

## Zoning Board of Appeals

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**From:** Andrew Zaikis <[andyzaikis@gmail.com](mailto:andyzaikis@gmail.com)>  
**Sent:** Tuesday, May 14, 2024 5:19 PM  
**To:** Clare Harrington  
**Subject:** Fwd: Opposition to the request of 57 Vineyard Meadow Farms Road for setback relief

----- Forwarded message -----

From: **Andrew Zaikis** <[andyzaikis@gmail.com](mailto:andyzaikis@gmail.com)>  
Date: Tue, May 14, 2024 at 1:13 PM  
Subject: Opposition to the request of 57 Vineyard Meadow Farms Road for setback relief  
To: <[zba@westtisbury-ma.us](mailto:zba@westtisbury-ma.us)>  
Cc: Andrew Zaikis <[andyzaikis@gmail.com](mailto:andyzaikis@gmail.com)>, David Foulser <[dfoulser@gmail.com](mailto:dfoulser@gmail.com)>, Robert Fox <[robertclintonfoxjr@yahoo.com](mailto:robertclintonfoxjr@yahoo.com)>

Dear Zoning Board of Appeals Members:

I am writing this letter in my capacity as the surveyor and president of the Vineyard Meadow Farms Road Association to express our opposition to the request of 57 Vineyard Meadow Farms Road for setback relief.

Unlike many other road associations, our road association actually owns the 40 foot wide area on which 57 Vineyard Meadow Farms Road runs along and as such we own the 40 feet along the eastern edge of this property. The road association, as a potentially impacted owner, routinely receives hearing notices from the Zoning Board of Appeals for matters involving properties along Vineyard Meadow Farms Road, Charles Neck Way and Jackson Way. While our development did have at one point in time a series of restrictive covenants in place, those covenants expired by operation of law and we no longer have any homeowner restrictions on development within our community. Like many areas within the town of West Tisbury, we rely upon the zoning bylaws of the Town of West Tisbury, and their enforcement by the Zoning Board of Appeals, to provide our community with a reasonable modicum of developmental oversight and protection.

This proposal is seeking 10 feet of setback relief in order to construct an addition to the existing house. There are no physical, environmental or legal restrictions that would require or suggest that this home addition needs to be built into the existing setback area. To the extent that there are apparently many other options or possibilities to construct this proposed addition within the applicable setbacks, those options are not being proposed. This proposal, in virtually its exact shape and form, was previously brought before the Zoning Board of Appeals for its consideration in March of this year. At that hearing, a number of concerns were raised by the public via correspondence to the board and by zoning board members as to the necessity for this project to encroach into the setback area. A vote was not taken at that time by the board and the proposed request for relief was withdrawn by the petitioner. The current application has not responded in any way to the concerns and questions raised at the earlier hearing. It appears to be an identical submission that hopes for a different result from the board.

The current 50 foot setbacks provide a meaningful and critical measure of buffering between homes in West Tisbury. This provision applies with even more significance in a development like ours where the building lots were laid out in narrow shoebox-like plots. As one of our property owners, Mr. Robert Fox, lays out in his letter of opposition to this project, many other owners in our development have been able to build additions and attachments to their existing home within the current applicable setback limitations. As he correctly points out in his letter, to reference or use as a

guide the former setback limits that once existed in our town would make a mockery of the current ones that our residents have voted to implement.

On behalf of the Vineyard Meadow Farms Road Association, I would respectfully request that the Zoning Board of Appeals deny the current request for setback relief as presented by this petition.

Sincerely,

Andrew Zaikis, Surveyor  
Vineyard Meadow Farms Road Association  
219 Vineyard Meadow Farms Road  
West Tisbury, MA  
(617) 791-7945  
[andyzaikis@gmail.com](mailto:andyzaikis@gmail.com)

Mailing Address:  
219 Vineyard Meadows Farm Road  
Vineyard Haven, MA 02568

## Zoning Board of Appeals

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**From:** Robert Fox <robertclintonfoxjr@yahoo.com>  
**Sent:** Tuesday, May 14, 2024 10:20 AM  
**To:** Zoning Board of Appeals  
**Subject:** Re: [westtisburyma] ZAP hearing this Thursday (Sent by Bob fox, Robertclintonfoxjr@yahoo.com)

Kim

Thanks. These plans are identical to the ones considered by the Board two months ago, and rejected. The relevant portion of the minutes read:

Reid expressed concern that this wasn't more fully addressed before closing the public hearing portion of the hearing and thought one of the criteria was fitting with the general harmony of the neighborhood and this one, in particular, is full of narrow lots with several dwellings in the setbacks.

*Discussion followed about setback relief and that it shouldn't be granted just because an applicant doesn't want to adhere to it. (emphasis added)*

As it appeared the board would not approve this application, Reid asked to withdraw it. Board agreed.

Also, I did not see my e-mail of February 29th included in the record. It is resent here. Please include it since the plans are unchanged; my objections remain unchanged. I will try to be there this Thursday, but I am puzzled why the applicant would ignore the findings of the March 28th meeting and just wait two months and resubmit the same thing.

(My February 28th e-mail to ZAP)

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.  
[robertclintonfoxjr@yahoo.com](mailto:robertclintonfoxjr@yahoo.com)  
617-838-5901 (mobile)

On Tuesday, May 14, 2024 at 08:44:02 AM EDT, Zoning Board of Appeals <[zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)> wrote:

Hi Bob,

The materials are always available for review, either in person or electronically by request. They will also be posted today with the agenda. See attached.

Kim Leaird, West Tisbury Zoning Board Administrator

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**From:** Contact form at westtisburyma <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
**Sent:** Monday, May 13, 2024 4:49 PM  
**To:** KLeaird <[zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)>  
**Subject:** [westtisburyma] ZAP hearing this Thursday (Sent by Bob fox, [Robertclintonfoxjr@yahoo.com](mailto:Robertclintonfoxjr@yahoo.com))

Hello KLeaird,

Bob fox ([Robertclintonfoxjr@yahoo.com](mailto:Robertclintonfoxjr@yahoo.com)) has sent you a message via your contact form (<https://www.westtisbury-ma.gov/user/1986/contact>) at westtisburyma.

If you don't want to receive such e-mails, you can change your settings at <https://www.westtisbury-ma.gov/user/1986/edit>.

Message:

Kim  
I received a notice as an abutter for hearing this Thursday. I don't see any material on the website or an agenda for this meeting. I assume that there is a minimum period of notice for materials to be reviewed by the public to the meeting. Is there still a meeting this Thursday and if so, when will the materials be made available for review, thank you. Yours truly  
Bob.