

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, August 3, 2023

Meeting Minutes

Approved August 24, 2023 (7-0)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye, Casey Decker, Pat Barrett

Absent:

Also Present: Kim Leaird (*Board Administrator*), Jeffrey DuBard, George Sourati, Zack Stedman, Reid Silva, Don Romano

**

5:00 pm – After discussion about whether or not a complete transcript of Stillpoint proceedings were required or necessary, the board voted 6-1 with Jeffrey voting against, to approve the minutes of July 6, 2023. The minutes of July 20 were approved 6-0-1 with Casey abstaining.

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5:15 pm – A public hearing on an Application for a Special Permit from **Middle Point Bend LLC**, to construct a 22’x22’ (484sf) detached single-story garage under 6.1-5B of the Zoning Bylaws, at **216 Middle Point Rd., Map 39, Lots 7 and 8** in the Inland Zone of the Coastal District in the RU district.

Larry read the hearing notice. George Sourati was present for the project. Larry asked why there are two lots, and George explained that the two lots merged under common ownership but the Assessors shows it this way. They had thought a single garage was allowed by right but because the property is in the coastal district it requires a special permit. It is sited 50 feet away from the abutter to the north and 117 feet away from the wetlands and shore zone setback. The property is on Tisbury Great Pond and the [main] house is already under construction.

Larry read correspondence from abutter Sandy Moore. She wanted to ensure the garage was at least 50 feet away from her property line. The Planning Board reviewed the garage and referred it back to the board. George said they met with the Conservation Commission and were approved. Larry said he recalled the garage on the plan when they looked at the house

Deborah asked if it would be wired for electric vehicles (EV). George said he did not know and added this applicant would be back in front of the board in a few weeks for another application regarding the shed / camp.

*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 7-0.

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

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5:35 pm – A public hearing on an Application for a Special Permit from **Zachary and Layla J. Stedman**, to construct a 20’x45’ inground swimming pool with deck, patio and a fence with 30 ft. of front yard setback relief under sections 8.5-4C and 4.2-2D3 of the West Tisbury Zoning Bylaws, at **9 Old House Way, Map 7 Lot 106** in the RU district.

Larry read the hearing notice and opened the hearing at 5:35pm. Present was Reid Silva and Zack Stedman. Reid said the lot is essentially a corner lot off of Longview Rd. and the house is atop a hill along the edge of the road. There are wetlands along the southwest that drain down.

As you drive along Old House Way you can’t really see in to the lot, especially in summer, because of the hill that is between the lot and the road. They cut into the hill to build. There is an existing retaining wall and a large, existing garden. The proposed site was chosen primarily due to the topography and the wetlands buffer, but is the most natural placement. As it is in front of the house, bylaw 4.2-2D3 factors in requiring double the normal 50-foot setback requirement, or 100 feet. It is sited back 70 feet and so they are requesting 30 feet of setback relief.

There is a planned at-grade deck with a sail cloth covering. Julius asked if they plan to keep the current retaining wall and whether it would be incorporated into the patio. Reid said yes, and they still add [the required] fence as the retaining wall is low. He added that doesn’t think it will be visible from the road.

Andy asked if there was a pool house for the pool equipment and how it would be powered. Reid said the equipment would go inside an existing shed and an electric heat pump is planned.

Larry said that if they had gone to the Planning Board first to get a corner lot determination that they may not have needed setback relief under 4.2-2D2.

Larry read letter a letter from the Planning Board that referred it back to board noting a fence is required. Applicant confirmed there will be a full fence in addition to a cover.

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 with conditions as stated. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 7-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker, P. Barrett-yes

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Jeffrey Kaye departed meeting at 5:50 p.m.

5:55 pm – A public hearing on an Application for a Special Permit from **Donald H. Romano**, to construct a 300 sq. ft. (20’x15’) second floor addition to an existing pool house for the purpose of a woodworking shop under section 11.1-3A of the West Tisbury Zoning Bylaws, at **17 Otis Bassett Rd., Map 17 Lot 4** in the RU district

Larry read the hearing notice and opened the hearing at 5:55 p.m. Casey Decker disclosed that in the past he consulted with Applicant to determine the structural feasibility of adding a second floor. He said he

feels he can be impartial in reviewing this application. Present was Don Romano who said the wood-working shop is for personal use only.

Larry read the narrative into the record.

Applicant proposes constructing a second floor on the existing pool house for the purpose of having a hand tool woodworking shop and the display of his personal antique hand tool collection. This entails raising the roof approximately 6 feet to a height of about 17 feet. The existing roof rafters would be re-used so that the pitch of the roof remains the same. The total square footage of the second-floor space would be approximately 300 square feet (or 20' x 15'). The footprint of the pool shed would not change. Two dormers would be placed on each side of the second story. The second floor would be accessed by a stairway inside the pool shed built to code. The siding would be white cedar shingles with Azek trim. The result would be that the second-floor addition would look like it had always been there, and the building would look like a typical, traditional West Tisbury out building. The second floor would have some electricity but no plumbing and no A/C or heat or insulation.

There was a letter from the Planning Board referring it back to the board. No other correspondence was received.

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 6-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, C. Decker, P. Barrett-yes

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6:15 pm – (*Continued from July 20, 2023*): A public hearing on an Application for a Special Permit from Schofield, Barbini & Hoehn, Inc., on behalf of **Deanna Ahearn-Laird** to construct an inground swimming pool (16'x32'), shed (12'x20'), open-air pavilion (16'x18'), and garage (26'x26') on a pre-existing non-conforming lot under 8.5-4C, 4.3-3D and 11.2-2 of the Zoning Bylaws, at **72 Vineyard Meadow Farms Rd., Map 29, Lot 34** in the RU district. **Note: Applicant has requested to withdraw this application.**

Larry read the hearing notice at 6:25 p.m.

It was moved and seconded to accept the withdrawal request.

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, P. Barrett-yes

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Other Business

- **Review and vote to approve floor and elevation plans for 73 Stone Bridge Rd., Map 3 Lot 53**, per the conditions outlined in Special Permit #2022-64, granted Dec. 15, 2022, to **Joseph S. Forte** for the construction of a two-car garage and a 720 sq. ft. studio above with a half bath requiring 30 feet of side yard setback relief. *The board reviewed and signed the submitted floor and elevation plans.*
- **Discuss updating the ZBA Rules and Regulations as stipulated under G.L. c. 40A §12.** The last time the ZBA board rules were updated was in 1989. Discussion followed about how to update them so they

are reflective of current practices. Kim will work on a revised draft to bring to a future meeting for the board to review and approve.

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The Meeting adjourned at 6:10 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator