

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, February 1, 2024

Meeting Minutes

Approved February 15, 2024 (4-0)

Present: Larry Schubert, Deborah Wells, Casey Decker and Pat Barrett

Absent: Julius Lowe (*called in for Huffam hearing*), Andy Zaikis, and Jeffrey Kaye

Also Present: Kim Leaird (*Board Administrator*), Fausta Hammarlund, George Sourati, Erik Blake, Catie Blake, Amy Lyon, Jonathan Smylie, Rich Huffam, Farley Pedler

**

5:00 pm – Minutes of January 18, 2024 meeting were approved 4-0.

Other business:

- **Quezia da Silva and Ronaldo Andrade**, 364 State Rd., *Map 11 Lot 57-1*. Possible alteration to approved landscaping / screening plan. The Andrades have requested to adjust the fencing that abuts Brissette in the back so that instead of placed six feet inside property line, will be on the property line. Board voted to call this a de minimis change on the condition the Andrades add it to the official, approved plan signed on January 18th and bring it back to be reviewed.
- Board also agreed to accept an extension of time to act on an application from Keith Bassett, **1070 State Rd., Map 32, Lot 90** in the VR district, for the renting of five rooms, a public hearing opened on November 30, 2023, continued to January 4 and now to February 15, 2024. The extension for the board to act is moved to March 28, 2024.

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5:15 pm – A public hearing on an Application for a Special Permit from Sourati Engineering Group on behalf of **Nooni and Shira Hammarlund** to construct a single-family dwelling on a non-conforming lot requiring 15 feet of front yard setback relief and 18 feet of side yard setback relief under Sections 11.1-3A and 4.4-3D of the Zoning Bylaw at **60 Stone Bridge Rd., Map 3 Lot 49** in the RU district.

Larry read the hearing notice and opened the hearing at 5:15pm. Present was George Sourati for the applicant. The board issued a special permit in March of 2020 but it was not utilized and has expired. They are back to request a new special permit, but the applicant would like to modify the architecture slightly. It is a small lot and there is a pond on the property. They returned to the Conservation Commission who approved the modifications but they want the house to be as far away as possible [from pond].

Setback relief was granted three years ago (15 ft. in front; 24 ft. on side) and the modification requires less relief (18 ft.) on the side. In addition, they have replaced the deck from the first application with a covered porch and added a drive-in garage on lower level. The footprint has not changed.

Larry read the findings from the original special permit (#2020-08 granted March 26, 2020).

- 1) Many lots on this road have undersized building envelopes due to wetlands.
- 2) The Board of Health and Conservation Commission have approved partial relief from specific regulations for this project due to the wetlands on the property.
- 3) No correspondence was received.

4) The application complies with Section 9.2-2 Review Criteria of the Zoning Bylaws

Kim confirmed that no correspondence was received. There were no comments from the Planning Board.

A motion was made and seconded to close the hearing and open the board meeting.

There was no further discussion.

It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, D. Wells-yes, C. Decker-yes, P. Barrett-yes

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5:35 pm – A public hearing on an Application for a Special Permit from **Erik and Catherine Blake** to operate a year-round service business known as Blitz Fitness (karate and fitness classes), in the basement of their home, seven days a week: Mon-Fri 6:30am to 10am and 4pm to 8:30pm; Sat 8:15-10:15am; and Sun 7-8:30am. Application is filed under Sections 8.2, 14.2-2 and 3.1-1 of the Zoning Bylaw at **18 Amos Ln., Map 16 Lot 240** in the RU district.

Larry read the hearing notice at 5:35p.m. Present were Erik and Catherine Blake. Larry said that he did not want to take testimony this evening. Larry read an email from Joe about the intensity of use and the number of spaces being proposed and thought the board should vote to send it to the Martha's Vineyard Commission as it meets a couple of the DRI checklist criteria:

3.1 Commercial, Storage, Office, Industrial and/or Mixed-Use Development

Any **Development** of a commercial, storage, industrial, and/or office use, including any use of any of the foregoing mixed with a residential use, provided that one or more of the following thresholds are met:

f. a **Change of Use** (either partial or complete), or any **Change in Intensity of Use**, such that the new use on its own would trigger any threshold in this DRI Checklist

–Mandatory Referral Requiring MVC Concurrence

h. a new parking area that provides **spaces for 10 or more vehicles**

–Mandatory Referral Requiring MVC Concurrence

The applicant said they did not believe they needed 10 spaces and the site plan included them only because he had asked engineer to show how many he could have if needed. The board did *not* vote to send it to the Commission and instead voted to continue the hearing so that the applicant could get more clarification from the Building Inspector and fine-tune the details of the narrative (parking needed and maximum class size).

A motion was made and seconded to continue the hearing to **February 29, 2024, at 5:15pm.**

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, D. Wells-yes, C. Decker-yes, P. Barrett-yes

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5:55 pm – (Continued from January 18, 2024) A public hearing on an Application for a Special Permit from Farley J. Pedler on behalf of **Richard R. Huffam** to install a 588 sq. ft., 24 ft. high dual axis solar tracker under Section 8.10-4B of the Zoning Bylaw at **64 Island Farms Rd., Map 16 Lot 17** in the RU district.

Larry read the hearing notice and opened the hearing at 5:55p.m. Casey Decker left the meeting as he was unable to act on this application. Julius Lowe called in as a 4th board member. Present were Richard Huffman and Farley Pedler. After the first hearing on January 18, the applicant went back and based on concerns of the abutters in back, moved the placement of the tracker further to the left (65 feet from property line) and although it is closer to the abutters, it is in a thicket. Neighbors Jonathan Smylie and Amy Lyons spoke about still being unhappy because now it's in front of their front door.

Farley said they have already made a concession by moving it from the first location and the applicant would like it to be as close to their setback as possible, not further into their yard. Rich Huffam said there is a black walnut he does not plan to move and that when he moved in, the entire back was complete woods. He has spent ten years clearing it out to the point that neighbors screened so they could look out on the open field. He said that to do anything more will take away from them and all he wants is to put solar on his own property.

A motion was made and seconded to close the hearing and open the board meeting.

The board discussed conditioning the special permit with the planting of three (3) evergreen trees, 5-6 feet high set approximately 0-20 feet away from the array to cover northeast quadrant, but leave it to the applicant to decide the position that makes the most sense – far enough away that it does not impact the sun.

It was moved and seconded to GRANT the Special Permit as conditioned. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, P. Barrett-yes

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The Meeting adjourned at 6:30 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator