

## **WEST TISBURY PLANNING BOARD MINUTES August 28, 2023, pg 1**

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

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

Tom O'Brien, Jack O'Brien, M.C., Bethany Hammond, Candy Webster, Hugh Phear, Bea Phear, CFPi23, Thomas Humphrey, Jenna Bernstein, Ollie Becker, Devan Webster, Joe Tierney, Jeffrey DuBard and Jane Rossi.

Leah opened the meeting at 5:35 pm.

### **DISCUSSION:**

#### **●Continued public hearing on an application from Candice Webster to construct an addition to the main dwelling under Section 4.4-8 of the zoning bylaws on Assessor's Map 2, Lot 8, 2 Simran Road, RU District:**

Leah stated the applicant was before the board for a special permit to construct an addition to the existing house in excess of what is allowed under the zoning bylaws. The board invited the Building Inspector to attend the meeting to address some issues. Leah asked if a breezeway count in the square footage? Joe said it does if it is enclosed and it accesses the garage. The builder, Tom O'Brien, confirmed that the breezeway was enclosed and does access the garage. Joe confirmed that the breezeway counts toward the RFA. The space above the garage will be counted under the RFA if it is accessed from the interior of the garage. However, if it is used for storage it wouldn't count as long as it was listed as storage on the plan. Heikki said in Section 2 of the state building code, attic space can count. Joe pointed out that "habitable space" includes living, eating, sleeping and cooking, so the use of the room is how it is defined. Heikki said the he was on the committee that drafted the house size bylaw. In the bylaw, their intention was to prevent people from converting non-habitable space into habitable space without a permit. Joe said he cannot monitor every home, he can only hope that they won't use a storage space as a sleeping space particularly because of the fire hazard.

Regarding accessory apartments and guest houses, Joe said you can have both There was a bylaw that was removed in 2017 or 2018 but it pertained to guest houses and detached bedrooms. If the property has the capacity it may have both.

Amy asked if the garage counts in the applicant's calculation? Joe said the garage counts toward the SFA as does the area above if it were a studio or storage. Amy asked if the space above the garage could be allowed if it were an accessory apartment. Joe said it could be an accessory apartment, and it would be excluded from the RFA of SFA.

Matt asked Joe "if the plan before the board were to be denied, would the garage still be allowed?" Joe said the garage would be allowed but the breezeway would still count toward the square footage. Joe pointed out that two bedrooms and a bathroom above the garage and the breezeway are included in the 981 extra feet of space requested under the special permit.

## WEST TISBURY PLANNING BOARD MINUTES August 28, 2023, pg 2

Matt said the size will remain regardless of approval or not. He suggested approval of the plan with the following conditions:

- Require additional screening between the owner and the direct abutter, Hugh Phear.
- Maintain the road during construction and repair it to its original condition after construction is complete.
- No rentals on the property.

Candy Webster said she is simply looking for extra space for her immediate family. Her bedrooms are very small and they need the space for herself and her grown daughters and, hopefully, her grandchildren. Tom O'Brien mentioned that there is a wrap-around wall located where the current bedrooms are located making them very small.

*Amy made a motion to close the public hearing and Ginny seconded the motion.  
Amy-yes, Ginny-yes, Leah-yes, Matt-yes, Heikki-yes.*

*Amy made a motion to approve the application with conditions (screening, road maintenance and no rentals) Amy-yes, Ginny-yes, Leah-yes, Matt-yes, Heikki-yes.*

*Side Note: Jane suggested that Heikki speak with Joe about the Residential Building Size Bylaw to confirm the intent of the bylaw.*

### **ZBA Referrals:**

●Laird: Deanna Laird to install a pool, shed, pavilion and garage on Assessor's Map 29, Lot 34, 72 Vineyard Meadow Farms Road

●Stone: Susan Stone to renovate and construct an addition to an existing house, and renovate an existing detached bedroom and garage on Assessor's Map 22, Lot 37, 671 State Road

● Sheriff's Meadow Foundation, to relocate their foundation, and to renovate the existing structures on Assessor's Map 32, Lot 5, 78 Campbell Road.

*Ginny moved and Amy seconded the motion to refer the application back to the ZBA for their consideration. All in Favor.*

Meeting adjourned at 7:00 pm  
Respectfully Submitted,

Jane Rossi, Board Administrator.

**Unanimously approved on 9.18.23 Ginny-yes, Heikki-yes, Amy-yes, Leah-yes, matt-yes**