

Zoning Analysis
Special Permit Application of Troy and Kimberly Stanfield
140 Sarita Walker Road, West Tisbury

The following zoning analysis is submitted in support of the zoning application of Troy and Kimberly Stanfield (“the Stanfields”), wherein the Stanfields request that the West Tisbury Zoning Board of Appeals grant them a use Special Permit to reconstruct a pre-existing, nonconforming Barn structure within the same, although smaller footprint (“the Project”) on their property at 140 Sarita Walker Road (the “Property”). The reconstructed Barn will be utilized as a wellness studio and will meet all building height and building coverage requirements. It will also improve the pre-existing, nonconforming setback intrusion of the existing Barn by reducing the footprint and shifting from one (1’) foot off the westerly property sideline to six (6’) feet off that property sideline. The Project will meet all other setback requirements. Because they are altering a pre-existing, nonconforming setback intrusion, the Stanfields are requesting a Special Permit from the Board of Appeals pursuant to Section 11.1-3(A) of the West Tisbury Zoning Bylaw, and Chapter 40A, §6 of the Massachusetts General Laws.

By letter dated December 5, 2022 (a copy of which is appended to this Narrative as Exhibit A), Building Inspector Joseph Tierney confirmed that the existing Barn is a pre-existing, nonconforming structure that doesn’t meet current setbacks. In consequence, he determined: “In accordance with Section 11.1-3(A) of the WTZBL, a Special Permit would be required, for the alteration of the existing barn, prior to the issuance of a Building Permit.”

The Zoning Board of Appeals previously determined that a guesthouse on the property was allowed as of right, by Decision dated January 27, 2023. Additionally, the Conservation Commission approved the Barn footprint by Vote at its hearing held on March 14, 2023. The Board of Health has also approved the new septic system that will service the Project.

I. Property and Project Description

The property now known as and numbered 140 Sarita Walker Road is located within the Rural (“RU”) Zoning District and is more particularly shown as “lot area 6.3 +- acres” on the Plan of Land recorded with the Dukes County Registry of Deeds in Plan Book 19, Page 106, and described in the deed recorded with the Dukes County Registry of Deeds in Book 1619, Page 1 (the “Property”). Copies of this deed and plan are enclosed for your ease of reference as Exhibits B and C, respectively.

In this application, the Stanfields seek to reconstruct the pre-existing, nonconforming Barn structure on the Property and utilize it as a wellness studio. Details regarding the Project are shown on the site plan prepared by Sourati Engineering, entitled “Site Plan in West Tisbury, Massachusetts, Assessor Parcel 38-7.1 prepared for Troy L. & Kimberly P. Stanfield, Scale 1” = 30’, December 16, 2022” (hereinafter, “Sourati Site Plan”) and the architectural plans prepared by Hutker Architects, entitled “Stanfield Guest House & Wellness Studio Barn, 140 Sarita Walker Road, West Tisbury, MA 02568, Foundation Permit Set Only, January 3, 2022”

(hereinafter, “Hutker Plans”), both of which plan sets are filed simultaneously with this Special Permit application.

II. Use & Dimensional Requirements Within the Residential RU Zoning District

Pursuant to Section 3.1-1, Use Table, studios are allowed as of right in the RU Zoning District. As defined in Section 14.2 of the Bylaw, the term “studio” is defined as “a non-habitable structure or portion of a structure used for hobbies or a home occupation. A studio/workshop may have a bathroom.” The proposed wellness studio use of the Barn is, therefore, allowed as of right.

Pursuant to the Dimensional Table in Section 4.2-1 of the West Tisbury Zoning Bylaw, the minimum lot size in the RU Zoning District is 3 acres. Pursuant to Section 4.2-2, Subsection A(1), for lots in RU District, the minimum lot size must include one contiguous parcel comprising at least 100,000 s.f. of upland. Subsection A(3) further provides that, in all zoning districts, “no part of a public or private way may be included in the lot area required for zoning compliance.” As shown on the Sourati Site Plan, the Property contains a total of 273,843 square feet (or 6.3 acres) of upland area. Sourati Engineering surveyed the width of Sarita Walker Road at regular intervals and determined its total area, as it traverses the Property, to be 10,471 s.f. (±). Accordingly, the Property’s net Lot Area, as defined under Section 4.2-2 of the West Tisbury Zoning Bylaw, is 263,372 s.f. (±) or 6.046 acres, well in excess of the 3 acres required in the RU Zoning District.

The minimum frontage required in the RU Zoning District for private roads is 100 feet. Per the Sourati Site Plan, Sarita Walker Road extends 1,333 (±) linear feet through the Property, and thus provides more than sufficient frontage under the zoning bylaw.

The RU Zoning District has a general height limitation of 30 feet. Pursuant to Section 6.1-6. The Barn is a single-story structure, eighteen (18’) feet in height.

In the RU Zoning District, setbacks from the front, side and rear property lines are fifty (50’) feet. The proposed Wellness Studio Barn (shown in red dashed lines on the Sourati Site Plan) is proposed to be reconstructed in the same general location as the existing Barn, but with a smaller footprint and further off the sideline. As constructed, it will sit six (6’) feet from the westerly property line. The Project will, therefore, improve and reduce the pre-existing, nonconforming setback intrusion of the existing Barn.

Under the new Residential Building Size provisions set forth in Section 4.4-8 of the Bylaw and based on the Property’s square footage of 263,372 s.f. (±) or 6.046 acres, the Property can support an RFA of 4,261.5 square feet ($250 \times 3.046 = 761.5 + 3,500 = 4,261.5$ square feet), plus an additional SFA of 2,000 s.f. by right. As identified on the Hutker Plans, the overall redevelopment project (which includes a guest house, screened porch and shed in addition to the proposed Barn) includes the following square footages:

Guest House	992 s.f. (does not count towards either the RFA or the SFA because it is under 1,000 s.f.)
Screened Porch	205 s.f. (does not count towards either RFA or SFA because it is under 300 s.f.)

Wellness Studio	
Barn	643 s.f. (counts towards the SFA)
Shed Garage	168 s.f. (does not count towards either RFA or SFA because it is under 200 s.f.)

Accordingly, the proposed Project includes only 643 s.f. of SFA under the new Bylaw, well within the 2,000 s.f. of SFA allowed by right.

Overall, therefore, the Project complies with all Use and Dimensional requirements under the West Tisbury Zoning Bylaw *except* the pre-existing, non-conforming intrusion of the Barn into the westerly side yard setback. The proposed Project will reduce and improve that intrusion, increasing the distance of the Barn from the sideline from 1 foot to 6 feet.

III. Zoning Relief Needed for Proposed Construction

In his letter dated December 5, 2023 (Exhibit A), Building Inspector Tierney determined that a Special Permit is required for the proposed Barn construction under **Section 11.1-3(A)** of the West Tisbury Zoning Bylaw due to the alteration of the pre-existing setback nonconformity. This Section provides that the Zoning Board of Appeals (“ZBA”) may grant a special permit to allow a non-conforming structure to be extended or altered by Special Permit, provided the ZBA finds that the extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure or use.

IV. Why Zoning Relief is Appropriate

Pursuant to **Section 9.2-2** of the Zoning Bylaw, the Zoning Board of Appeals may approve a Special Permit application only if it makes written findings that:

1. The proposed use is in harmony with the general purpose and intent of this bylaw.
2. The benefits of the proposed use to the Town outweigh its adverse effects.
3. The proposed use is consistent with the West Tisbury Master Plan.

In making these determinations, the Section 9.2-2 instructs the ZBA to make specific written findings regarding the proposed project. As applied to this Project, the ZBA can make the following Section 9.2-2 findings that the proposed Project, with appropriate conditions:

1. ***Is consistent with the purposes and requirements of the applicable land use district, overlay districts, and other specific provisions of this bylaw and of other applicable laws and regulations.*** According to the Bylaw: “The purpose of the Rural District is to maintain the Town's historic pattern of rural settlement, characterized by large expanses of open space and unspoiled views from the road, a scattering of residences and small businesses, and clustered development surrounded by open space.” The Hutker design for the proposed Barn is in keeping with this purpose. It is tucked into a small panhandle in the southwesterly corner of the lot, which currently houses the existing Barn. It is sited in an inconspicuous location on the lot, thereby preserving the existing expanses of open space between the buildings on site. The proposed Barn is much smaller and lower in height than the existing Barn and, therefore, will be much less

imposing within the landscape and will further promote unimpeded views from the road.

2. ***Is compatible with surrounding uses and protective of the natural, historic, and scenic resources of the Town.*** The Hutker design is simple and minimalistic. It is evocative of the clean lines of the historic structure, but smaller in scale. Its form will blend with the surrounding landscape and its lower height and smaller footprint will be more protective of natural resources on site.
3. ***Is accessible to fire, police, and other emergency vehicles.*** The proposed Project does not include any proposed alterations to Sarita Walker Road, which will continue to provide adequate and safe access to the Property, and will remain accessible by public safety personnel and their vehicles.
4. ***Will not create excessive off-premises noise, dust, odor, or glare.*** The Project involves typical residential construction and will include standard construction protocols intended to minimize noise, dust, odor, and glare during construction.
5. ***Will not cause traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition.*** The accessory Barn structure is intended to house a wellness for the Stanfield family's use and will not include any additional bedrooms. Traffic to the Property is not anticipated to increase due to the Barn reconstruction.
6. ***Will not overload any municipal facility or any public or private water, sewage disposal, or drainage system.*** A new Title 5 septic system will be installed to service the Barn and the new guesthouse on the Property (which guesthouse is allowed by right under the Bylaw, per Mr. Tierney's December 5, 2022 letter). The proposed Barn will not include any additional bedrooms and, therefore, there will be no additional strain on existing utilities servicing the Property.
7. ***Will not adversely affect the availability or cost of housing for year-round residents of West Tisbury.*** The Project proposed no change in use to the existing use of this single-family, residential Property.
8. ***Will not cause significant environmental damage due to flooding, wetland loss, habitat or ecosystem disturbance, or damage to valuable trees.*** The proposed Barn is being constructed within the larger footprint of the existing Barn. It will be smaller in size, and lower in height. It is located over 100' from the closest bordering vegetated wetland on the Property. The West Tisbury Conservation Commission approved the Project at its March 14, 2023, public hearing.
9. ***Will not cause other adverse environmental effects. Such effects may include:***
 - a. ***Pollution of surface water or groundwater;*** a new Title 5 septic system is included as part of the proposed Project;
 - b. ***Salt-water intrusion in public or private domestic water supply wells;*** the existing domestic water supply well will continue to serve the Property and is not threatened by salt-water intrusion;
 - c. ***Inadequate water supply to meet the anticipated demand of the proposed activity or use or reduction of water supply to other properties;*** the proposed Barn does not include any bedrooms, and the existing well that services the Property will accommodate all proposed uses, including the wellness studio use proposed for the new Barn;

- d. **Noise and air pollution;** the proposed Barn is not anticipated to generate any noise or air pollution;
- e. **Destruction of wildlife habitats and damage to wetlands or littoral ecology;** the proposed, smaller Barn is located outside the 100' buffer zone to the closest wetland on the Property, a bordering vegetated wetland; no destruction of habitat or wetlands will occur as a result of this Project, which will be constructed within the footprint of the existing structure;
- f. **Damage to marine fisheries and shellfish;** the proposed Project is not located within or near any habitats for marine fisheries and shellfish;
- g. **Construction which unnecessarily damages the visual amenities of the site and which is not in harmony with the landscape type;** the Hutker design is simple, minimalistic, and evocative of the clean lines of the historic structure; it is smaller in scale than the existing Barn and its form will blend seamlessly with the surrounding landscape;
- h. **Unnecessary decreases in agricultural use or potential productivity of land;** the reduced footprint of the proposed Barn means that more land within the Property will be available as open space and for productive uses such as gardens;
- i. **Erosion resulting from or caused by development;** no erosion from the development is anticipated and roof runoff will be significantly less than that from the existing Barn.

Given the foregoing ancillary findings, the Stanfields respectfully request that the Zoning Board of Appeals make the ultimate findings that the proposed Barn: i) is in harmony with the general purpose and intent of this bylaw; ii) is consistent with the West Tisbury Master Plan; iii) will not be substantially more detrimental to the neighborhood than the existing Barn; and iv) that the benefits to the Town will outweigh any adverse effects. The proposed Barn will improve the existing setback intrusion. Its design is in keeping with the purpose and intent underlying the RU Zoning District and will preserve the historic, agrarian and ecological values of the surrounding area. The overall redevelopment plan for the Property, including but not limited to the proposed Barn, was particularly mindful of the environmentally sensitive site and serves to improve the protection of these public interests over existing conditions. The extensive planning and site design process will preserve wetland and wildlife habitat values throughout the property. The overall scale of the development (including the proposed Barn) is in keeping with the surrounding neighborhood and within those limitations imposed within the RU District, as well as those under the new Residential Building Size Bylaw. The design of the Project, is in keeping with the character of homes within the neighborhood and, importantly, is smaller in scale than the existing Barn structure on the Property and results in a more conforming structure.

In light of the foregoing, the Project satisfies the Special Permit criteria set forth in Section 9.2-2 of the Zoning Bylaw and each of the Special Permit findings outlined above are warranted in this instance. Accordingly, the Stanfields respectfully request that the Board approve their request for a Special Permit for the proposed Barn on the Property.