

## **WEST TISBURY PLANNING BOARD MINUTES February 13, 2023, pg 1**

PRESENT Ginny Jones, Leah Smith, Heikki Soikkeli, Amy Upton, Matt Merry, John Rau.

ALSO PRESENT: *(Names as they appeared on the Zoom screen)*

Ben Reeves, Katherine Sterling, iPhone, Reid Silva, Marylin O'Connell, Bill Plapinger, Ivory Littlefield Rebekah Thompson, Llara Rebay, Marcio Aquino, Rick, Joshua Thompson, Whit Griswold, Jeffrey DuBard, Daniel O'Connell, Samantha Look, Julie Reeves, Becky Conouyer, and Jane Rossi.

**Leah opened the meeting at 5:30 pm**

**Continued Public Hearing on an application for a special permit from Chris Cottrell to construct a barn under Section 4.4-8 of the zoning bylaws on Map 15, Lot 1, 274 Indian Hill Road, RU District.**

Leah updated the board on the contents of the previous meeting regarding Mr. Cottrell's application. She explained that the board conducted a site visit to the property and reviewed the location where the proposed barn will be located, pointing out that a lot of excavation has already happened on the northwest side. Ginny asked if the application should be reviewed by the MVC due to the excessive amount of excavation. She said the applicant seems to have exceeded what's allowed. Reid pointed out that the excavation doesn't trigger a review by the MVC. There is nothing about excavation in the new bylaw (Section 4.4-8). Amy said the board could choose to send the application as a discretionary referral if they chose to.

A discussion ensued regarding the specific calculations provided by the Building Inspector. The consensus was that Joe has the final say on the calculations. Those present in the room were satisfied that the calculations were correct.

Matt pointed out that the lack of landscaping on the property was an issue and he asked why a landscaping plan hadn't been received. Chris said he would provide one to the board in the morning. Mr. O'Connell mentioned that Chris had cleared his trees completely on the side of the property that abuts the O'Connell property so Mr. O'Connell has had to plant a screen on his own land. Matt said he had an issue with the aesthetics of the barn, stating that it wasn't in keeping with the architecture of the surrounding area; what was once a quaint lot with one house has now become something quite different. Heikki pointed out that there is no architectural review under the zoning bylaws. However, Matt stated it is in the town bylaw that the intention of the bylaw is to protect and preserve the natural character of the town including the RU and Roadside District. Ginny said the Roadside District dates back several years and is there for a reason.

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Ginny asked for a description of what the agricultural component for the project. Chris said he currently raises chickens and other fowl, and he plans to garden in the future. He said he wants to be independent and self-sustaining.

There was a question about the excavation that had already occurred. Chris said he began excavation for this project in July and hadn't done any excavating since he filed his application with the Planning Board. A discussion regarding an MVC review came up again and the board felt this project can be easily handled by the board under the direction of the PWT bylaw.

*Matt made a motion to continue the hearing until a landscaping plan has been submitted to the board. Ginny seconded the motion to continue until February 27, 2023 at 6:00 pm. Matt-yes, Ginny-yes, Amy-yes, Heikki-yes, Leah-yes.*

*The board required that no land work occur at this time.*

**●Continued Site Plan Review application from Marcio Aquino to construct a house over 3000 square feet on Map 29, Lot 15, 107 Vineyard Meadows Farm Road, RU District:**

Leah stated that the board had received the calculation sheet from the Building Inspector and they confirmed that the house was within the square footage allowed. She requested that Mr. Aquino be respectful of his neighbors when considering his landscaping plan to screen his house. Mr. Aquino said he already has a plan to screen particularly from the neighbors closest to his property on the south side.

Ginny made a motion in favor of the plan and Leah seconded the motion. Ginny-yes, Leah-yes, Amy-yes, Matt-yes, Heikki-yes.

**CORRESPONDENCE:**

**●Letter from the MVC on the Songwind discretionary referral:**

Leah said the board sent the application for a large guest house, to get an opinion from the commission on whether or not the application required a review. A previous referral on the property had been sent back to the Planning Board stating the MVC did not need to review the project. This particular review had exceeded its required review window and was therefore declined a review.

*The board determined it was not necessary to re-send the application to the MVC.*

**●Letter from Ben Reeves and Katherine Sterling RE: Merry Farm LLC:**

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Leah mentioned that the board is waiting for a written opinion from the Land Bank or a revised plan from Jeffrey DuBard with the proper location of the Land Bank easement displayed on the plan.

Leah listed her responses to the letter received by Ben and Katherine:

1. The ownership of the property is not in question. The land used for the “open space” aspect of the plan belongs to the applicant.
2. Private restrictions are not the Board’s purview. The Board has no jurisdiction to lessen private restrictions, but the Board may impose stricter conditions that would supersede a private agreement.
3. The open space area must be supervised by a non-profit conservation group or the Town to enforce the open space condition of the designated land.
4. The applicant has designated one lot to be “affordable” under the Town’s definitions; the applicant’s “attainable” lots are his own definition, not a legal category recognized by the Town.
5. All lots and residences must comply with Board of Health regulations on well and septic location, etc.

Leah emphasized that the open space has to remain open, with no buildings. Mr. Reeves said, in his opinion, it isn’t that the board can’t act on the existing restriction agreement, it chooses not to. Jane said the board will respond to the letter in writing.

**MINUTES:**

*Amy moved and Heikki seconded the motion to approve the January 23, 2023 minutes as amended. Amy-yes, Matt-yes, Heikki-yes, Leah-yes, Ginny abstained.*

Meeting adjourned at 7:10 pm

Respectfully Submitted,

Jane Rossi, Board Administrator.

**Approved on February 27, 2023: Leah-yes, Amy-yes, Ginny-yes, Heikki-yes.**