

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, October 8th, 2020 meeting
Online meeting via ZOOM- @ 5:00 PM

APPROVED ON NOVEMBER 5, 2020

Present: Larry Schubert, Julius Lowe, Deborah Wells, John Rau and Andy Zaikis

Absent: Nancy Cole and Jeffrey Kaye

Also Present: Pam Thors-Board Administrator, Jennifer Woods, Jon Hartzband, Greg Ehrman-Hutker Associates, Hadley Boyd, John and Julia Christensen

Larry opened the meeting at 5:00 pm.

Pam went over her new schedule which was implemented when her medical waiver for returning to the Town Hall full time was approved by Cindy Mitchell, Selectman and Omar Johnson, Board of Health. She said that her new hours will be Monday through Thursday 9:30am-2:30pm from home and 3-5pm in Town Hall, Fridays from 9:30am-4:30pm in Town Hall and weekend hours in Town Hall as needed.

The minutes of the meeting held on September 24th were reviewed but not approved as Pam needs to listen to the tape again to verify one section. They will be reread at the meeting on October 22nd.

Payroll and the Martha's Vineyard Times bill were approved for payment.

5:15 pm: A Public Hearing will be held online via ZOOM on an Application for a Special Permit from Jennifer and Carl Woods to construct a deck addition to a pre-existing, non-conforming dwelling requiring 3' of west side yard setback relief under Sections 4.3-3 (D) and 11.1-3 (A) of the Zoning Bylaws on Map 31, Lot 29, 613 Edgartown Rd., VR District.

The notice was read and Jennifer Woods, owner/applicant presented the application. She stated that they would like to build a deck on the rear side of her house which is pre-existing, non-conforming due to the front and West side yard setback.

Larry noted that the existing dwelling is about 17.2 feet from the side lot line and with the deck addition would be 17.5 feet from the lot line. It was verified that this is a 2.2 acre lot.

Jon Hartzband, the immediate West side abutter voiced his support of the project. There were no letters or testimony in opposition to the project.

Julius moved and Andy seconded a motion to close the public hearing and open the board meeting.

John commented that after looking at the Google Map, he could see that most of the houses in this area are up close to the road and setbacks in many cases so in his opinion the deck addition will not have a negative impact on the character of the neighborhood.

A motion was made and seconded to approve the application. A rollcall vote was taken resulting in the following votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes.

Larry went over the twenty day appeal period.

The bill from Town Counsel was reviewed. Pam explained that the Town Administrator receives one bill for all departments; making and disperses copies to each department that has been billed for services. Pam said she highlights the amounts for ZBA services but when scanned to a PDF, the highlighting doesn't show.

John suggested that it would be better for each department to receive their own bill. Pam agreed but stated that Town Counsel gives the town a discount and to ask them to do more administrative work would probably not be appropriate. She said that if the board ever needed a separate bill, they probably would be able to get one. Larry asked Pam to start a file for Larkosh legal documents and include a copy of the bill. The Reynolds, Rappaport, Kaplan and Hackney, LLC bill was approved for payment.

Pam shared an elevation submitted by Kevin Cusack which illustrates his barn, for which he received a Special Permit, as 30 feet high including the cupola on top. This updated plan is required as a condition of approval for the Special Permit filed on April 7, 2020.

Larry noted that this looks like the plan submitted with the original application with a total height measurement of 30' drawn in. He also said that he thought the original barn was 26 feet high and the cupola higher than 4 feet. He said that the Mean Average Grade needs to be taken into consideration. Pam said she will pull the plans from the original file and have them available for the next meeting. She said she will also check with Joe to see if he has received construction plans which may confirm the actual height of the proposed structure.

Pam shared the letter from AT&T and the accompanying letter from the Martha's Vineyard Commission, (MVC) relating to an application made to the Building Department to update and replace equipment at a cell tower located on Map 22, Lot 7 owned by the Flanders family. Joe referred the application to the MVC who just recently approved it as not needing a Public Hearing due to the minimal nature of the project, (see letter on file).

Pam said that she told Allison Hebel from AT&T that the Planning Board may need to review this prior to any action by the ZBA. AT&T is scheduled for the ZBA meeting on November 5th and the application has been referred to the Planning Board.

5:35 pm: A Public Hearing will be held online via ZOOM on an Application for a Special Permit from Duncley, LLC to replace, alter and extend a pre-existing, non-conforming structure on a pre-existing, non-conforming lot in the Shore Zone of the Coastal District under Sections 6.1-4 (B) and 11.1-3 (A) of the Zoning Bylaws on Map 36, Lot 18, 70 Taffy's Field Rd., RU District.

The notice was read and Greg Ehrman from Hutker Associates presented the project. Hadley Boyd proceeded to outline the history of her family ties to the island and the family's regard for the beauty of Martha's Vineyard and their dedication to preserving the health and wellbeing of the pond.

Larry described the location of the 1.08 acre lot that is in a heavily wooded area at the end of Deep Bottom Rd on the Tisbury Great Pond.

Greg went on to describe the new construction and replacement of the original building. He said that the main building will be rebuilt with a porch on the pond side which moves the main dwelling conditioned living area 14.5' back from its original location. Three bedrooms will be on the main floor under ground level and one bedroom will be on the second floor directly above. Greg stated that the team they put together is well aware of the importance of the project. He said that all involved are sensitive to the conservation and zoning issues in this location. He stated that they went before the Conservation Commission who made recommendations for modifications; which were made and ultimately approved by them. He said they have also been before the Planning Board for site plan review and were approved.

Greg added that part of the work with the Conservation Committee was committing the "limit of work" outside of the shore zone; after removal of original dwelling, there will be no more disruption in the Shore Zone.

Pam read correspondence from the immediate abutter to the north, Robert Huebscher who is in total support of the project. Pam stated that she had also received a phone call from Joan Jenkinson, whose family sold the lot to the present owner's family, who also supports the project. There were no letters in opposition.

Findings related to the project are as follows:

- 1) The owners chose to upgrade the property with an advanced treatment septic system.
- 2) Rebuilding the original main house parallel to the lot line reduces the setback non-conformity.
- 3) As required in section 6.1-4B of the Zoning Bylaws, there will be no additional plumbing facilities in the Shore Zone.
- 4) The bedrooms and outdoor shower will be relocated outside of the Shore Zone
- 5) A barn located on a separate piece of property will be outfitted with solar panels to assist in the operation of both properties at net zero.
- 6) There was no correspondence in opposition to the project.
- 7) Pursuant to section 11.1-3A of the Zoning Bylaws, "The extension or alteration is not substantially more detrimental to the neighborhood".

Julius moved and Andy seconded the motion to close the public hearing and open the board meeting.

Julius noted that having seen a number of projects in the Coastal District, this one dots the I's and crosses the T's and fits the character of the neighborhood, "sitting quietly" in this wooded area.

Andy agreed, stating that putting the 3 bedrooms underground really minimizes the effect of the project.

Larry stated that the cove is narrow at this location so it is great that the changes are visually minimal.

Deborah expressed appreciation for the sensitive redesign of the house and the work in the interest of renewable energy.

A motion was made and seconded to approve the application. A rollcall vote was taken resulting in the following votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes.

Larry went over the 20 day appeal process.

5:55 pm: A Public Hearing will be held online via ZOOM on an Application for a Special Permit from John & Julia Christensen to construct an attached two bedroom Accessory Apartment under Section 4.4-3(A) of the Zoning Bylaws on Map 12, Lot 3, 56 Mayhew Norton Rd., RU District.

The notice was read and John Christensen presented the project which is located next to the Cedar Tree Neck Sanctuary. He said the apartment is meant to accommodate a multigenerational household with the 2 bedrooms and living area on one floor. He said the second bedroom is drawn on the plan as a study which is what he plans to eventually use it for.

Larry said that at the Special Town Meeting, the bylaw was changed to refer to Accessory Apartments as Affordable Accessory Apartments. He went over the regulations of the Accessory Apartment bylaw. He added that most of those constructed have been built to accommodate families needing assistance to allow them to stay in the community. He went on to note that the site plan describes the project as a two bedroom addition but in reality it is a two bedroom apartment. He suggested that the plan reflect the construction as such. John said he will have the plan corrected.

John explained the elevations, adding that the basement will be unfinished and not accessible from the apartment.

Julius stated that this perfectly meets the intention of the bylaw, noting that there are no setback issues or objections from neighbors.

John Rau said that the plan is good and meets the Town's needs for more opportunities for people to "age in place".

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

A motion was made and seconded to approve the application. A rollcall vote was taken resulting in the following votes; L. Schubert-yes, J. Lowe-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes.

Larry asked John Christensen to bring in a corrected plan indicating that the "Addition", is actually an Accessory Apartment. John agreed to do that.

The following correspondence was reviewed.

- 1) Letter from Building Inspector to Debra Polucci
- 2) Letter from Attorneys General Office regarding Open Meeting Law Complaint
- 3) Email to Geoffrey Rose regarding parking plan for Patient Centric MV
- 4) Letter from Cindy Mitchell, Selectman and Omar Johnson, Board of Health to Zoning Board Administrator

The meeting adjourned at 6:30 pm.

Respectfully Submitted, Pam Thors-Board Administrator