

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, January 16, 2020 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON JANUARY 23, 2020

PRESENT: Nancy Cole, Larry Schubert, Julius Lowe, Deborah Wells and John Rau

ABSENT: Toni Cohen

Also Present: Travis Ritchie, Dan and Marilyn O’Connell, James Moffat and Simon Thompson

The minutes of the meeting held on December 12, 2019 were approved with one correction.

The following invoices were reviewed and signed-Payroll – \$2,320.50, MV Times – \$371.28, Recording Fee - \$76.00 and Payment for Seminar - \$99.00

5:15 pm- A Public Hearing on an application from Marilyn and Daniel O’Connell for an Amendment to Special Permit #2018-24 to allow an 18’ x 31’ Pool House on a lot located within a Major Roads Zone under section 9.3-3 of the Zoning Bylaws, Map 15 Lot 1.1, 25 Luce Farm Rd., RU District.

Travis explained that the pool is already there but the owners decided they would like to also build a pool house as well. The plans were reviewed. He said the plan includes a half bath and Pam said that the plan will be on the Planning Board agenda at the end of the month. The Planning Board site review policy was discussed. Travis explained that the structure is basically a covered screen porch with a half bath and bar sink. Larry asked what the reasons are for sending to the Planning Board review. Pam said that she and Joe sat down to review the Accessory Uses bylaw and she was told that with Accessory Structures, half baths and/or any plumbing must have site plan review by the Planning Board.

Larry asked that if they were to approve this application, should a condition of approval be that it never become a habitable space. All agreed that this condition would be appropriate and the following language was agreed upon.

Condition #1- This space may never be used as a bedroom.

There was no correspondence received.

A motion was made to close the Public Hearing and open the Board Meeting

A motion was made to approve the application with conditions. The vote on the motion was unanimous.

5:35 pm- Informal Hearing – Lamberts Cove House LLC

Travis explained that he was coming before the board to ask if a change to the location of the pool approved by Special Permit could be deemed to be a d’minimis change. He said that the location of the new septic had to be adjusted so they would like to rotate the pool location by 90 degrees. He said that this change resulted in a slightly smaller pool to comply with Conservation Commission regulations. The plan for this change was reviewed. He noted that he had contacted Snezana Westby who was the only abutter who expressed concern during the original hearing for the pool, and she is fine with the change.

A motion was made to approve the change to the location of the pool as d ’minimis, not requiring a new application to the Zoning Board of Appeals. The vote on the motion was unanimous.

Pam said she will copy the minutes to the Building Department and include a highlighted copy in the file.

The letter from Katherine Walsh to the Historic District Commission regarding a new curb cut at Butterfly Lane (Map 31, Lots 18.1 and 121) was discussed. Pam said she would file in correspondence and watch for an application to the board.

The Board discussed the revision to the Accessory Apartment Bylaw. It was determined that the primary issue they need to address is the renting options allowed for the accessory apartment and the primary dwelling. The board looked at wording that disallows an owner moving into the accessory apartment and renting the primary dwelling at market rate. John asked if the accessory apartment was rented at market rate, would the primary dwelling be able to be rented at market rate as well or must it be rented affordably.

Larry suggested that the language reflect that if you are going to live in or allow a family member or caretaker to live in the accessory apartment affordably, you may not rent your main house at market rate.

Julius asked if the ZBA can legally regulate what an owner does with the main house in these cases.

Nancy said that if the owner is allowed to move into the accessory apartment and rent their main house at market rate, it nullifies the benefit of allowing Accessory Apartments. The Board agreed that they would like to request the following change;

Under Section 4.4-3(A) -The new #8 to replace #9

If the accessory apartment is being occupied by the owner, family member or caregiver, the primary dwelling may only be rented affordably as defined in the Affordable Housing Guidelines.

5:55 pm – A Public Hearing on an application for a Special Permit from Michael K. Walsdorf to allow the construction of a 21’x75’ Swimming Pool located in the Inland Zone of the Coastal District under Section 8.5-4 (C) of the Zoning Bylaws, Map 38, Lot 7.7, Sarita Walker Rd., RU District.

The notice was read and Reid Silva presented the application. He stated that the pool is in the Coastal District but is outside the Shore Zone in the Inland Zone. He said that the Conservation Commission has approved the location. He said the pool equipment will be housed in a below ground vault and indicated its location on the plan. He said there are two lots there now but they will have recorded a plan that combines them into one when they apply for a building permit.

It was noted that there was no correspondence received.

Simon Thompson who will be building on the other side of the cove, reviewed the plans, stating no objections.

Reid said that the pool fence is within the inland zone but that the Conservation Commission has approved its location.

Larry went over the boiler plate conditions for pools that will be included in the decision.

A motion was made to close the Hearing and open the Board Meeting.

A motion was made to approve the application with conditions. The vote on the motion was unanimous.

6:15 pm – Informal Hearing – Wilmot

Ezra from Sherman Associates explained that he is representing the owner and that in the original application for Special Permit, there was not a half bath represented in the plans for the garage. He said that the owners would like to be approved as a d 'minimis change, the addition of plumbing for a possible future half bath. He stated that it is much easier if the plumbing is done now. Pam stated that the half bath is allowable with Site plan review. Ezra said he is not looking for an approval for the half bath...just for the plumbing.

Nancy questioned whether they would have to come back with a new application to the ZBA if and when they decide to put in the half bath. Larry said that neighbors weighed in on the plan which did not include a half bath in the garage, and that abutters should be able to weigh in on the addition of a half bath.

Ezra asked Pam to let Omar Johnson-Health Agent know that the plumbing is being allowed as well as Joe Tierney-Building Inspector.

Finding: The applicant must re-apply to the ZBA to add the half bath as an amendment to a Special Permit.

A motion was made to allow as a d 'minimis change, not requiring a new application to the Zoning Board of Appeals, sub slab plumbing for a possible future half bath. The vote on the motion was unanimous.

The letter from the Personnel Board (PB) regarding the Wage Study results was discussed, (see attached). Pam stated that the PB was not happy with the procedure used by the Wage Study Company so would not be raising the grade to 7 even though that was what was recommended. Pam stated that she had been to a few meetings and realized that a number of boards advocated for changes to their Job Description in order for them to be re-classified at a higher rate. The Board discussed the changes Pam mentioned. She said that she feels that if the numbers that the Wage Study Company came up with indicated a change to the grade, that the Personnel Board should have good and substantial reasons for not allowing the change.

She stated that she had met with Rachel Rooney, the Town's representative to the PB, and discussed with her two issues;

- 1) Updating of the job qualifications and
- 2) A review of the complexity of the position specifically as it relates to the analysis of the Zoning Bylaws.

Nancy asked Pam to go ahead and process the Appeal and send all board members a copy of the proposed new job description and the Personnel Board letter.

The meeting adjourned at 6:45 pm.
Respectfully Submitted,
Pam Thors, Board Administrator

See attachment #1 below



TOWN OF WEST TISBURY
PERSONNEL BOARD

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To: Conservation Commission, Parks & Recreation,
Planning Board & Zoning Board of Appeals

From: Personnel Board

Date: January 16, 2020

Re: Classification of Board Administrator Positions

At their meeting on January 13, the Personnel Board graded each of the Board of Administrator positions and determined that this class of positions should not be moved from Grade 6 to Grade 7 as recommended by the consultant in the recently completed Classification and Compensation Study.

In making this determination the board reviewed each job description and ranked it within the town's classification plan on the basis of 5 categories on 14 factors as follows:

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| Job Environment: | Physical Environment, |
| Requisite Capabilities: | Knowledge, Training & Education, Problem Solving Skills & Effort, and Experience |
| Job Characteristics: | Interactions with Others/ Customer Service, Confidentiality, Occupational Risks, and Complexity |
| Supervisory Relationships: | Supervision Received, Given and Scope of Supervision |
| Responsibility: | Judgement and Initiative and Accountability |

The Board determined that each department impacted by this decision should have the opportunity to file an appeal.

In order for you to decide if there should further revisions to the job description to more accurately define the role of your Administrator, we would like to take one more look at the attached employee questionnaire that was completed by your staff person and the final description you signed off on. We want to ensure that the consultant did not leave out any important aspects of the position or, if you inadvertently failed to include important information that belongs in the description. If you determine that there are changes to be made, please fill out the attached appeal form.