible.
2. The more important issue is that the proposed addition would significantly infringe on the 50' side setback requirement. With 1.4 acres to build on, the plan can be modified to accommodate the square feet desired without violating the setback requirement. ZBA should only be granting relief unless relief is required. In this case it is not.
3. The setbacks in place when the lot was created are irrelevant. (See cover letter from Vineyard Land Surveying & Engineering claiming that they are relevant.) Many of the original houses in the VMFR association were built before the current setback regulations were put in place.

As an example, our existing house at 62 VMFR, which we bought in 2018, is non-conforming. However, when the garage - with an accessory bedroom of 400 square feet - was built by the prior owner in 2011, it was built completely conforming with side and back setbacks, other zoning codes, maximum livable space, septic requirements, etc.

As a second example, last year the ZBA did not approve a garage at 72 VMFR (an abutter across the street) that had asked for a variance to encroach on the side set back. The owner in came back to the ZBA with a completely conforming garage, now under construction.

In sum, like us and the owners of 72 VMFR with like-size properties, the applicant has enough room on her property to build all that she wants with a conforming addition.

4. If the ZBA did nothing more than to allow new construction under rules from 1973 - when the house at 57 VMFR was built, it would make a mockery of the town's intentional change to 50' side setbacks after that date. And every new request granted by ZBA will make it more difficult to enforce setbacks in each subsequent case.

5. Effectively, the 50' side setback establishes a minimum 100' buffer between homes in the VMFR association dramatically contributing to the rural character of the town and wooded nature of the VMFR association. In looking at the plans and the town AxisGIS data, allowing this project to go forward would remove that buffer to well below 100' for the abutter at 63 VMFR.

6. Finally, we do not believe that the applicant has met the standard set forth in section 4.3-3D of the zoning bylaws. No evidence or documentation has been presented that the "proposed construction would be in character with the general pattern of development in the neighborhood".

Please ask them to come back with a conforming project.

If the application is granted, I would ask that the following conditions be required:

1. During construction, mitigation of truck traffic, construction noise and dust, preferably by requiring that no construction occurs between Memorial Day and Labor Day. Otherwise, by submission of a mitigation plan acceptable to the ZBA.
2. That every measure be taken to preserve the existing natural forest and underbrush in the front and two sides of the existing house and planned addition. I believe this is a requirement in maintaining the rural character of West Tisbury.

I am sorry that I can't be there. While we were provided the required notice by the ZBA - and thanks again for that, like Ms. Triantafillou, we were not provided an opportunity to review or comment on the plans until they showed up on the ZBA site this past week.

Regards,  
Bob

Robert C. Fox, Jr.  
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West Tisbury, MA 02568  
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617-838-5901 (mobile)

## Zoning Board of Appeals

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**From:** Katherine Triantafillou <Katherine@ktlaw.us>  
**Sent:** Friday, February 23, 2024 7:33 AM  
**To:** zba@westtisbury-ma.gov  
**Subject:** Special Permit hearing on February 29, 2024

Dear ZBA,

I am writing in hopes that the hearing scheduled for the application of Sylvia Hargrave, Trustee of the Silver Strand Trust Agreement on February 29, 2024 can be continued to another date as I will be out of town on that date and unable to attend. Any date after March 5<sup>th</sup> would be helpful.

That said, I understand that the applicant may be within its rights to build such a large addition to the house, but I do have concerns and wish the applicant had gotten in touch with me prior to filing the application.

I am guessing that construction, if approved will begin and extend through the summer months and thus wonder what, if any, mitigation efforts are planned to cut down on the noise, trucks coming in and out of the driveway just feet from my deck and the attendant dust/dirt that will surely make its way into my home and the outdoor enjoyment of my property.

I have longer term concerns regarding the as of right allowances in this neighborhood. I would encourage the board to visually inspect much of the new construction to see how permitting is affecting what used to be a community of neighbors, not high end rental units or B & B's. I would be surprised to learn that the proposed addition of 3 bedrooms and bathrooms to the existing 3 bedrooms and two bathrooms will house a family rather than temporary summer visitors.

Yours truly,

Katherine Triantafillou  
49 Vineyard Meadow Farms Road  
Tisbury, MA 02568  
508-693-6319

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## Zoning Board of Appeals

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**From:** David Foulser <dfoulser@gmail.com>  
**Sent:** Tuesday, February 20, 2024 8:53 AM  
**To:** Zoning Board of Appeals  
**Subject:** Re: Hargrave public hearing 2/29/2024

Thank you, Kim.

I am supportive of the proposed application. I will not be able to attend the zoning meeting. Can you register my support at the meeting?

Thanks

Dave  
41 Vineyard Meadow Farms Road

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Not registered to vote? Register now in two minutes. <https://VOTERIZER.ORG/>

On Tue, Feb 20, 2024, 8:27 AM Zoning Board of Appeals <[zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)> wrote:

Good morning, attached is the Hargrave application.

Kim Leaird, West Tisbury Zoning Board Administrator

**From:** David Foulser <[dfoulser@gmail.com](mailto:dfoulser@gmail.com)>  
**Sent:** Sunday, February 18, 2024 5:44 PM  
**To:** [zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)  
**Subject:** Re: Hargrave public hearing 2/29/2024

Dear Mr. Schubert,

I received a notice of public Hearing for Thursday, February 29th about the construction on behalf of Sylvia Hargrave, trustee of the Silver Strand Trust Agreement. I am a neighbor of the 57 Vineyard Meadow Farms Road property. I live at 41 Vineyard Meadow Farms Road.

Is there more information I could have about the proposed building?

## Zoning Board of Appeals

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**From:** Geoff Freeman <GFreeman@mvyairport.com>  
**Sent:** Tuesday, February 20, 2024 9:24 AM  
**To:** zba@westtisbury-ma.gov  
**Subject:** Public Hearing 2-29-2024  
**Attachments:** image001.jpg; image005.png; image004.png

**Importance:** High

Good morning Mr. Schubert,

I am writing in regards to a notice the Airport received for a public meeting on 2-29-2024 for 57 Vineyard Meadow Farms Rd, Map 29 Lot 8. As you may know the Martha's Vineyard Airport recently completed a FAA sponsored Part 150 noise study for aviation activities, the report can be found on the Airport's website. As a part of our outreach we strongly encourage members of the towns that border the airport to remind home owners that there is an active airport nearby and it is very active during the summer season. If a member of a board or home owner wishes to discuss more please feel free to pass along my information.

Best,

*Geoffrey R. Freeman, ACE, IACE*

Airport Director  
Security Coordinator

Martha's Vineyard Airport  
71 Airport Road  
Vineyard Haven, Ma. 02568  
508-693-7022 ext 203



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