

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

Approved on April 7, 2022

Present: Larry Schubert, Julius Lowe, Andy Zaikis, Jeffrey Kaye and Casey Decker

Absent: Deborah Wells

Also Present: Pam Thors, Bd. Administrator, Diana Gilmore, Fausta Hammarlund, David Reed, Henry Shaub, Mercedes Kelso, Peter Zeras, George Sourati, Scott Carman, Michael Barclay, Joe Cogliano.

5:00 pm

New Business:

Diana Gilmore stated that her Special Permit #2020-13, filed on 6/10/2020 was due to expire and that she would like to extend the deadline to begin construction for one year. She explained that the delay was due to the lack of subcontractors available to do the work required.

A motion was made and seconded to approve a one-year extension of the Special Permit.

A roll call vote was taken to approve the extension until 6/10/2023 with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes

Fausta Hammarlund stated that her Special Permit #2020-08, filed on 4/07/2020 was due to expire and that she would like to extend the deadline to begin construction for one year. She said that rising costs due to the pandemic has caused them to delay the start of construction.

A motion was made and seconded to approve a one-year extension of the Special Permit.

A roll call vote was taken to approve the extension until 4/07/2023 with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, Casey Decker-yes

5:15 pm A Public Hearing on an Application for a Special Permit from **Almostendofthedirtroad LLC** to allow construction of a plunge pool (approximately 30 sf.) and a 10 sf. 2nd story roof deck addition to a pre-existing, non-conforming dwelling located in the Shore Zone under sections 8.5-4C and 6.1-4B of the West Tisbury Zoning Bylaws at 226 Middle Point Rd., Map 39, Lot 9, RU District.

Larry read the hearing notice.

George Sourati stated that this is a 2.1 acre lot at the end of Middle Point Rd. on Tisbury Great Pond. He said that the 4 small buildings constitute the main dwelling. He said that Joe Tierney, Building Inspector had issued a building permit to renovate the dwelling and that Conservation Commission approval is in place. He pointed out that the project is minimal and that the plunge pool is located outside of the Shore Zone. He went on to say that the deck addition is 20' but that only 10' of that addition is located in the Shore Zone.

When asked why the addition is needed, Michael Barclay the architect said that it accommodates the 2nd story roof deck.

Correspondence from abutter Martha Moore was read. Her concerns over noise and visibility were addressed by George who explained that the plunge pool is small; about the size of a hot tub, and is prefabricated. He said it is not visible from any neighboring properties. It was also noted that the roof deck which is proposed to become 435 sf. is not going to be a place big enough to entertain guests...it is just to take in the view.

Julius asked if the rest of the rooftop deck has been permitted. Michael said that it has, but 10' is in the Shore Zone requiring a Special Permit.

Julius asked about lighting. Michael stated that the lighting will be step lights and 3 floor level deck lights for safety.

A. Zaikis moved and J. Lowe seconded a motion to close the Public Hearing and open the Board Meeting.

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

L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes

Julius said that he feels that 10' more than what is already built will not make a difference.

Larry went over the pool bylaw and conditions that will be part of the decision and went over the 20-day appeal period.

Pam reviewed some of the retirement issues before the board. She noted that the training allotted will depend on the experience and job skills of the new hire. She said that ads have to run for two weeks. Various dates to start advertising were discussed before the discussion was tabled until after the hearings or at the next meeting.

5:35 pm A Public Hearing on an Application for a Special Permit from **David J. Reed** to allow the operation of a Service Business (wedding venue) under section 8.5-2 of the West Tisbury Zoning Bylaws at 371 Edgartown Rd., Map 30, Lot 4, RU District.

Larry read the hearing notice and explained that the application triggers a review by the Martha's Vineyard Commission, (MVC). He stated that Pam had put together the referral sheet for the board to review prior to sending to the (MVC) and that the Narrative would be read into the record and the site plan reviewed but that no testimony would be heard. The abutters map was also shared so board members could see the location.

Larry asked the board members if they agree with the checklist items circled on the referral form. He also asked if Mr. Reed had contacted Natural Heritage (NHESPA).

Andy suggested that the board err on the side of caution and refer the application to the MVC.

Jeffrey agreed that the expertise of the MVC should be utilized in going forward with this application.

Julius and Casey agreed that the referral items cited are applicable.

Andy moved and Casey seconded a motion to refer the application to the Martha's Vineyard Commission.

A roll call vote was taken to refer the application to the Martha's Vineyard Commission, with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

A motion was made and seconded to continue the hearing until May 26th at 5:15pm.

A roll call vote was taken to continue the hearing until May 26th at 5:15pm, with the following resulting votes;

L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

Larry informed the abutters present that their concerns and comments would be heard after the return of the decision by the MVC.

5:55 pm

A Public Hearing on an Application for a Special Permit from Joseph Cogliano, agent for James and Mercedes Kelso to complete construction of an accessory structure requiring 25' of south side yard setback relief under sections 11.2-2 and 4.2-2D4 of the West Tisbury Zoning Bylaws at 57 New Ln., Map 31, Lot 53, RU District. Setback relief previously approved in expired Special Permit #2016-12.

Larry read the hearing notice and asked Pam why the word “expired” was used to describe the 2016 Special Permit.

It was clarified that setback relief granted in the original Special Permit was still valid but that, according to the Building Inspector, a renewal is required to allow the owner to complete the construction.

Joe Cogliano, the builder on the project said that a granite foundation exists and the owner would like to add 3 sides and a roof to allow for boat storage. He said there will be no door or plumbing.

The Plans and elevations were reviewed. Larry and Julius discussed the original application for Special Permit. Larry said he is calling this an application for the “extension of an existing structure”. It was verified that 25’ of setback relief was granted in 2016.

A discussion ensued as to whether the existing foundation is 22’ x 32’. Casey stated that he had measured the structure on the site plan and that it shows as being this size.

Andy moved and Casey seconded a motion to close the public hearing and open the board meeting.

A roll call vote was taken to approve the Special Permit as submitted, with the following resulting votes; L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

Board Administrator retirement - process

Pam stated that she had posted the job description online but would email to board members.

The timeline for starting the process was discussed, as well as the interview process.

The question of whether or not an executive session is required to review applications or interview applicants was discussed. Pam said she would check with Tara on this. The discussion will be continued.

Letter from Planning Board re: Larkosh

The letter was read and Larry said he was under the impression that Mr. Larkosh was proposing to use an existing driveway for the garage. He went on to say that the Planning Board is calling this an extra curb cut but it has been in existence since pre-zoning days.

Julius asked if the letter was just a reprimand for the ZBA having made the decision to approve the application.

Andy noted that the Planning Board is also asking for a response.

Larry said he would write a letter to them addressing their concerns.

Julius stated that this seems to be another layer of oversight by the Planning Board and added paperwork that does not seem necessary. He said that this added layer of oversight serves no purpose.

Jeffrey brought up bylaw Section 9.2-2 and the legal implications of the board. Larry responded that they are not lawyers and spoke to the importance of representing the community in the face of possible litigation.

The minutes of March 10th will be reviewed at the next ZBA meeting.

The Meeting adjourned at 6:50 pm.

Respectfully Submitted, Pam Thors-Board Administrator