

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, February 24, 2022 meeting
Online meeting via ZOOM- @ 5:00 PM

Approved on March 10, 2022

Present: Larry Schubert, Julius Lowe, Deborah Wells, Andy Zaikis, Jeffrey Kaye

Absent: Casey Decker

Also Present: Pam Thors, Bd. Administrator, Elizabeth Joakim, Jack Cushman, Peyton Wallace, George Sourati, Pat Kreger, Mike Senatori, Ina Andre, Patti Linn, Eric Peters, Jack Cushman,

5:00 pm

The minutes of February 10th and February 17th were reviewed and approved with corrections.

5:15 pm A Public Hearing on an Application for a Special Permit from Cotuit Solar, agent for Michael & Anne Senatore, to allow 23' of North side yard setback relief for an 833 sf. solar array on a lot located in the Historic District under sections 4.3-3D and 4.2-2D4 of the West Tisbury Zoning Bylaws at 670 Old County Rd., Assessors' Map 31, Lot 114, RU District.

Larry read the Hearing Notice. The applicant said he would present the application in the absence of a representative from Cotuit Solar. The site plan was reviewed. It was noted that the array is quite a distance away from Old County Rd. He explained the advantages of the proposed location.

Findings:

- 1) The opposite side of the lot is much more shaded.
- 2) There is a row of trees already in place behind the proposed location.
- 3) The applicant will plant supplemental screening on that side, (North).
- 4) The abutters most affected by the project, Richard and Ina Andre have no problem with the project at the proposed location.
- 5) The total height of the array will be less than 8 feet from ground level.

Barry Richmond an abutter to the project stated his concern that he would be able to see the array and asked why the setback is necessary. The applicant stated that the proposed location is best for the lot which has two paddocks and a horse stable as well. He noted that screening is already in place and that he plans to plant supplemental screening trees.

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

A roll call vote was taken to approve the Special Permit with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes,

Larry explained the 20-day appeal period.

5:35 pm (Continuance) A Public Hearing on an Application for a Special Permit from Christina Hsu & Peyton T. Wallace to allow construction of a 12' x 26' in-ground pool and bringing into compliance an existing 248 sf shed which will house the pool equipment requiring 5 feet of west side yard setback relief and 1 foot of south side yard setback relief under sections 8.5-4C and 11.2-2 of the West Tisbury Zoning Bylaws at 63 Otis Bassett Rd., Assessors' Map 17, Lot 16, RU District.

Larry read the Hearing Notice. He asked George Sourati to share the landscape plan he had drawn. George shared the side view perspective that he had shared at the last meeting which shows the height of trees that could be planted beyond the pool and the relative sight line from Elizabeth Joakim's property. He said that anything over 4' high would screen the pool from her vantage point. He said that they are proposing eight 6' tall Virginian Arborvitae, two 6' tall Holly Trees and three 8' tall Green Giant Arborvitae. The Green Giants would screen the pool equipment shed.

He went on to explain that the Wallace's are working people who can't afford to do more planting than is absolutely necessary.

Larry discussed trees presently on the property noting that the proposed trees are to the East of the large Beech tree. He noted that there are a large Oak tree and large Beech tree already on the property and that the proposed row of trees would have to be planted further into the yard so as not to compromise them.

Deborah asked George to point out where the Beech Tree and large Oak Tree are on the plan.

Peyton said that the new trees would be just to the side of the Beech tree and a little behind the Oak tree.

Pam read the new correspondence.

- 1) Letter from Jack Cushman
- 2) Letter from Elizabeth Joakim
- 3) Letter from Matthew Joakim

All correspondence addressed concern for the abutter to the rear lot line, Elizabeth Joakim, and concerns for the privacy and level of noise on her property.

Pat Kreger, another abutter, voiced concern and support for her neighbor Mrs. Joakim.

Andy asked Mrs. Joakim if she would rather the shed be moved to a compliant location or have the double row of trees planted. Mrs. Joakim replied that she would rather have the noise and privacy screening afforded by a double row of plantings.

Julius suggested adding a few trees and staggering the second row to add a second layer of noise proofing.

He also noted that it is really not within the board's purview to require an inordinate amount of screening, referencing the cost of trees of a certain size.

Elizabeth Joakim said that a total of 11 trees was agreeable to her.

It was verified that George's plan consists of 6' and 8' trees.

Elizabeth asked how they could meet in the middle.

The location of existing large trees near the rear lot line and their relation to proposed screening was discussed.

Julius moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

Julius noted that since the number of trees has been decided upon, placing trees in appropriate locations for the health of the plantings and giving more yard space while providing the optimum amount of screening, could be done at the discretion of the Wallace's and Mrs. Joakim.

The board agreed on the following Condition of Approval;

- 1) *Twelve 6' arborvitae will be planted to effectively screen the pool and pool shed from Map 17, Lot 3.7, prior to the issuance of a Use Permit and will be maintained by the owner of Map 17, Lot 16.*

A roll call vote was taken to approve the Special Permit with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes,

6:15 pm (Continuance) A Public Hearing on an Application for a Special Permit from Patricia A. Linn to bring into compliance, an existing 12'x 22' shed located on a pre-existing, non-conforming lot requiring 34' of East side yard setback relief under section 11.2-2 of the West Tisbury Zoning Bylaws at 566 State Rd., Assessors' Map 16, Lot 60, RU District.

Larry read the Hearing Notice.

Eric Peters, Attorney for Patti Linn noted that the construction is allowed if it is not detrimental to the neighborhood. He commented on the attractiveness of the shed.

Julius moved and Deborah seconded a motion to close the Public Hearing and open the Board Meeting.

A roll call vote was taken to approve the Special Permit with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, A. Zaikis-yes, J. Kaye-yes.

Larry went over the 20-day appeal period.

Deborah asked about the letter from Michael Goldsmith regarding the addition of Bylaw Section 9.2-2 to the ZBA application.

Pam said she would send it out on Friday and put discussion of this topic on the agenda for the next Board Meeting.

The Meeting adjourned at 7:00 pm.

Respectfully Submitted,

Pam Thors-Board Administrator