

**WEST TISBURY ZONING BOARD OF APPEALS**

**Thursday, January 5, 2023**  
**Meeting Minutes**

*Approved January 19, 2023*

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

**Absent:** Deborah Wells

**Also Present:** Kim Leaird (*Board Administrator*), Sig Van Raan, Eliot Coutts, Heather Hoff

\*\*

**5:00 pm** – The meeting minutes of December 15th were approved 6-0.

\*\*

**5:15 pm** – A public hearing on an Application for a Special Permit from **Sig Van Raan**, to construct a 24’x22’ two-car garage with a second floor wet studio (toilet and sink) requiring 9 ft. of side yard setback relief AND to construct a 20’x26’ living room extension plus the installation of solar panels on the garage/studio, addition and house under Sections 4.2-2D4, 6.1-5B and 11.2-2 of the Zoning Bylaws, at **90 Music St., Map 32, Lot 25.3** in the Historic district, Island Roads district, and Inland Zone of the Coastal district within the VR district.

Larry read the hearing notice. The property backs to the Tiasquam river putting it in the inland zone of the coastal district. There is a 100 ft. wetland buffer. The board discussed why he needed setback relief if the old leaching pit is being decommissioned and there will be a new leaching field. Pat wondered why it could not be moved over away from the abutter.

Sig said the new system is larger and the new field needs room. The driveway and its approach to the garage also play a part in the siting of garage. If it were moved over, the swing around from the driveway would be too sharp. Casey thought the reserve field may need more room; a building should not be placed too close; he said you need to have the same square footage on your lot close to where system is placed.

Sig said he’s already spoken with his direct neighbor about screening and that they are in support. The old septic system was compromised by tree roots and he was granted permission to remove it. This allowed breathing room to put in a new septic system which was approved by the Board of Health with the contingency he put a deed restriction on his property that would prevent any use of the studio as a bedroom. The existing four-bedroom house and planned septic system are designed for four bedrooms.

There was discussion about whether or not Section 4.2-2D3 should also apply but the square footage of the garage is only 528 sq. ft. and the bylaw apply to structures larger than 600 sq. ft.

Larry read a letter of support from direct abutter Bonnie Waitzkin. The Conservation Commission had reviewed the project and cleared it. There West Tisbury Historic District Commission also approved the project.

Jeffrey asked about the use of the studio and Sig said he’s a children’s book writer and playwright. He also designs tiny villages.

The garage and addition are both well outside the 100 ft. buffer. The solar panel installation is allowed by right under certain square footage.

*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 Approve the Special Permit.*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.  
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes, Pat Barrett-yes*

*Larry went over the 20-day appeal period and reminded applicant that once it expires, the decision must be recorded by applicant and a receipt brought back to the Building Inspector.*

\*\*

**5:35 pm** – A public hearing on an Application from **Eliot Coutts**, to construct a covered porch with attached deck requiring 11 ft. of side yard setback relief under Section 4.3-3D of the Zoning Bylaws, at **65 Longview Rd., Map 7, Lot 79** in the RU district.

Larry read the hearing notice and opened the hearing at 5:42 pm. The board approved this project in 2019 but it lapsed because work was not started within two years. Eliot Coutts has the same plans and there is no change.

The Coutts plan to attach a farmer’s porch to the front, east-facing side of their house. In addition to providing shade, the porch will improve access to the house by cutting the length of the stone walkway from driveway to door in half, ensuring a safer approach in ice and snow. They request 11 ft. of setback relief. The stairs will be installed towards the driveway.

*A motion was made and seconded to close the hearing and open the board meeting.  
There were no additional comments.*

*It was moved and seconded to Approve the Special Permit.*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.  
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes, Pat Barrett-yes*

*Larry went over the 20-day appeal period and reminded applicant that once it expires, the decision will not be released after the 20-day appeal period until the plans are reviewed and signed by the board. It must then be recorded by applicant and a receipt brought back to the Building Inspector.*

\*\*

**5:55 pm** – A public hearing on an Application from **Nancy Kirby**, to construct an 18’x40’ inground swimming pool and an 8’x10’ equipment shed under Section 8.5-4C of the Zoning Bylaws, at **90 Campbell Rd., Map 32, Lot 6** in the Inland Zone of the Coastal District within the RU district.

Larry read the hearing notice and opened the hearing at 5:55pm. Julius disclosed that Nancy Kirby is a client of his company but did not feel it would affect his ability to be objective. Casey disclosed, after hearing who the architect involved is, that he is the engineer on this project.

This property also backs up to the Tiasquam river. The property slopes down and away and a retaining wall is planned. There are no dimensions on the site plan from the patio to property line, but it is evident it is well within the setbacks.

Casey said usual practice is to dimension the closest thing and that is why it is not there – the property is very large. The board usually has a picture of the pool shed to review. Heather said it is 8’x10’ with a peak of approximately 10 ft. high.

There was a letter of support from abutters Thomas Hodgson and Christine Gault. There was no other correspondence.

Larry went over the standard pool bylaw conditions included in every pool special permit. The board asked that a new plan be provided showing setbacks, the height of the wall, and the pool shed. Heather said she would provide one the following week.

*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 Approve the Special Permit as conditioned.*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.*  
*L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes, Pat Barrett-yes*

*Larry went over the 20-day appeal period and reminded applicant that once it expires, the decision will not be released after the 20-day appeal period until the plans are reviewed and signed by the board. It must then be recorded by applicant and a receipt brought back to the Building Inspector.*

\*\*

**6:15 pm** – (Continued from August 25, October 6, and November 17, 2022): A public hearing on an Application for a Special Permit from **Stillpoint Martha’s Vineyard Inc.** to convert a barn/greenhouse, a pre-existing, non-conforming structure, to a Public Place of Assembly under sections 11.1-3A, 3.1-1, 8.5-2 and 8.5-3 of the Zoning Bylaws at **20 Stillpoint Meadows Rd., Assessor’s Map 22, Lot 4.11** in the RU District. **(\*Note that applicant has requested to continue; project still at the MVC).**

Larry read the hearing notice.

*A motion was made and seconded to continue the hearing to **February 16, 2023 at 6:15 pm.***

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

*L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes, Pat Barrett-yes*

\*\*

### **Informal hearing**

- **John Hoff with proposed changes to Special Permit #2022-17, a pool, at 43 Dolphine Merry Way, Map 11, Lot 27 in the RU district.** Heather Hoff was present to discuss proposed changes to their pool permit granted in April 2022, that involve moving the shed back away from the line of sight so it is not visible from the house as well as changing the fence slightly. The pool will stay where it is.

The board determined that these are *de minimis* changes. The updated plan, which had been reviewed at the Dec. 15<sup>th</sup> meeting was not available to sign. Heather said she would bring in the revised plan the next day.

The board reviewed upcoming meeting schedule. Andy said he will not be here January 19<sup>th</sup> and Julius said he will not be here for the Feb. 2<sup>nd</sup> meeting.

The Meeting adjourned at 6:30 pm.

Respectfully submitted,  
Kim Leaird, Board Administrator