

**WEST TISBURY ZONING BOARD OF APPEALS**  
**Minutes for Thursday, February 21, 2019 meeting**  
**2<sup>nd</sup> Floor, West Tisbury Town Hall - @ 5:00 PM – Approved on March 7, 2019**

**PRESENT:** Nancy Cole-Chair, Larry Schubert, Julius Lowe and Tony Higgins

**Absent:** Toni Cohen and Bob Schwier

**Also Present:** Brad Abbott, Alice Kyburg, Joseph Gervais, Beth Kostman, Donna and Mike Pieczek, Peter Rodegast and John Abrams

Invoices from the MV Times and Administrator's payroll were approved and signed. The minutes of the meeting held on February 7, 2019 were approved with corrections.

**5:15 pm: A hearing on an application from Brad Abbott and Alice Kyburg for a Special Permit to construct an Accessory Apartment under Section 4.4-3 (A) of the Zoning Bylaws, Map 17 Lot 3.22, 190 Skiffs Ln., RU district.**

Nancy read the hearing notice and asked the applicant to present the project. Brad stated his request for a special permit for an accessory apartment. There was no correspondence from abutters to the project but Joe Gervais stated that he had come to support his neighbors on their application. Brad said that their existing home doesn't have a basement which is one thing they are looking forward to. Larry asked if Joe Tierney, the Building Inspector had taken a look at the plan in regards to square footage. They said that they talked to Joe about the way to go about measuring the apartment and feel confident that their calculations are correct. Larry asked if they had looked into the requirements for renting affordably and they said they had researched the bylaw and are on board with what their responsibilities are. Nancy asked for any other comments.

*Julius moved to close the hearing and open the board meeting.*

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

Nancy went over the 20 day appeal period process.

**5:35 pm: A hearing on an application from Peter Rodegast, agent for Rosemarie Ovia for a Special Permit for the extension/alteration of a non-conforming structure under Section 11.1-3 (A), and to allow 9 feet of height relief for the structure which is in the Major Roads Zone under Section 6.2-3 (D) and to amend a 1986 Special Permit under Section 9.3-3 of the Zoning Bylaws, Map 32 Lot 57, 15 Music St., RU district.**

Nancy read the notice and stated that the hearing would need to be continued due to the lack of a quorum since she was required to recuse herself because of a conflict of interest. No testimony was heard.

*A motion was made to continue the hearing until March 7, 2019 at 5:15 pm. The vote on the motion was unanimous.*

Pam read an email, from Sioux Eagle regarding her Special Permit for a Home Occupation. In the email, Sioux states that she thought that she was allowed to sell her jewelry “by appointment only” as well as during the “hours of operation”, listed in her Decision. Nancy advised Pam to check with Tara and if possible add this as a finding in the Decision.

The change in the Shropshire housing plans was discussed and it was confirmed that the house was not part of the approved Special Permit. The new plan will go in the file for future reference.

The open house at the medical marijuana grow facility was discussed. Pam was asked to let Geoff Rose know that 3 members will attend.

Nancy read the email from the MV Commission regarding their housing policy. She requested that Pam forward the info to each member to review.

**5:55 pm: Informal Hearing – South Mountain expansion plan**

John Abrams presented the information regarding the expansion they would like to be able to make at the South Mountain Company property, (15 Red Arrow Rd.). He showed the board the preliminary plans, (see attachment #1). John said that the project would need to go before the Martha’s Vineyard Commission, (MVC). He stated that there would not be a substantial increase in traffic. He said that when the 2005 application was heard, there were no abutters who objected but there were a few who wanted a condition of the approval to be that there could be no future expansions. John stated that the board refused to do make that a condition at that time. Screening was discussed as well as a large “kettle hole” on the property which South Mountain had had researched by an engineer who verified that it was nothing to be concerned about. Nancy reminded John that when he comes before them with an application, that they will need to request an amendment to the original Special Permit. It was confirmed that at that time, the ZBA will refer the project to the MVC.

The board reviewed plans submitted by Troy Maciel, Map 10, Lot 58, who is trying to obtain a Certificate of Occupancy so he can sell his property. The plans show a half bath in the ground floor garage which was not in the original ZBA approved plans. Larry verified that the question is whether or not they can approve this change as di minimis rather than requiring another hearing. The original application was discussed.

*A motion was made to approve the change to the construction, which added a half bath to the ground floor, as di minimis and not requiring another Public Hearing. The vote on the motion was unanimous.*

**6:15 pm: A hearing on an application from Michael and Donna Pieczek for a Special Permit to allow relief from various Outdoor Lighting Regulations under Section 8.6-2 of the Zoning Bylaws, Map 16, Lot 87, 48 Cardinal Way, RU District.**

Nancy read the notice and narrative. Mike described the previously installed lighting that does not comply with the Zoning bylaw. He cited two floodlights that are higher than eave height and sconces on the front of the garage which do not have a top and are clear glass. He explained that he installed

the floodlights as a safety feature for when his wife needs to take their dog out at night when he is away, which in his line of work is often.

Nancy read the bylaw. It was verified that the garage lights are down lit but that the shade does not have a top so that the light shows down and up. Larry stated that the bylaw requires fixtures that contain the light so as not to disturb the darkness of the night sky. Nancy voiced her support of the bylaw in this regard, suggesting a different type of sconce on the garage lights. Each light and whether they face up or down were discussed.

Larry verified that the lights in violation are the two flood lights which are above eave height and the three on the front of the garage. Larry said he would like to see the garage sconces changed. Putting a painted dome on the garage lights was discussed. Nancy reiterated that the bylaw serves a valuable purpose.

The applicant attested to the following, “No lighting shines up to the sky and none of it is obstructive to any of the abutters”.

Julius discussed the option of bulbs that screen the up lighting. Tony mentioned lights near the bridge on North Rd. that used to be very obtrusive but have been fitted with new bulbs that take away from the negative impact. Nancy suggested that Mike speak to the person who he purchased the sconces from to see if there was any remedy he could suggest. Larry reiterated that the flood light up on the second story is not necessary but the one on the rear of the house may be allowable.

*Julius moved to close the hearing and open the board meeting.*

The board agreed on the following conditions;

- 1) The rear flood light shown on the left side elevation may be allowed with the condition that the light is aimed downward as far as possible so as to reduce the outward spread of light.
- 2) The three lights on the front of the garage doors may be allowed provided that they are altered so as to be effectively down lit.
- 3) The flood light shown on the right side elevation on the garage dormer must be removed.

*A motion was made to approve the application for Special Permit for the rear flood light and three lights on the front of the garage but to deny the application for Special Permit for the flood light on the garage dormer. The vote on the motion was unanimous.*

The meeting adjourned at 6:50 pm.

Respectfully Submitted,  
Pam Thors, Board Administrator