

September 6, 2022



West Tisbury Board of Health
West Tisbury Planning Board
West Tisbury Zoning Board of Appeals
West Tisbury Board of Selectmen
West Tisbury Conservation Commission
Town of West Tisbury
P.O. Box 278
West Tisbury, MA 02575

Re: 213 Vineyard Meadow Farms Road Development and “Enhanced” Septic System

Dear Members of the Board of Health, Planning Board, Board of Appeals, and Board of Selectmen,

We are the owners and residents of 52 Vineyard Meadow Farms Road and are writing to express our strong opposition to the proposed scale of the development at 213 Vineyard Meadow Farms Road and the proposed use of an “enhanced” septic system to circumvent the town’s density requirement. We believe strongly that this project, if approved as currently proposed, will significantly change the character of the Vineyard Meadow Farms Road neighborhood for the worse and set a dangerous precedent for future development in our neighborhood and in West Tisbury in general – by entirely and simply bypassing the town’s bedroom density requirements through use of an “enhanced” septic system. We request that the Board of Health and/or the Planning Board either reject the proposed “enhanced” septic system and/or require the owners to conform to the density requirement of 10,000 square feet of buildable land for each bedroom in the residence and accessory apartment, which would entail a significant reduction in the proposed scale of this project. The resulting reduced scale, in turn, would be much more consistent with the existing nature of the neighborhood.

Like most of our neighbors, we cherish West Tisbury in general, and selected the Vineyard Meadow Farms neighborhood as our home, because of the rural ambiance, rustic nature, and sense of privacy created by the town’s bylaws. The proposed house at 213 Vineyard Meadow Farms Road is significantly larger than other houses in our neighborhood, significantly larger than the town’s bedroom density bylaws allow, and wholly inappropriate for a lot of this size. I understand that the lot is approximately 60,000 square feet, which is on the smaller size of lots in our neighborhood. The vast majority of homes in our neighborhood, including those built recently, are 6 bedrooms or smaller, including the number of bedrooms in accessory buildings. This is both in keeping with the town’s density bylaws and the scale and nature of the neighborhood. As currently proposed, the 7 bedroom house and 2 bedroom garage apartment is fully 50% (!!!) larger than West Tisbury’s density bylaws allow and the scale of existing

homes in the neighborhood. While the owners should have the right to build on their property as they desire, they should have to conform to the same requirements as all other property owners in the neighborhood. Approving the scale of this development as currently proposed would not be equitable to existing homeowners in our neighborhood and would significantly and adversely change the nature of our neighborhood.

We applaud the use of any "enhanced" septic systems that may protect the scarce water supply and water quality on the island. Many homeowners in the Vineyard Meadow Farms neighborhood are already dealing with the PFAS issue caused by the long-term negligence of the airport. However, the use of any "enhanced" septic system should not justify circumvention of the town's building density requirements. In addition to significantly changing the nature of our neighborhood, approval of the scale of this project as currently proposed would establish a dangerous precedent for future development, both in the Vineyard Meadow Farms neighborhood and West Tisbury in general, by providing a vehicle to easily bypass the town's bedroom density requirements. This would gut the spirit, intention, and effectiveness of West Tisbury's density bylaws and create the risk of fundamentally changing the nature of the VMF neighborhood and the town in general, for the worse.

In summary, we request that the Board of Health and/or the Planning Board either reject the proposed "enhanced" septic system or allow it (if it is effective at enhancing water quality) but, in either case, require the owners to conform to the density requirement of 10,000 square feet of buildable land for each bedroom in the residence and accessory apartment.

Sincerely,

Edward Wholihan and Susan Kurker
52 Vineyard Meadow Farms Road
West Tisbury, MA 02575

BY EMAIL, SEPTEMBER 6, 2022

Pg 1

August 25, 2022

Omar Johnson, Agent
Tim Barnett, Chair
Erik Lowe, Board Member
Jessica Miller, Board Member
West Tisbury Board of Health
West Tisbury Town Hall
West Tisbury, MA 02575



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

RE: Proposed "Enhanced" Septic System for
213 Vineyard Meadow Farms Road
West Tisbury, MA

Dear Members of the Board of Health,

On August 2, 2022, we wrote a letter expressing concern and opposition over the proposed project at 213 Vineyard Meadow Farms Road in West Tisbury. In this August 2nd letter, we highlighted several concerns including, but not limited to, inaccurate bedroom count in the proposed building plans and the use of a high efficiency ("enhanced") septic system on an undersized property lot in a sensitive area on the island. We've attached a copy of the August 2nd letter to this letter for your convenience.

We write this second letter to express our deepening concern around the Board of Health's current and ongoing consideration of the use of an "enhanced" septic system at the proposed building project. It is our belief that the proposal of such an "enhanced" septic system is solely being utilized to avoid and circumvent the current density requirements for homes being built in West Tisbury and the approval of such a system will present a dangerous precedent that may result in an explosion of unintended housing growth across our town.

Current West Tisbury zoning bylaws require a minimum of 10,000 square feet of space for every bedroom. This property is just over 62,000 square feet, and accordingly, the property owners cannot build the proposed project. The only exception to this limit is if the property has an "enhanced" septic system approved by the West Tisbury Board of Health. This proposed project, requesting approval for the building of up to 10 bedrooms with an enhanced septic system, is like stuffing 10 pounds of dirt into a 4 pound sack. It just does not work and this was the sentiment that we received while communicating to several waste water management consultants. We also learned from Joe Tierney that West Tisbury has never approved an enhanced septic system with the intent to overcome the density requirement of this significance on an undersized lot in a sensitive area of the island.

As we mentioned in our previous letter, the Long Pond watershed is an extremely sensitive watershed that has unique soil conditions and ground water flows which are

impacted by seasonality, rain quantities and human activities. After several MADEP nitrogen and pathogen TMDL studies of the islands watershed, it was determined that a significant portion of the waterbody pollutants (nitrogen and waste water pathogens) are contributed to failing or faulty septic systems leaching into the groundwater. Based on my review of various documents, I cannot determine that the project applicant nor the West Tisbury Department of Health has done enough to fully understand how an "enhanced" septic system with appropriate annual or regular maintenance will protect the neighbors and surrounding watershed. Here are some examples of concern:

1. According to Section 3.03 of the West Tisbury Board of Health Regulation, the "location and installation of each individual sewage disposal system...shall be such that with responsible maintenance it will function in a satisfactory manner and will not create a nuisance or discharge into any watercourse of the Commonwealth. In determining a suitable location for the system, consideration shall be given to the size and shape of the lot, slope, natural and adjusted drainage, existing and known future water supplies, depth to ground water, presence of impervious material soil classifications and reserve area. The leaching system must be installed in close proximity to the percolation test site; in fragile areas the system must be installed within 10 feet of the percolation test site." Based on my review of available documentation, we've seen no supporting documentation that supports this level of analysis or consideration. This concern is heightened by the fact that the current proposed leaching field is more than 10 feet away from the percolation test sites.
2. In accordance with Title 5, all residential septic systems must be designed with a forecasted 110 gallons per day (gpd) per bedroom. In accordance with section 3.02 (subsection 13.2) of the Town of West Tisbury's Board of Health Regulations, all residential lots shall be permitted no more than 110 gallons of wastewater flow per day per 15,000 square feet of residential land. Accordingly this project's septic system must be designed to address two (2) and half (1/2) times more wastewater flow than is allowed per town regulation. (10 bedrooms divided by 4 bedrooms (62,000 sq. ft. lot divided by 15,000 sq ft.) Has the project applicant demonstrated to the Board of Health with sufficient documentation that this "enhanced" septic system, with proper long term maintenance (that has been contracted under a long term contract) can meet the two and half times (2.5X) the allowed residential flow limit?
3. MA Title 5 Regulation requires that all septic-system technology before it can be used in Massachusetts must be approved by MassDEP. This does not mean that the "enhanced" septic system is suitable for this site location, it only means that any innovative "enhanced" septic system has been approved by MassDEP. I've not seen supporting documentation that the proposed system has been approved by MassDEP.

Throughout this letter we have placed the term "enhanced" in quotation marks for a reason. Unfortunately, the current West Tisbury zoning by laws do not define what an enhanced septic system is. Nor could we find any definition of an enhanced septic system for the Board of Health within the Town of West Tisbury Board of Health Regulations on which they would or could base their approval of any such

system. Surprisingly, there is no definition of an enhanced septic system within Title 5 (310 CMR15.000) of the state's governing regulations regarding septic systems. If you were to Google the term "enhanced septic system" you would also not come up with any clear and generally accepted definition of the term but rather a confusing set of links to multiple definitions of what might be considered alternative septic systems.

The single reference to an "enhanced" septic system that I could find is contained within Section 4.4-3 of the West Tisbury Zoning By Laws and it provides as follows:

4.4-3 Dwelling Unit Densities Allowed by Special Permit

A. Affordable Accessory Apartments

In order to help provide affordable year-round rental housing within the context of West Tisbury's pre- dominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

...

- 6. Any lot with a residence and an accessory apartment **shall contain at least ten thousand square feet of buildable land per bedroom, or an enhanced septic system approved by the Board of Health.** (emphasis supplied)

The first part of this highlighted language mandates a minimum density requirement for single family homes in the town of West Tisbury while the second half of the text seems to suggest an exception to this density limit wherever an "enhanced" septic system has been approved by the Board of Health. To the extent that "enhanced" septic systems, in whatever form, are more efficient and effective in protecting our precious water sources on the island, their use should be encouraged or even mandated for new construction. However, to use the utilization of such systems as a means of avoiding the town's current bedroom density limits makes no sense at all. Undersized and nonconforming building lots, like the property lot in issue at 213 Vineyard Meadow Farms Road, are exactly the types of lots that require such density limits to preserve the beauty and nature of this town.

Nevertheless, if approved by the Board of Health in this application, the utilization of a purported "enhanced" septic system will allow any property owner to simply and easily disregard the current density bylaws of the town. An approval would allow property owners to squeeze many more bedrooms onto their lot in clear contravention of the otherwise applicable bedroom density limits. Such an action by the Board of Health would establish a precedent that could possibly result in an explosive and unintended

expansion of building on already undersized and nonconforming lots within the town of West Tisbury.

Given the fact that there is no clear definition of what constitutes an "enhanced" septic system to guide the Board of Health's determinations in this area, I would strongly recommend that the Board institute an immediate moratorium on the approval of any "enhanced" septic system that results in a bedroom count that exceeds the current density limit of the town or the applicable Residential Flow Limit. Such an action by the Board would allow single family housing projects that currently comply with the town's density levels or Residential Flow Limit to proceed even where such projects include or involve an "enhanced" septic system. Only those projects that utilize such systems to avoid or evade the current density levels would be halted by such a moratorium. Consistent with the overall views and desires of the town to maintain and support the rustic and agricultural nature of this town, we would hope that the Board would develop guidelines or regulations during this moratorium that would restrict or limit instances where such systems provide a bedroom count that exceeds density limits. Such exemptions should be limited to building projects that serve a larger community interest within West Tisbury such as elderly housing, affordable housing or workforce housing projects.

Should the Board not choose to enact a moratorium, we would respectfully request that they not approve the proposed "enhanced" septic system at 213 Vineyard Meadow Farms Road for all of the above stated reasons in this letter.

Sincerely,



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 Conservation Commission concom@westtisbury-ma.gov
- Vineyard Conservation Society info@vineyardconservation.org

PAM BOIROS AND ERICH METTLER
205 VINEYARD MEADOW FARMS ROAD

PJ 1

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

August 4, 2022



Omar Johnson, Board Administrator
Board of Health
Town of West Tisbury

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

RE: 213 Vineyard Meadows Farm Road Septic Design and Building Concerns.

Dear Omar:

We are writing this letter to the Board of Health to register our broad concern and **opposition** to the proposed project for several reasonable reasons which we will detail out further in this letter. As a direct abutter to this proposed project, we were hoping the new owner was going to propose a building plan that was consistent with the values of West Tisbury and our neighborhood. We specifically acquired our property for the rural and natural character of the area. The neighborhood (or development) was formed in the 1970's with protective covenants which embraced the same values of West Tisbury. These protective covenants and the size of the properties influenced the homeowners as most homes in the neighborhood are reasonably sized and modest. We hope you will consider the following reasons to reject the approval of this proposed project.

1. Section 1.4 of the West Tisbury Bylaws are enacted to promote the health, safety and general welfare of the inhabitants of the Town of West Tisbury as authorized by Chapter 40A of the Massachusetts General Laws (known as the "Zoning Act") and by the Massachusetts Home Rule Amendment (Massachusetts Constitution, Amendment 89). It is enacted for the purposes enumerated in the Zoning Act as well as those additional purposes contained in the Town's Master Plan. This proposed project must adhere to the Town's Bylaws when it comes to land use (Section 2¹), allowable uses (Section 3²), dimensional and density including but not limited to setbacks (Section 4³), definition of setback (within definitions⁴), definition of bedroom (within definitions⁵), definition of structure (within definitions⁶), minimum 10,000 square feet of buildable land area per

¹ Section 2.3-1. RU: 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 spaces.

² The Use Table designates what requires special permits granted by the ZBA and it appears that the project requires additional special permits rather than just setback relief.

³ Section 4.2-1 states that the minimum side yard setbacks must be 50 feet and the maximum height is 30 feet

⁴ Setback is defined as the areas of a lot extending inward from a lot line for the distance specified in this bylaw, in which no building or structures other than fences, mailboxes, and permitted signs may be placed.

⁵ Bedroom (with or without Detached) is defined as any room, other than a kitchen, bathroom, living room, dining room, or unfinished cellar, that can be closed off for privacy and that does not provide access to another room (except a bathroom), including but not limited to a bedroom, study, den, family room, studio or office.

⁶ Structure is defined as static construction of building materials affixed to the ground, including but not limited to a building, dam, display stand, gasoline pump, installed mobile home or trailer, reviewing stand, shed, sign, swimming pool, tennis court, storage bin, or wall.

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bedroom (Section 4.4-7A 3⁷), and other Board of Health requirements. In our opinion, the proposed project should be modified to address these Town goals and to preserve the welfare of the neighborhood.

2. All homes within the development have traditional septic systems which generally limit any property to a maximum of 6 total bedrooms. Please also note that the current draft of the ZBA special permit application does not reflect the correct bedroom count. The definition of a bedroom should include the mudroom as it can be closed off for privacy. Accordingly, the current project should reflect 10 bedrooms and 6 bathrooms. Section 3.02(13.1) of the Health Regulations would also consider the enclosed mudroom to meet the definition of bedroom and should be properly reflected in the calculated sewage flows.
3. The petitioners' project can only achieve this excessive amount of proposed bedrooms through the use of a high efficiency septic system, an enhanced system that does not exist anywhere else in the development. The use of such a sophisticated septic system on such a small lot should raise numerous questions and concerns when utilized primarily to force an excessive number of bedrooms onto an already undersized property lot. It is also our understanding that extensive annual maintenance is required for this enhanced system to function properly. What assurances will we as abutters that the required annual maintenance is performed to ensure our well water is not negatively impacted.
4. An appropriate MA Title V septic system is critical to the island. It is even more critical to our neighborhood due to the unique soil characteristics and water shed. Based on my conversation with Tetra Tech, a firm hired to address the PFAS matter, and our island water filtration service provider, soil composition plays a really important role in how ground water containments travel through the ground. Meeting general setbacks, tank and leaching field design may not suffice in approving a septic system that will protect the property owner and their neighbors. Based on a recent report from Tetra Tech, Tetra Tech "now better understand how groundwater containing PFAS is migrating from past firefighting testing areas at MVY through the aquifer in the southerly direction and impacting some private wells and not others" based on well depth, well screening, aquifer flow, and soil composition. Our island water filtration service provide is very concerned with septic system contamination and believes more diligence and studies are required. Given the delicate environmental conditions, this proposed project is not appropriate for this area of West Tisbury.

This project is still in the planning stages and the property owners should redesign their project to make it fit within the applicable setback limits, health regulations, and Town preservation goals.

Sincerely,



Erich Mettler and PAM BOIROS

⁷ Section 4.4-7 states that the Town established this section to allow the construction of individual residences on lots that do not satisfy minimum lot size requirements. There are very specific requirements.

pg 1

August 11, 2022

Kim Leaird, Board Administrator
Zoning Board of Appeals
Town of West Tisbury

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



RE: Petition of 213 Vineyard Meadow Farms Road

Dear ZBA Board Members,

As abutters to this property, Brooke and I are writing to the board to register our opposition of requested set back relief requested in the proposed application. We would also like to bring light to other concerns based on limited information provided in this application.

As new property owners to Vineyard Meadow Farms and having gone through the permitting process just a few years ago, it has been made clear that setbacks are important to the neighborhood and to be followed. We were met with a heavy opposition in our original plans which requested setback relief and chose to re-design our plans to follow the 40' setbacks for main house and 50' for garage/accessories structures on a narrow building site. The proposed building lot here is rectangular in shape and provides a large buildable envelope and a blank canvas that one should easily be able to design within the given setbacks.

The size of the home meets the Planning Boards Big House bylaw by counting the 1st and 2nd floor sq footage. Requesting to install egress window wells would indicate to me a plan to finish the basement, which would add to the sq/ft totals. The future 2-bedroom addition is not shown on the site plan and would also increase the total sq/ft. I feel the applicant should be more transparent here and provide additional information to best understand their master plan for the lot.

The request for a potential 7-9 bedrooms may not be under this board's jurisdiction, but one that should be questioned. During our permitting we were frequently reminded by several boards that the by-law states 10,000 sq/ft buildable land per bedroom, this lot is just over 60,000 sq/ft which would indicate a 6-bedroom cap. Has the by-law changed? Has the Board of Health changed considerations on enhanced septic systems adding to bedroom counts and is that written in their by-laws?

pg 2

Additional concerns surrounding Landscape Plans; as a modular home, this will require substantial clearing to fit the modules and the crane into the lot. It would be nice if the applicant could provide additional information on future screening plans once construction is complete.

For the above-mentioned reasons and lack of information provided in the application we ask the board to consider not approving the requested setback relief until the applicant can provide further details to the plans and application.

Sincerely,

Derek and Brooke Avakian
Vineyard Construction Services, LLC
220 Vineyard Meadow Farms
West Tisbury, MA 02575
774-521-9747

Jane Rossi

From: Ariel Dickerman <ariel.dickerman@law.northwestern.edu>
Sent: Monday, August 8, 2022 1:29 PM
To: zba@westtisbury-ma.gov; planningboard@westtisbury-ma.gov
Cc: Ariel.dickerman
Subject: Objection to petition for setback relief for 213 Vineyard Meadow Farms Road

August 8, 2022

Kim Leaird, Board Administrator
Zoning Board of Appeals
Town of West Tisbury



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

RE: Petition of 213 Vineyard Meadows Farm Road for setback relief

To whom it may concern:

The purpose of this letter is to register my opposition to the granting of any setback relief for this proposed project. I have been a property owner within the Vineyard Meadow Farms Road development since 2016, when I inherited it from my father, Andrew Dickerman, who purchased it originally in 1995. I have enjoyed the peaceful, calm, and natural character of the area at least once a year for nearly thirty years now.

The proposed mansion at 213 Vineyard Meadows Farm Road is a significant and unwarranted departure from this character that myself, my family, and the guests we host have come to appreciate. Having a seven bedroom home is completely unnecessary and would be much larger than the existing houses in the neighborhood. It would be inconsistent with the homes on the road and could potentially decrease their value by inviting in larger and louder groups.

The setback restrictions exist to protect the privacy and quiet enjoyment of homeowners, residents, and their guests. My father would be devastated if he were alive to see large homes being constructed on the road which stray from the isolated, calm nature of the area. No waiver or variance or these restrictions should be allowed by the board for this unnecessary and domineering construction.

I sincerely hope this application for relief in this matter will be denied by the zoning and planning boards.

Sincerely,

Ariel Dickerman
245 Vineyard Meadow Farms Road
West Tisbury, MA 02575
ariel.dickerman@law.northwestern.edu
ariel.dickerman@gmail.com

Cc: West Tisbury Planning Board
planningboard@westtisbury-ma.gov

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 "Big House Bylaw".

Dear Planning Board:

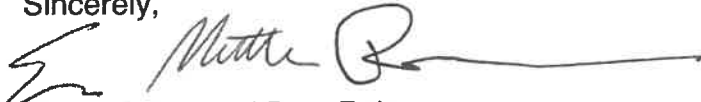
We are writing this letter to the Planning Board to register our broad concern and opposition to the approved "Big House Bylaw Worksheet" for several reasonable reasons which we will detail out further in this letter. We hope you will consider the following reasons to reject the approval of this proposed project.

1. We obtained a copy of the "Big House Bylaw" at Townhall since it was not available on the Town's website. We also downloaded the "Big House Bylaw Worksheet" for 213 Vineyard Meadow Farms Road from the Planning Board's web page. Based on our review of the new Bylaw and the "Big House Bylaw Worksheet", we were not able to reconcile the "Big House Bylaw Worksheet" to the prescribed calculation of Residential Floor Area ("RFA") in the Bylaw. We would have expected the "Big House Bylaw Worksheet" to fully explain the calculation with supportive detail to ensure the Bylaw is administered correctly. The form used by the Building Inspector should be more detailed and thoughtful so no unintended precedents are created. We would even say the form is improperly conceived as it does not have a section for NEW CONSTRUCTION.
2. Given the limited detail within the "Big House Bylaw Worksheet", we do not believe the approved work sheet is accurate based on our review of the available construction documents and proposed plot plan. Based on our calculation, we are well over the 3,500 sq. ft. limit. Until there is more definitive documentation available to assess the adherence to this recent Bylaw amendment, the ZBA and Planning Board should reject the application.
3. The Planning Board must provide notice to abutters including but not limited to the Road Association per number 4 of Section B of the "Big House" bylaw. As an abutter, we did not receive a notice from the Planning Board.
4. Why is the garage not included in the "Big House Bylaw Worksheet"? We believe this is a mistake and we recommend that further revisions be made for final evaluation.

[REDACTED]

This project is still in the planning stages and we recommend that the Planning Board reject the approval of the "Big House Bylaw Worksheet" until all the above matters are addressed.

Sincerely,


Erich Mettler and Pam Boiros

Jane Rossi

From: darlaouz@aol.com
Sent: Friday, August 5, 2022 9:45 AM
To: Pam Thors; planningboard@westtisbury-ma.gov
Subject: Re: petition of 213 Vineyard Meadows Farm Rd

August 5, 2022



Kim Leaird, Board Administrator
Zoning Board of Appeals
Town of West Tisbury

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

RE: Petition of 213 Vineyard Meadows Farm Road for setback relief

Dear ZBA Member:

We are writing this letter to the board to register our opposition to the granting of any setback relief for this proposed project. This letter is also being forwarded to the West Tisbury planning board.

We have been owners within the Vineyard Meadows Farm Road neighborhood for over 28 years. This is our second home. We chose to buy in this area due to its rural, private and natural environment. Over the last 2 years this peace and privacy has been altered due to construction on an adjacent lot.

And now, we learn of a proposed seven bedroom house, with a provision for 2 additional bedrooms, that is to be built directly across the road from our home. This size dwelling is inconsistent and at odds with the size and scale of the current houses that have been built throughout this development.

We understand this appeal is only related to a request for setback leniency. However, we also want to voice our concern due to the size of this house. It falls outside the norm that has existed for at least 2 decades, as well as our concern for the setback exception.

Furthermore, our home is on a slight downgrade directly across from this location. The fact that they need permission for a special septic system due to size gives us considerable concern. We have enough going on with the PFAS situation coming from the airport.

The current setback restrictions are designed and intended to protect privacy, property, tranquility and the peaceful environment. Given the small setback restrictions that are in place and given the small lot sizes within this development, we are requesting the board not allow any setback exception for such a large project.

Sincerely,
Greg and Carla Ouzunoff
214 Vineyard Meadows Farm Rd.
W. Tisbury, MA

~~~~~  
Ouzunoff  
PO Box 646  
Yorktown Heights, NY 10598

Jane Rossi



**From:** Andrew Zaikis <andyzaikis@gmail.com>  
**Sent:** Thursday, August 4, 2022 8:29 PM  
**To:** zba@westtisbury-ma.us  
**Cc:** Jane Rossi; Andrew Zaikis  
**Subject:** Objection to petition for setback relief for 213 Vineyard Meadow Farms Road

August 4, 2022

Kim Leaird, Board Administrator  
Zoning Board of Appeals  
Town of West Tisbury

Sent via email to:  
[zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)

RE: Petition of 213 Vineyard Meadows Farm Road

Dear ZBA Members:

I write this letter to express my deep opposition to the requested setback relief that is set out in the petitioner's request to the board. I would strongly recommend that the board deny relief being sought by the petitioner.

I am a full time resident of the Vineyard and currently live at 219 Vineyard Meadow Farms Road. My property line runs right next to the property lot of the petitioners and as such I am most directly affected and impacted by this proposed project. With respect to the proposed project before the board, I was never contacted by the owners of the property and they have made no effort to discuss their construction plans with me as an adjacent property owner.

Vineyard Meadow Farms Road is a large development comprising approximately 113 house sites. With a single exception, these lots are generally more or less an acre and a half in size and tend to be long, narrow and rectangular in shape. The development was created in the 80's and I purchased my lot over 40 years ago when there were 40 foot setbacks in place. Since that time, setbacks have been increased to 50 feet and minimum acreage to 3 acres.

My lot is only 1.4 acres in size and is one of the smallest sized lots in the development. The property lot at 213 Vineyard Meadow Farms Road is also 1.4 acres in size and as such is also one of the smallest lots in the development. I built my house 4 or 5 years ago with the assistance of an architect and was able to design a modest house without having to encroach or invade the applicable 40 foot setbacks. A similarly modest house is being constructed across the street from me at 220 Vineyard Meadow Farms Road and it too was designed to fit within the applicable setbacks.

By contrast, the proposed house being suggested by the petitioners has not been designed to fit within the applicable setbacks. Instead, it seeks to invade and encroach upon the existing setback lines in an effort to create a massive house that is totally inappropriate for this area. To the best of my knowledge, most if not all homes within our development range from 2 to 4 bedrooms for the main houses with an additional 1 or 2 bedrooms for an accessory apartment if one is constructed. There are no 7 bedroom homes anywhere within our development and the scale of this project is considerably larger than anything that currently exists throughout the development. Nor is there any primary home within the development that comes close in size to the 3439 square foot proposal that is being submitted by the petitioners.



Similarly, all homes within the development have traditional septic systems which generally limit any property to a maximum of 6 total bedrooms. The petitioners' project can only achieve the excessive amount of 9 proposed bedrooms through the use of a high efficiency septic system, an enhanced system that does not exist anywhere else in the development. The use of such a sophisticated septic system on such a small lot should raise numerous questions and concerns when utilized primarily to force an excessive number of bedrooms onto an already undersized property lot.

Finally, the petitioners apparently can only achieve the construction of such a massive and inappropriate structure with the assistance of the zoning board through the granting of relief from applicable setback limitations. It is not enough that the petitioners have proposed such a massive project but they now enlist the blessing and approval of the zoning board with the current application for relief.

It is my position that the zoning board should in no way grant any setback relief in this matter. The petition is absolutely silent as to any need or reason as to why such a project has to invade the applicable setbacks. If I could build my house within the applicable setbacks and if my neighbor across the street can currently build his house within the same setbacks, then so should the petitioners. These setbacks have always been designed to buffer and protect adjacent property owners from each other and I, and my similarly situated neighbors, are entitled to the insulation and protections that such setbacks provide to us.

I would accordingly respectfully request that the zoning board members deny this petition in its entirety.

Sincerely,

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

Cc: West Tisbury Planning Board  
[planningboard@westtisbury-ma.gov](mailto:planningboard@westtisbury-ma.gov)

Jane Rossi

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**From:** Andrew Zaikis <andyzaikis@gmail.com>  
**Sent:** Thursday, August 25, 2022 10:03 AM  
**To:** Omar Johnson; Jane Rossi; Jennifer Rand; zba@westtisbury-ma.us; concom@westtisbury-ma.gov; nfo@vineyardconservation.org  
**Subject:** Proposed "Enhanced" Septic System for 213 Vineyard Meadow Farms Road, West Tisbury

August 25, 2022

Omar Johnson, Agent  
Tim Barnett, Chair  
Erik Lowe, Board Member  
Jessica Miller, Board Member  
West Tisbury Board of Health  
West Tisbury Town Hall  
West Tisbury, MA 02575



Sent via email to: [boh@westtisbury-ma.gov](mailto:boh@westtisbury-ma.gov)

RE: Proposed "Enhanced" Septic System for  
213 Vineyard Meadow Farms Road  
West Tisbury, MA

Dear Members of the Board of Health,

I write this letter to express my deep concerns about the Board of Health's current and ongoing consideration of the use of an "enhanced" septic system at a proposed building project located at 213 Vineyard Meadow Farms Road in West Tisbury. It is my belief that the proposal of such an "enhanced" septic system is solely being utilized to avoid and circumvent the current density requirements for homes being built in West Tisbury and the approval of such a system will present a dangerous precedent that may result in an explosion of unintended housing growth across our town.

I live in West Tisbury in the Vineyard Meadow Farms Road development. The development comprises 114 small buildable lots that are roughly an acre and a half in size. I live on one of the smaller lots (1.4 acres in size) and the lot next to me, located at 213 Vineyard Meadow Farms Road is similarly small in size. Several months ago this empty lot was sold for \$700,000 and recently the new owners applied for a building permit to build a 7 bedroom house with a 2 bedroom garage on this undersized lot. The only reason I became aware of this was because the owners were also seeking setback relief from the Zoning Board of Appeals for portions of this project that extended into the applicable setback limits. As an adjacent property owner, I was given written notice of this ZBA application. The scheduled hearing on this application for setback relief before the ZBA has been postponed until September 22nd but already over a dozen homeowners within the development have submitted written objections to this project. There have been no letters in support of this project and many of these letters have also been copied to the West Tisbury Planning Board which has scheduled its site review for this project for September 12th.

Most, if not all of those objection letters to the ZBA raise concerns that the size and scale of this proposed house is totally out of place and inappropriate for the neighborhood. Generally, all of the homes in our development have a maximum of six bedrooms (which would include bedrooms for an accessory apartment) because our small lots can only support this amount. Current West Tisbury

zoning bylaws require a minimum of 10,000 square feet of space for every bedroom. The only exception to this limit is if the property has an "enhanced" septic system approved by the West Tisbury Board of Health. This proposed project, requesting approval for the building of up to 9 bedrooms, substantially exceeds this general size limitation by including what appears to be an "enhanced" septic system.

Throughout this letter I have placed the term "enhanced" in quotation marks for a reason. Unfortunately, the current West Tisbury zoning by laws do not define what an enhanced septic system is. Nor could I find any definition of an enhanced septic system for the Board of Health within the Town of West Tisbury Board of Health Regulations on which they would or could base their approval of any such system. Surprisingly, there is no definition of an enhanced septic system within Title 5 (310 CMR15.000) of the state's governing regulations regarding septic systems. If you were to Google the term "enhanced septic system" you would also not come up with any clear and generally accepted definition of the term but rather a confusing set of links to multiple definitions of what might be considered alternative septic systems.

The single reference to an "enhanced" septic system that I could find is contained within Section 4.4-3 of the West Tisbury Zoning By Laws and it provides as follows:

#### **4.4-3 Dwelling Unit Densities Allowed by Special Permit**

##### **A. Affordable Accessory Apartments**

In order to help provide affordable year-round rental housing within the context of West Tisbury's predominantly single-family home character, and to provide an opportunity for supplemental income to senior citizens and other homeowners in West Tisbury, who might otherwise find it difficult to remain in their homes due to increasing energy and maintenance costs and/or concerns about security and health, one apartment may be allowed by Special Permit from the ZBA as an accessory use to a single-family dwelling, on any sized lot, subject to the following conditions:

...

6. Any lot with a residence and an accessory apartment ***shall contain at least ten thousand square feet of buildable land per bedroom, or an enhanced septic system approved by the Board of Health.*** (emphasis supplied)

The first part of this highlighted language mandates a minimum density requirement for single family homes in the town of West Tisbury while the second half of the text seems to suggest an exception to this density limit wherever an "enhanced" septic system has been approved by the Board of Health. To the extent that "enhanced" septic systems, in whatever form, are more efficient and effective in protecting our precious water sources on the island, their use should be encouraged or even mandated for new construction. However, to use the utilization of such systems as a means of avoiding the town's current bedroom density limits makes no sense at all. Undersized and nonconforming building lots, like the property lot in issue at 213 Vineyard Meadow Farms Road, are exactly the types of lots that require such density limits to preserve the beauty and nature of this town.

Nevertheless, if approved by the Board of Health in this application, the utilization of a purported "enhanced" septic system will allow any property owner to simply and easily disregard the current density bylaws of the town. An approval would allow property owners to squeeze many more

bedrooms onto their lot in clear contravention of the otherwise applicable bedroom density limits. Such an action by the Board of Health would establish a precedent that could possibly result in an explosive and unintended expansion of building on already undersized and nonconforming lots within the town of West Tisbury.

Given the fact that there is no clear definition of what constitutes an “enhanced” septic system to guide the Board of Health’s determinations in this area, I would strongly recommend that the Board institute an immediate moratorium on the approval of any “enhanced” septic system that results in a bedroom count that exceeds the current density limit of the town. Such an action by the Board would allow single family housing projects that currently comply with the town’s density levels to proceed even where such projects include or involve an “enhanced” septic system. Only those projects that utilize such systems to avoid or evade the current density levels would be halted by such a moratorium. Consistent with the overall views and desires of the town to maintain and support the rustic and agricultural nature of this town, I would hope that the Board would develop guidelines or regulations during this moratorium that would restrict or limit instances where such systems provide a bedroom count that exceeds density limits. Such exemptions should be limited to building projects that serve a larger community interest within West Tisbury such as elderly housing, affordable housing or workforce housing projects.

Should the Board not choose to enact a moratorium, I would respectfully request that they not approve the proposed “enhanced” septic system at 213 Vineyard Meadow Farms Road for all of the above stated reasons in this letter.

Sincerely,

Andrew M Zaikis 219 Vineyard Meadow Farms  
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7945

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