

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, December 2, 2021 meeting
Online meeting via ZOOM- @ 5:00 PM

APPROVED ON DECEMBER 16, 2021

Present: Larry Schubert, Deborah Wells, John Rau and Casey Decker

Absent: Julius Lowe, Andy Zaikis and Jeffrey Kaye

Also Present: Pam Thors, Bd. Administrator, Kevin Cusack, Doug Best, Simon Athearn and Diana Gilmore.

5:00 pm – The minutes of the last meeting on November 18th were not reviewed and will be put on the agenda for the next meeting on December 16th.

5:15 pm –

Douglas Best – Informal hearing to see if the board would vote to deem the proposed change to his Special Permit, (2021-15), as de minimis.

Doug explained that he decided that he needed more than a carport to protect his vehicles from weather and debris. He said that two of his neighbors, (Buckley and Adler), have let him know that they have no problem with the change.

Larry clarified that the original application was for a carport and now he would like to build a garage instead without needing to file another application.

The photos of the garage were reviewed. The structure is there but not the garage doors. Doug made a reference to the square footage being the same and suggested that the change is that there would be garage doors added.

Pam reminded the board that the original plans submitted were for a carport only, not a garage without doors.

Larry asked if the Building Inspector had reviewed the new plans and whether he was okay with the changes.

Doug said that Joe Tierney, Building Inspector, was by no means okay with the change and that this is why he is here tonight, to apologize to the board and state his wish to do the right thing going forward.

After asking for comment from the board, Larry said that the cleanest and best way to address this would be for Doug to re-apply for the garage. He said it can be advertised clearly and that it would satisfy the legal requirements as well as satisfy the Building and Zoning Inspector. He added that this is a bit much to call de minimis.

Doug said he is happy to comply.

Simon Athearn – Larry asked Simon to explain his proposal to the board. Simon stated that he wanted to get a read from the board on whether his project is possible before spending money on having plans drawn up and submitting a complete application.

He went on to say that the barn which is currently on the property was built in 1954. He stated that with the scarcity of employee housing, they would like to refurbish the barn to house kitchen and bathroom facilities for 4-6 employee cabins. His employees have registered their complaints with having only communal living spaces and have expressed a desire for a private living space with wi-fi and electricity. Simon said he would have preferred to have this housing consolidated into one building but has discovered that this would require a sprinkler system which is prohibitively expensive.

Larry asked Simon if he had spoken to the Building Inspector about this project yet. Simon said he has spoken to the Building Dept. and the Board of Health.

Larry stated that the bylaw allows up to 8 seasonal residents and asked if this is what they will request.

Simon said that he was thinking of 4-6 units depending on the septic, budget and location parameters.

Larry said that the bylaw requires a resident manager. Simon answered that he is very familiar with complying with this regulation.

Larry confirmed that the lot is over 15 acres.

Simon said that it was chosen for proximity to flower and herb gardens.

Pam asked about the Board of Health reaction to the viability of residences with no bathroom facilities.

Simon said that the Board of Health simply handed him the required applications but did not weigh in on the project.

Deborah asked if the bathrooms and kitchen will be in the barn.

Simon answered that there will be 2 bathrooms and an outdoor shower, adding that they will be located close to the cottages.

Larry stated that he thinks this is a little bit of a twist; substituting mixed use buildings, (referenced in the bylaws), for a mixture of buildings. He recommended that Simon does not request setback relief and also that a number of employees to be housed be below the 8 allowed. He also suggested a meeting with Joe Tierney, Building Inspector to go over the details of the plan.

Simon mentioned that he and Joe thought that this would possibly allow him to provide this housing without the cost of a sprinkler system which would be prohibitively expensive. He noted that he is aware that the final say on a sprinkler system would come from the Fire Chief.

Kevin Cusack, the contractor for the proposed project, said that it appears that they should not request setback relief, should get more feedback from the Building Department and that the ZBA would not be opposed to the concept as presented.

Larry said that they support new ideas and farming but that neighbors' input would be considered.

Simon asked if the opinions of abutters would influence the decision by the board.

Larry stated that they always affect the thought process going into the decision. He added that when the abutters are notified they sometimes bring up issues that may not have been questioned that affect them personally. He said that the board always tries to address these concerns.

Kevin said that he is hearing that polling neighbors in advance is important.

Simon asked about curb cuts, specifically whether he might be able to grant an easement to himself on one of the abutting properties that he owns to access the property.

Larry said that curb cuts and easements are site plan review issues addressed by the Planning Board. He advised checking with the surveyor.

Simon stated that if abutters opinions about appearances came into play, he would cancel the job.

Larry said there may be some comments like that, which could lead to requests for screening. He noted that the board listens to these types of comments with perspective in mind.

John said that everyone recognizes the housing crisis and people need to be flexible. He stated his opinion that the idea is creative and he supports it.

Deborah noted that some comments from abutters may concern noise, light and safety. If these concerns are addressed ahead of time, it may be helpful. She also suggested that Simon confer with the Fire Chief especially with regard to access to the site.

The consensus of the board was that an application would be considered to be allowable from their perspective and that depending on the review by other boards, the request is a reasonable one.

Diana Gilmore said she was present to ask about a document listed on the website regarding an Affordable Housing project by South Mountain Company which has come before the Martha's Vineyard Commission.

Pam stated that the board had not received an application from South Mountain yet but that Diana could get information from the Martha's Vineyard Commission website as the MVC has already reviewed and approved the application.

Larry stated that he will be taking a sabbatical of sorts from the Affordable Housing Committee unless they have a quorum emergency. He said he has done this because the Affordable Housing Committee, Island Housing Trust and a very close friend/family member are involved in an ongoing application which will most likely benefit from his absence during the meetings.

Larry also divulged to the board that Pam has plans to retire next year. Pam said she has spoken to Kathy Logue, Treasurer and HR rep. about her plans and will speak to Bruce Stone, Town Accountant regarding the best way to deal with budgeting plans for next year as they relate to her retirement.

The Meeting adjourned at 6:00 pm.

Respectfully Submitted,

Pam Thors-Board Administrator