

## WEST TISBURY ZONING BOARD OF APPEALS

Thursday, March 14, 2024

Meeting Minutes

Approved March 28, 2024 (6-0)

**Present:** Larry Schubert (*via phone*), Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye, Casey Decker, Pat Barrett

**Absent:**

**Also Present:** Kim Leaird (*Board Administrator*), Erik Blake, Catie Blake, Kevin Selby, JoAnn Hathaway

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**5:00 pm** – Minutes of February 29, 2024 meeting were approved 5-0. Casey arrived at 5:04pm

- The board briefly discussed April dates and decided it would meet on April 4 and April 18 due to Town Election day on April 11<sup>th</sup>.

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**5:15 pm** – (*Continued from November 30, 2023, January 4, and February 15, 2024*) A public hearing on an Application for a Special Permit from **Keith Bassett**, to rent five (5) bedrooms (known as the West Tisbury Inn) under Section 8.5-7 of the Zoning Bylaw, at **1070 State Rd., Map 32, Lot 90** in the VR district.

Larry called in and participated remotely. Julius read the hearing notice and opened the hearing at 5:15pm. Larry said he understood that Jeffrey planned to recuse and asked him to formally do so and sit in the audience. Jeffrey recused for the record.

The applicant, Keith Bassett, was not present and emailed today to ask the board to continue his hearing. A letter was also received today from the Building Inspector with his opinion that the rental of five (5) bedrooms or more triggered the Martha's Vineyard Commission's DRI checklist: 4.1 B), 5 or more Rooms for Rent, a mandatory referral requiring MVC concurrence. He also said it should have been referred the first time the special permit was granted in 2021.

Julius said the letter is pretty cut and dry and Larry concurred saying that the reason the board did not act on the application in November was because Mr. Bassett wanted to rent a sixth bedroom and he was instructed to go back to Joe to talk about doing so. Per Joe's letter, a sixth bedroom triggers the commercial building code, but regardless, renting five is a mandatory referral.

*A motion was made and seconded to refer the application to the Martha's Vineyard Commission under 4.1 b) 5 or more Rooms for Rent.*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.*

*L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, C. Decker-yes, P. Barrett-yes*

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*Larry dropped off the call with a plan to return for the 5:55pm hearing.*

**5:35 pm** – A public hearing on an Application for a Special Permit from Martha’s Vineyard Engineering & Design on behalf of **Casey Decker and Katherine Wilson**, to construct a 16’x16’ screen porch addition to a pre-existing, non-conforming dwelling requiring 31 feet of side yard setback relief under Sections 11.1-3A and 4.2-2D4 of the Zoning Bylaw at **625 Edgartown Rd., Map 31 Lot 28** in the RU district.

Julius read the hearing notice at 5:35pm. Casey said the house is already nonconforming. An addition three years ago was the only part of the conforming house. Now they are proposing a screen porch off the living room towards the back yard.

Julius read an email of support from abutter Harriet Bernstein with general concerns about night time illumination. A letter from the Planning Board referring it back to the board for its determination was also read into the record.

Casey said there will be four skylights but only downward lights. Right now, they are farmhouse style, pointing down, with recessed cans.

Pat asked about the roof line, Casey said it will be a gable, matching the same pitch as the existing gables. Julius said while it sounds like a lot of setback relief is being requested, the whole house incurs into the setback already.

*A motion was made and seconded to close the hearing and open the board meeting.*  
There was no more discussion.

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

*A roll call vote was taken with the following resulting votes. Motion passed 5-0.*  
*J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, P. Barrett-yes*

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*Larry called back in for the following hearing at 5:55 pm.*

**5:55 pm** – (Continued from February 1 and February 29, 2024) 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.

Julius read the hearing notice at 5:55pm and re-capped what had happened up to this point. There was a site visit two days before. The Blakes have submitted a new site plan showing a total of eight (8) parking spots with the 5 for the business, rotated to avoid the necessity of backing out on to Amos Lane. The other three spots are for personal use. They plan to put a fence along their property line to minimize headlights towards their neighbor’s property as well as plant three trees to screen the parking area from Amos Lane / State Rd.

At the site visit it was evident that State Rd. is visible as you pull out from applicants’ property on to Amos Lane, a one lane dirt road. Erik said there is a pull-off should it be needed and that he already has someone lined up to create the parking spaces and also maintain the road.

Jeffrey asked how they plan to ventilate the basement. They have mini-splits and tie in to both a solar and heat pump system as well.

The board discussed class size and applicants reiterated that Wednesday is their largest class and parents tend to stay to watch this one. Deborah said they had stated in a previous hearing that if [any one class] wound up being too many students, they would split up the class and asked if that was still the case and was told yes.

Larry said he thought they were providing a great community service and he had thoughts about possible conditions. Screening with trees should be evergreens, at least 5-6 feet, and should be maintained.

Julius confirmed that the bulkhead would be upgraded to a real door and confirmed they have a proper egress window in basement (about 4' x 4' or whatever is required). The hours proposed line up to what other service businesses do – but he acknowledged that normally the work is done elsewhere vs. onsite.

The board discussed additional potential conditions should the special permit be granted.

- Hours of operation and classes proposed will be part of the permit. There can be no increase in class and/or times unless they return to the board.
- No outdoor classes on the premises.
- No renting of the classroom space to third parties.
- Screen parking area from Amos Lane with three trees, as offered by the applicant, 5-6 feet tall (such as Leland cypress) to be maintained (meaning if they are eaten, then they need to be replaced.)
- Fencing will be installed to keep headlights from shining on neighbors' property.
- The special permit is for the current owners only, it does not transfer (this could be a finding).
- Applicants will repair and maintain Amos Lane from State Rd. (also a finding)

The outside lighting will be West Tisbury bylaw-compliant. Applicant was encouraged to install safety lighting, especially for winter with its shorter days. Catie mentioned she has one employee.

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

The conditions, as discussed and stated above, were agreed upon by the board.

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

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

*L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A.Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes*

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The Meeting adjourned at 6:30 p.m.

Respectfully submitted,  
Kim Leaird, Board Administrator