

WEST TISBURY PLANNING BOARD MINUTES February 22, 2021

PRESENT: Ginny Jones, Bea Phear, Leah Smith, Henry Geller, Amy Upton.

ABSENT: Matt Merry

ALSO PRESENT: Joe Tierney, Sam Look, Heikki Soikkeli and Jane Rossi.

DISCUSSION:

•Building and Zoning Inspector discussion regarding proposed bylaw amendment(s):

Joe explained that his proposal to add a definition to the zoning bylaws was to support language within the body of the bylaws. Joe explained that he was proposing to amend Section 6.1-5 of the zoning bylaws regarding non-habitable accessory structures. He said they are currently allowed by right if they are under 200. He suggested the Planning Board come up with a different size that they feel would be adequate. Bea mentioned that the bylaw currently states that a minor accessory structure requires a special permit within the Shore Zone of the Coastal District and is permitted in the Inland Zone. Joe said the bylaws state that a non-habitable accessory structure is allowed on a pre-existing, non-conforming lot by right so the board may want to consider that size. However, he feels it is too large. Leah asked if other inland properties were of concern regarding minor accessory structures. Joe said they were not really a concern. Ginny stated that any structures visible from the water should be as minimal as possible. Bea said the intent of the size limit is to allow structures such as wood sheds and well houses. She said 200 feet goes a long way with the building code.

Henry expressed his concerns regarding the bylaw definitions. He said we are not talking about the kind of structure and the definition is hidden away. He said that allows for people to take advantage of what is allowed. He said we need to be more global with this definition. What we have now is subjective and we need a more pervasive job done. Amy added by suggested that more comprehensive definitions are needed for Joe and for the Town. She said this is bigger than simply saying this will go to the ZBA for review. Bea said she felt the term “minor non-habitable accessory structure” is a nice definition and Leah agreed. She said it also encompasses a small boat shed. She said it gives Joe some specifics with the 200 square foot regulation. Amy pointed out that Section 3.3 of the bylaws states that there is a 2500 square foot allowance by right for a non-habitable structure, and that “accessory structures” is a murky subject. Joe explained that he does a building code review. Ginny suggested calling the Cape Cod Commission to see what information they may have. Amy stated that some housekeeping needs to be done within the bylaws. Ginny pointed out that oceans and ponds have different needs

Bea said this should not be a spring warrant article and should be put off until the next town meeting. Ginny suggested we contact Liz Durkee and see what she has to say regarding structures located near any water ways. Jane said she would draft a letter regarding non-habitable accessory structures within the Coastal District, etc.

Joe mentioned that the board should take a look at the “sheds” handout on the town website. Amy suggested that she, Henry and Joe get together and continue their effort to amend the bylaw language. She said they will seek other bylaws for more concrete definitions.

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Heikki asked about habitable structures, stating that according to the current zoning bylaws they include sleeping and eating. He asked if non-habitable structures have the same rules. Joe said the word “and” makes it a habitable space. Heikki asked about a garage with an upstairs apartment. Joe said that it is

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often up to the board of health to make the determination as to what is considered habitable or non-habitable. For example, he said a “studio” is not a habitable space and a detached bedroom is a part of the main dwelling and provides sleeping but not eating. An accessory apartment is a habitable space which includes sleeping “and”eating.

●List from Henry/Bylaw ideas:

Henry stated he had some concerns about the bylaws. He said the document he provided to the board categorizes structures under Habitable, Non-Habitable, Enclosure and Combination use. He said it is much like a use table. He said the committee will be working on organizing these sections of the zoning bylaws.

CORRESPONDENCE:

●Request from Chris Cottrell regarding a second curb cut:

The board determined that Chris’ request for an extension to keep the curb cut open will be allowed until April 1, 2021. After that date the cut is to be blocked by plantings as was previously required by the board. Leah asked Joe why Chris can’t use the designated driveway. Joe said it is a little tight getting in there with large vehicles.

Bea asked about the alterations to the 300 year old house located on the road. Joe said there have been no additions to the structure. However, an office and a one car garage have been the result of the alterations as well as some cosmetic work on the interior and exterior and some sky lights were added. The MVC signed off on the application and left it up to the ZBA. He said Adam Turner is pleased with the renovations.

Bea made a motion to allow the cut to be open until April 1, 2021 and Leah seconded the motion. Bea-yes, Leah-yes, Ginny-yes, Henry-yes.

●Referrals from the ZBA:

Map 17, Lot 71, Mobile Bartending Business:

Map 31, Lot 17.2, Pool:

Ginny expressed her concern about the bartending business because she wanted to make sure the kitchen was certified. Jane was asked to cc the BOH on the letter.

Leah moved and Bea seconded the motion to draft a letter to the ZBA with no opinion from the Planning Board. Leah-yes, Bea-yes, Ginny-yes, Henry-yes.

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Bea suggested that the word “seasonal” be deleted in the zoning bylaws under Employee Housing for the next town meeting.

E-911 Address Assignment:

694 Old County Road to 688 Old County Road.

Bea moved and Leah seconded the motion to approval an address assignment for Map 31, Lot 17.2,

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●Several Public Hearing Notices from Oak Bluffs and Edgartown

Adjourned at pm 6:30

Respectfully Submitted,

Jane Rossi, Administrator

**Approved on March 22, 2021, Jones-yes, Phear-yes, Smith-yes,
Geller-yes, Merry-abtrained**