

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, December 17th, 2020 meeting
Online meeting via ZOOM- @ 5:00 PM

APPROVED AT JANUARY 14, 2021 MTG.

Present: Larry Schubert, Deborah Wells, John Rau and Jeffrey Kaye

Absent: Julius Lowe and Andy Zaikis

Also Present: Pam Thors-Board Administrator, Debra Polucci, Liza Williamson, Jonathan and David Stanwood, Tim Sweet, Doug and Jonathan Hoehn, Dr. Mary Kim

Larry opened the meeting at 5:00 pm. The payroll was reviewed and approved. The minutes of the December 3rd meeting were reviewed and approved.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes

Jeffrey asked about the details of the Larkosh case. Larry said that the Building Inspector had cited violations on the property and that Mr. Larkosh disagreed with the citation eventually appealing to the ZBA to overturn the Building Inspector's decision. He said the ZBA voted to uphold the Building Inspector's decision and Mr. Larkosh filed an appeal with the Superior Court.

The FY2022 budget was reviewed. An increase in the advertising line item was discussed. Pam noted that last year the ZBA went over budget by \$800.00 +- . She said the budget request form will be submitted to the Town Accountant who will submit it to the Finance Committee. Various line items and their level funding were reviewed.

Pam said she will get a list of available online workshops offered by the Citizens Collaborative group together to email to the board members.

D. Wells and J. Rau moved and seconded a motion to approve the FY2022 Budget as presented..

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes

5:15 pm - A Public Hearing on an Application for a Special Permit from David, Eleanor and John Stanwood to convert a portion of an existing workshop to a one bedroom accessory apartment on a lot located in the Major Roads Zone under Section 4.4-3(A) of the Zoning Bylaws on Map 3, Lot 77, 50 Lamberts Cove Rd., RU District.

Larry went over the 24'height restriction in the major roads zone. David Stanwood said that the workshop is 200 feet from Lamberts Cove Rd.

Jonathan Stanwood, the applicant said that they did not want to change the footprint of the structure at all since the building encroaches on the side yard setback by approximately 20'. He said they did not want to increase the non-conformity: just change the interior to accommodate an accessory apartment for him and his wife to live in.

Dr. Mary Kim, an immediate abutter asked if there would be any change to the Right of Way that allows her access to her property. John said that there would be no change.

John Rau asked to see the abutters map and the google map. It was noted that the workshop is well screened from the road. Pam read the letter of support written by the owners of an abutting lot Simon Hickman and Marion Neuhoff.

Larry stated that the accessory apartment bylaw must be adhered to noting that if the apartment were ever to be rented, it must be rented affordably.

D. Wells and J. Kaye moved and seconded a motion to close the public hearing and open the board meeting.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes

Larry said that this is a very straightforward application and that a thorough review of the plans had taken place. He noted that the applicant had done his homework.

A motion was made and seconded to approve the application for Special Permit.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes

Larry went over the 20 day appeal process.

5:35 pm: A Public Hearing on an Application for a Special Permit from Timothy D. Sweet and Rachel E. Vanderhoop to construct a one bedroom accessory apartment on a lot located in the Major Roads Zone under Section 4.4-3(A) of the Zoning Bylaws on Map 3, Lot 68, 20 Longview Rd., RU District

The notice was read and Doug Hoehn from Schoffield, Barbini and Hoehn presented the project. The proposed accessory apartment is 775 sf. It has no basement but does have an attached storage area on the right rear portion of the structure. The storage area is only accessible from outside the apartment. Doug said that the plans have been reviewed by Joe Tierney, Building Inspector. He also noted that they are aware of the 24' height restriction in the Major Roads Zone and the height of the structure is compliant. He said there is already screening from the road and that the driveway, which is already there, will be improved but not paved.

He stated that Joe and the Planning Board had approved the existing second driveway. He said that they had met with the Conservation Committee (ConCom) whose only concern is the improvement of the driveway. The hearing with them had to be continued because the DEP process was delayed. They are scheduled to re-appear before the ConCom next week. Doug said that there had been a site plan review eliciting no complaints from the ConCom.

It was agreed that a condition of approval will be that the site plan is in compliance with Conservation Commission regulations and the project has been approved by them.

Tim Sweet, one of the applicants, stated that in considering the improvement and enlargement of an existing shed on the property, they decided to look into all options and decided to apply for an accessory apartment.

Doug reiterated that all frontage along Lamberts' Cove Rd is heavily screened.

John asked what parts of the application are within the jurisdiction of the Conservation Committee. Doug answered that anything within the 100' buffer zone is a Conservation Committee issue. He said that, in this case, only the driveway and the "over dig" area are their concern.

Larry asked about abutter correspondence. Pam said she had received a phone call from Kat Leonard-Peck an immediate abutter who asked some questions about the project but voiced no objections to it.

John asked about the height of the cupola which sits atop the roof. Larry said that he thought that cupolas were not counted in the roof height measurement. All agreed that a condition of approval should be that the height including the cupola must comply with the height restriction in the Major Roads Zone.

J. Rau and D. Wells moved and seconded a motion to close the public hearing and open the board meeting.

Larry noted that the applicant must comply with all restrictions of the accessory apartment bylaw.

A motion was made and seconded to approve the special permit with conditions.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes.

Larry went over the 20 day appeal process.

5:55 pm Broscheit-Informal Hearing

The Broscheits who had been approved for an accessory apartment over a garage were hoping to move the washer/dryer to the garage to make room for the second form of egress required as a condition of approval for their special permit. The special permit was approved with the condition that a plan would be submitted showing the second form of egress from their second story accessory apartment. During the process of design, the owner chose to locate the washer and dryer for the apartment in the first floor garage to save space. They also included a half bath in this area for their convenience. The room containing the half bath and laundry facilities is not accessible to the accessory apartment. They would like the board to approve this change as deminimis so as not to require another public hearing.

The decision on the original special permit was reviewed.

Larry stated that the new plan which shows the second means of egress satisfies the condition of approval listed in the decision. All agreed that having the laundry in the garage and inaccessible from the accessory apartment does not warrant another public hearing and that the change requested is deminimis.

A motion was made and seconded to deem the requested change to be deminimis and therefore not requiring a new public hearing.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes.

6:15 pm A continuation of a Public Hearing on an Application for a Special Permit from Debra Polucci to amend Special Permit Case 1997-34 to allow an existing, non-operational Day Care Center a.k.a. Island Montessori School to be utilized as a Guest House under Section 9.3-3 of the Zoning Bylaws on Map 31, Lot 69.1, 10 Road to Great Neck, RU District.

The options available to the applicant were discussed. It was determined that if Debra decided to apply for a guest house on the property, she would need to apply to the Planning Board to have the subdivision Conditions of Approval amended.

It was also found that the application may have to be reviewed by the Martha's Vineyard Commission since they were involved with the original subdivision approval.

Larry noted that if the applicant were to apply for an accessory apartment instead, that under Section 4.2-2F, accessory apartments are considered to be part of the existing main dwelling.

Debra told the board that she would be very grateful to be approved for an accessory apartment and would like to withdraw her application for a guest house and re-apply for an accessory apartment.

Deborah Wells asked the applicant if Joe Tierney, the building inspector has allowed her to stay and if he has placed a time limit on her occupancy.

Debra said that as long as they were actively addressing the issue, Joe would allow her to stay in the school. She said that he would consider her request to withdraw her application for a guest house and her re-application for an accessory apartment to be sufficient.

A motion was made and seconded to allow the applicant to withdraw her application for a guest house without prejudice.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes.

Debra said she would re-apply in time to get on the schedule for the January 14th meeting. Larry said that she may have to submit a floor plan showing that the apartment is 800 sf. or less. Deborah Wells asked if the project would have to come before the Planning Board again. Larry said that it would as soon as the application is received.

The Martha's Vineyard Commission decision on this development and the Conditions of Approval were discussed briefly.

Larry said that this topic of discussion would only be pertinent if Debra were going forward with changing the original Conditions of Approval; which she is not.

The meeting adjourned at 6:35 pm.

Respectfully Submitted, Pam Thors-Board Administrator