

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Tuesday, November 14, 2019 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON NOVEMBER 21, 2019

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

ABSENT: Toni Cohen, Julius Lowe

Also Present: Peter and Mary Fohlin, Debra Cedeno, Jeffrey Cassis, Scott Stearns, Phil Regan from Hutker Associates and Pam Thors-Board Administrator

The minutes of the meeting held on November 7, 2019 were approved with corrections.

It was noted that after the November 7th hearing for Walker Roman who had applied for an Accessory Apartment, that the building inspector clarified that the basement space beneath it may be used for anything as long as it is a use “by right”, and as long as the space is not accessible from the Accessory Apartment. The condition that was discussed by the board at that hearing which was, “The basement will be used for storage only”, was not included in the final Decision filed with the Town Clerk.

Deborah asked about the double question marks on page 12 of the Martha’s Vineyard Commission (MVC) revised DRI checklist under Telecommunications. Pam said she will contact the MVC and ask about that and email the response to the board members.

5:15 pm- A hearing on an application for a Special Permit from Peter and Mary Fohlin for 21’ of setback relief from the rear lot line and 25’ of setback relief from the side lot line for a 22’x20’ single story garage under Section 4.2-2 (D) 4 of the Zoning Bylaws, Map 17 Lot 43, 174 Otis Bassett Rd, RU district.

The notice was read and Peter presented the application. He said that he would like to build a very basic garage which will be unfinished with no habitable space or plumbing. He said there will be electricity but only for the garage door opener and one light fixture. He said the location of the proposed garage is limited by the original siting of the house which was built in the 1970s, and by a large tree which they would like to keep. Nancy read the two letters from abutters in support of the application. The site plan was reviewed. Debra Cedeno an abutter in attendance voiced her support. The various location choices were discussed. Deborah asked about the number of windows. Peter stated that he would like to have one window on one side and a door and a window on the other side.

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

Larry stated that with the smaller narrower lots in town, there are often cases where setback relief for accessory structures is necessary. He also cited the aesthetic benefit of leaving the sizeable tree alone and allowing the setback requested rather than removing the tree.

Pam explained that the section of bylaw that should have been referenced in the application is 11.2-2 Accessory Structures on Non-Conforming Lots rather than Section 4.3-3 (D) Exceptions to Lot Frontage “and Setback” Requirements. She said that she had spoken to Joe about the error and he said that he would not withhold a building permit from the applicant. Nancy said that there should be a note made that they are also approving under 11.2-2. The board agreed that since both Sections of bylaw deal with setback relief, that they could go ahead and approve the application.

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

A motion was made to approve the application for Special Permit. The vote on the motion was unanimous in favor.

Nancy explained the 20 day appeal process.

Larry mentioned that he had spent time with Rhonda, Affordable Housing Administrative Assistant, talking about the Accessory Apartment bylaw and related restrictions. He said they came up with a list of issues that need to be discussed and possible changes to the bylaw. The board discussed the various use issues. Pam said she will put this discussion on the agenda for the meeting on November 21st.

5:35 pm- A hearing on an application for a Special Permit from Jeffrey A. Cassis for 7' of setback relief from the side lot line for a 14'x14' shed under Section 11.2-2 of the Zoning Bylaws, Map 37 Lot 30, 170 Vineyard Meadow Farms Rd, RU district.

The notice was read and Mr. Cassis presented the application. He stated that the shed will be used for tools, a tractor and bicycles. Nancy read one letter in support of the application. She stated that the board takes letters from abutters very seriously and urged the applicant to let the abutter know this, and thank them. The plan was reviewed. It was noted that the plan describes an existing garage as a proposed garage. It was suggested that Mr. Cassis cross out the word "proposed" so as not to be confused with the proposed shed. Mr. Cassis made that change to the plan and initialed it.

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 for Special Permit. The vote on the motion was unanimous.

Nancy explained the 20 day appeal process.

Nancy asked about the letter to Pat Nagy. Pam said that the board had rendered an opinion at an informal hearing on whether or not she could build an accessory apartment to live in and rent her main house for one month in the summer to offset expenses. She noted that her son and his family would live in the main house for the rest of the year. At that meeting, the board told her that she would not be able to rent the main house at market rate while living in the Accessory Apartment. Pam suggested that she a letter be sent to let Pat to let her know that after many discussions of the Accessory Apartment bylaw, the board has become aware that there is nothing in the bylaw that prohibits her from using the dwellings, if she were to build an Accessory Apartment, in that manner. Pam said she would draft a letter for the board to review at the next meeting.

5:55 pm: A hearing on an application for a Special Permit from Debra Cedenno to operate a Home Occupation, (Architectural Design) under Section 8.5-1(B) of the Zoning Bylaws, Map 17 Lot 45, 182 Otis Bassett Rd, RU district.

The notice was read and Ms. Cedenno presented the application. She said that she used to have an office in town but about 5 years ago decided to set up an office in her home. She explained that what happened instead is that she started meeting with clients in their homes. Lately, she said she has decided to ask clients to meet at her home office and wants to obtain the Home Occupation License required by the Town. Larry stated that the increase in traffic that would occur if she began seeing clients at her home office does trigger the need for the Special Permit.

Nancy read the 5 letters from abutters within 300 feet and 4 letters from owners in the extended neighborhood along Otis Bassett Rd. in support of the application. There were no letters in opposition. Mary and Peter Fohlin, abutters in attendance, also voiced their support.

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

Larry commented that it is Debra's responsibility to conform to the Home Occupations bylaw.

A motion was made and seconded to approve the application for Special Permit. The vote on the motion was unanimous.

Nancy went over the 20 day appeal process.

Debra stated that the Building Inspector is requiring a walk through inspection prior to issuing the permit.

6:15 pm: A hearing on an application for a Special Permit from Shampoo Beach LLC for 22" of height relief for a railing surrounding a rooftop deck on a residence located in the Coastal District under Section 6.1-6 (A) 3 of the Zoning Bylaws, Map 39 Lot 14, 350 Big Homers Pond Rd, RU district.

The notice was read and Phil Regan from Hutker Architects described the project. He explained where the property is located and described the lot. He stated that they convinced the owners to move the proposed dwelling back to save the wind swept Oak Trees closest to the shore, which he said are like works of art, and designing the house around them. He said the height limit is 18 feet and that there many different overlay regulations. He stated that all the roofs are within the required height limit but they would like to exceed the flat roof restriction by 22" in order to build a railing around a small rooftop deck.

He said that in other towns they were allowed to design a green roof around the roof deck area that would serve as a railing. He said that Joe Tierney was not inclined to allow this and that before he ruled on it, he wanted to see if the ZBA approved the Special Permit for height relief. Nancy asked about the size of the lot in relation to noise. The lot is 18.5 acres. Phil said that you cannot see another house from the property. He stated that the use of the rooftop deck will be to regain some of the view that they will lose due to locating the dwelling further from the shore. John asked about noise issues. Phil said that the property will remain mostly undisturbed which will muffle sound from abutting properties. Nancy noted that there was no correspondence received.

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 for Special Permit. The vote on the motion was unanimous.

The Accessory Apartment bylaw was further discussed.

The meeting adjourned at 6:30 pm.

Respectfully Submitted,

Pam Thors, Board Administrator