

PAM BOIROS AND ERICH METTLER

205 VINEYARD MEADOW FARMS ROAD

182 Homer St. Newton Center, MA 02459 | 617-529-8900 | equinoxvmf@gmail.com

August 8, 2022

Planning Board

Town of West Tisbury

Sent via email to: planningboard@westtisbury-ma.gov

RE: 213 Vineyard Meadows Farm Road Site Plan Review

Dear Ms. Rossi and the Planning Board members:

We are writing this letter to the Planning Board requesting the Planning Board to delay the Site Plan Review for 213 Vineyard Meadow Farms Road until all required information is obtained. We are supporting our request with the following critical points:

Section 9.1-1 of the West Tisbury Bylaws (Submission Requirements) states that the Site Plan submission shall contain all information necessary to enable the Planning Board to conduct an informed review pursuant to the criteria in Section 9.1-2. Given the fact that this property lot is non-forming, narrow and long with two (2) abutting residential structures which are already within the setback thresholds of their respective properties (see diagram #1 illustrating existing conditions), the Planning Board should consider enhancing their prescribed list of documents from the applicant so that the Planning Board has all the required information to complete its review prudently and appropriately. Documentation from the applicant should be consistent, accurate and in compliance with West Tisbury zoning laws, West Tisbury bylaws and West Tisbury Board of Health regulation. Given that there is precedents and legal standing, the Planning Board should request the applicant of 213 Vineyard Meadow Farms Road to provide the following but not limited items before it hears the matter in a public meeting or public hearing:

1. A Site Plan that includes Existing Conditions and Proposed Improvements
2. A Site Plan (and plot plan) that includes all material Structures of the abutting neighbors so that the Planning Board can assess the visual, noise, vegetation, shade and other relevant matters impacting the neighbors and community. Site Plan should clearly identify the distances between the material Structures.
3. A Site Plan with proposed building footprint with dimensions.
4. A Site plan noting existing vegetation and other natural features (e.g. major trees, rock outcroppings, streams, wetlands, etc.). As Mr. Silva stated during the September 8, 2022 West Tisbury Board of Health meeting, eliminating trees and vegetation can significantly reduce nature's ability to reduce nitrogen from ground water which is created from septic system waste water. This means that a septic system drainage structure should be located on the lot where

it will require the least removal of the existing landscape buffer and allow for new buffer to be planted. Mr. Silva's firm provides engineering and survey services to Squash Meadow Construction Inc. and the property owners of 213 Vineyard Meadow Farms Road.

5. A Site Plan with proposed tree clearing and civil disturbances.
6. A Site plan reflecting "Buffer Landscape" and privacy structures (i.e. fences). Landscaping should serve to create a buffer between houses and the streets for privacy and to retain the natural "woody" character of West Tisbury. The larger the house, the greater the buffer that will be required. To best achieve this, the existing native trees, understory and bushes should be preserved as much as possible. The Property owner informed us they intend to add vegetation and other privacy structures but none of this is reflected in the Site Plan submitted to the Planning Board and public.
7. Due to the design approach of this particular residential house (very long and wide and tall) and accessory building, the Applicant should also submit **complete construction set drawings** with **elevations** and **total square feet by floor (from exterior wall to exterior wall)** to the Town, so that the Planning Board and the Public can make an informed assessment and ensure that the construction drawing set are consistent with the Site Plan, the Site Plan review narrative and the Town bylaws. The August 12, 2012 Site Plan Review application makes reference to House Plans, but these House Plans were manually crossed out and omitted from the Planning Board and the public. The Planning Board and the public can't possibly assess and complete its review, in accordance with the bylaws, without this construction drawing set. I will address this point further later in this letter.

Section 9.1-1 of the West Tisbury bylaws also state that If the land will be developed in more than one phase, the Planning Board may require the applicant to present a master plan for an entire property showing intended future development. Based on all the circumstantial evidence, we believe that the property owner intends to build their project over several phases, and accordingly, the Planning Board should request a master plan from the applicant and property owners before it completes the Site Plan Review. We believe the property owners intend to build their residential, primary structure in the first phase. We believe the property owners intend to build the garage with two (2) additional bedrooms in the second phase. We believe the property owners intend to add additional bedrooms and rooms in the basement in the third phase. We can make these comments based on current and previously submitted documents to the Town of West Tisbury. Based on a previously submitted construction drawing set and the existing Site Plan submitted to the Planning Board (See diagram #2 for basement), the basement wall contains two large window wells with egress bays. A finished basement project must incorporate an egress window if any portion of the space will be used as a bedroom, or if you are creating another habitable space (a family room, for example) that does not already have an Egress window or a door. Based on a previously submitted construction drawing set and the current Site Plan submitted to the Planning Board, the applicant plans to build two additional bedrooms over a proposed garage (which would require a ZBA special permit since the proposed garage will have to comply with the 50 foot setback requirements). It is our belief that the

applicant intends to build those bedrooms in a later phase given the current use of an enhanced high efficiency septic system design which can handle nine (9) bedrooms. It is very clear from septic system design engineers, the property owner could meet their septic needs without the nine (9) bedroom high efficiency septic system if they intend to truly build a six (6) bedroom building. The upfront costs and required ongoing maintenance costs are much higher than a conventional system so why proceed in this fashion unless it is the intention of the property owners to expand their projects with several more bedrooms. To bolster our believe, the Site Plans reflect a septic system "Input Baffle" and "Inlet Pipe" from the proposed garage (See diagram #3 for market "Input Baffle and Inlet Pipe") which is unnecessary if the property owners intend to build a garage with no upstairs bedrooms and bathroom.

Per Section 9.1-2 of the West Tisbury Bylaws (Review Criteria), the Planning Board must follow a prescribed process in evaluating the Site Plan and the related information submitted as part of the application. For the Planning Board to approve the proposed use of this application, the applicant must demonstrate that the project will "not adversely affect the supply or quality of groundwater or surface water, or degrade any natural resource or ecosystem" as required by Subsection E of Section 9.1-2. After speaking with Ms. Virginia Jones on or around August 30, 2022, I learned that the Planning Board relies on the West Tisbury Board of Health to evaluate the adverse impact of septic system designs and the groundwater. Since the West Tisbury Board of Health has not issued an official position on the adverse impact of this project nor issued a septic system permit, the planning board cannot approve this application.

Similar to Subsection E, Subsection A of Section 9.1-2 has not been met. The applicant must demonstrate to the Board that it has complied "with all applicable provisions and requirements of this bylaw", and it has not. In accordance with the West Tisbury bylaw, the applicant must provide the total floor area of all structures proposed in the Site Plan review application, including but not limited to, structures that will be built as part of the master plan. The Big-House Bylaw worksheet is not appropriate nor correct for the Planning Board to consider the application complete.

Per subsection C of Section 9.1-1 of the West Tisbury bylaws, "an application shall not be considered complete until all information required by Planning Board is submitted." Once all the required documents are obtained, the Planning Board can continue with its review of the Site Plan Review application. The Planning Board should also imposing required review costs of a Site Plan Review application as outlined in Section 9.5 of the West Tisbury bylaws once the applicant has provided all the required documents given the complexity of this project.

As a matter of record, we respectfully request that the Planning Board consider this Site Plan Review application material enough to warrant a Public Hearing. All public hearings are types of public meetings, but not all public meetings are hearings. For a gathering to be a hearing, the business of the meeting must involve obtaining public input for the purpose of making legal decisions. Public hearings are generally required by law for the following commissions before they can take certain actions:

1. Select Board
2. Planning Board
3. Zoning Board of Appeals (ZBA)
4. Conservation Commission

The actions that require a public hearing are typically those to issue permits or licenses, or to amend a Town of West Tisbury regulation. Given the nature of this application, the Planning Board should hear this application under a public hearing manner rather than a public meeting since a public hearing affords all interest parties the opportunity to address the Planning Board. I

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Mettler" followed by a flourish and "Pamela Boiros".

Erich Mettler and Pamela Boiros

205 Vineyard Meadow Farms Road

equinoxvmf@gmail.com

617-529-8900

CC: West Tisbury Planning Board planningboard@westtisbury-ma.gov
West Tisbury Zoning Board of Appeals zba@westtisbury-ma.gov
West Tisbury Board of Selectmen townadmin@westtisbury-ma.gov
West Tisbury Building Inspector inspect@westtisbury-ma.gov

DIAGRAM #1 (EXISTING LANDSCAPE AND ABUTTERS)

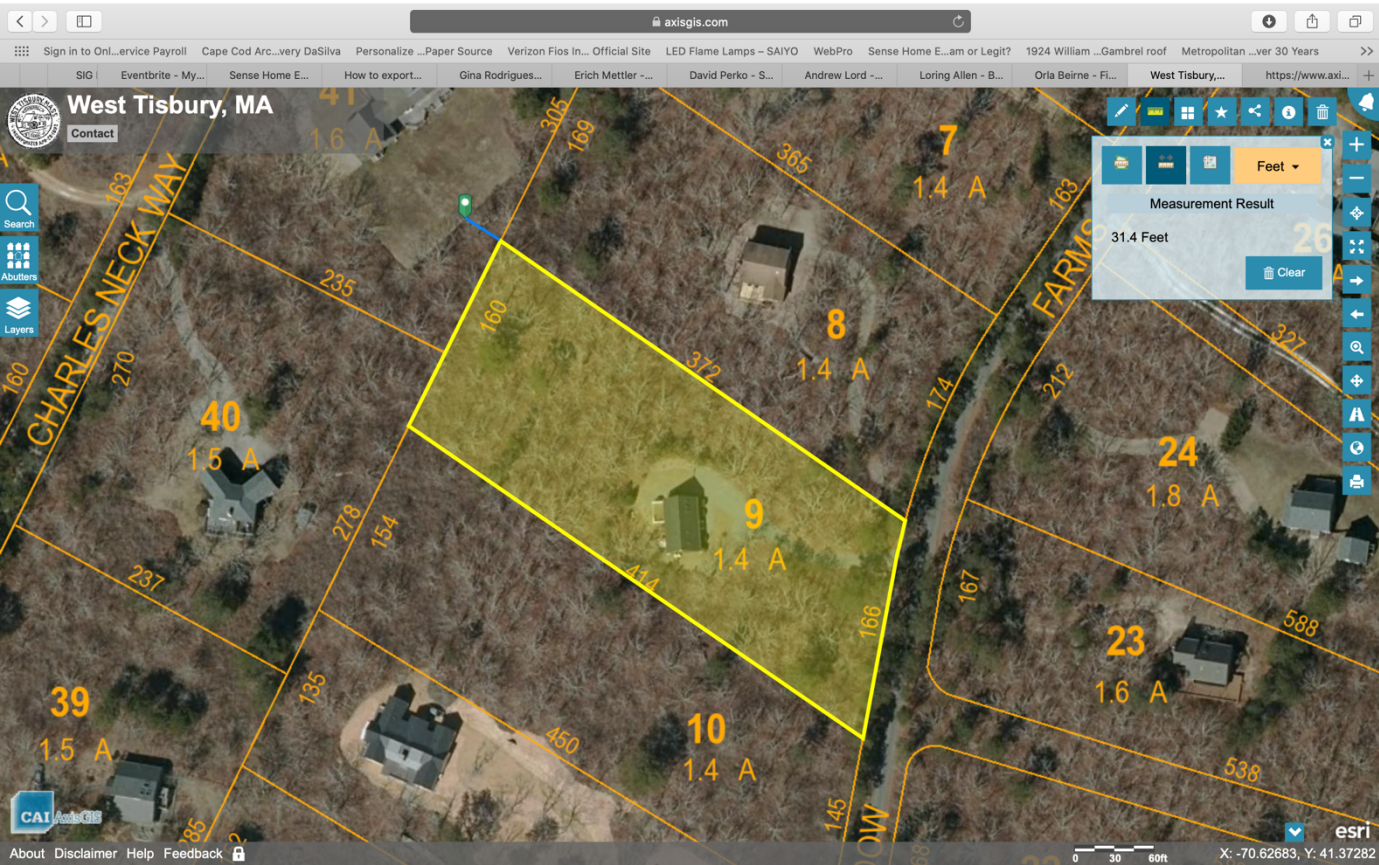


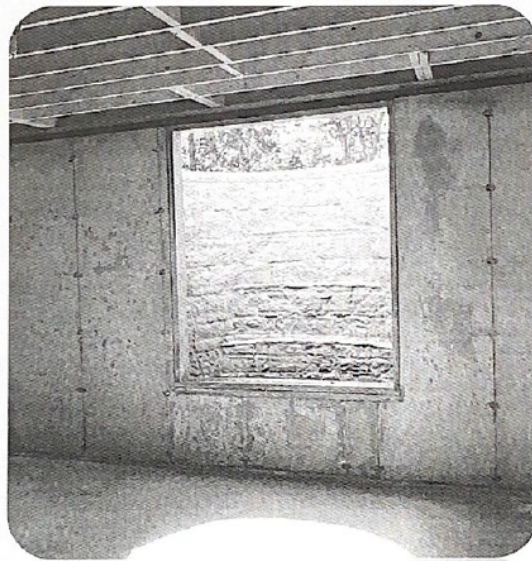
DIAGRAM #2 (BASEMENT WINDOW WELLS DESIGNED FOR NATURAL LIGHT AND EGRESS)

Narrative For Crowley 213 Vineyard Meadow Farms Rd M-37 Lot-10

We are seeking a special permit for our client, The Crowley's, seeking relief from the setback on the gables ends of the proposed home to be built next year.

- On the right gable we will have a Bilco Type C Bulkhead which will encroach on the setback by approx. 4' and 2 Redi-Exit Window Wells which will be no more than a 1' encroachment on the setbacks and covered with metal grates.
- On the left gable we would like to build a rinsing area and landing that will encroach approximately 4' into the setback.

I have attached a picture of the window wells in case anyone is unfamiliar with the product. It allows a window to become a form of egress in care of any emergency.



7

