

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, March 28, 2019 meeting

2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON APRIL 25, 2019

PRESENT: Nancy Cole, Larry Schubert, Bob Schwier, Julius Lowe, Toni Cohen Tony Higgins

Also Present: Travis Ritchie, rep for Graham Lewis, Sue Hruby, Ann Burt, Prudy Burt, Phyllis Meras, Mark Ellis and David Johnson reps for Porter/Graff, Joseph Mendolia, Jason Gale and family

5:15 pm: A hearing on an application from Graham Lewis for a Special Permit to allow 16 inches of height relief for a flat roof on a structure located in the Special Places district under Section 6.3-5 (B) and to amend Special Permit #2018-40 under Section 9.3-3 of the Zoning Bylaws, Map 12 Lot 40.3, 42 Fire Tower Rd., RU district.

Nancy read the notice and Travis explained the project. He pointed out the flat roof section that they would like to construct at 14 ½ feet high (16 inches higher than allowed by right) and the solar array that is allowable via Special Permit in the Special Places District. He noted that the flat roof section is not visible from the road or any other vista. Bob asked why they need the extra height. Travis stated that it allows them to put in a clear story window bringing more natural light into the kitchen. He said that this change makes the entire structure lower by three feet.

Julius moved and Toni seconded a motion to close the public hearing and open the board meeting.

Tony stated that the house has the feeling of being set in on the site. Travis said they tried to keep everything as low as possible. Larry asked if the solar array is of a size suitable to provide energy for this property only. Travis verified that this is the case.

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 process.

5:35 pm: A hearing on an application from Louise Sweet for a Special Permit for a home occupation, (florist studio), under Section 8.5-1 (B) of the Zoning Bylaws, Map 32 Lot 16, 43 Tiasquam Rd, RU district.

Nancy read the notice and Louise Sweet presented her project. She described her seasonal flower arrangement business. She said that she may have 2 or 3 people working for her for events here and there but no regularly scheduled employees. She reiterated that she is close to retiring so does not do large scale events but still wants to stay active doing small events and working for clients who have employed her to make arrangements for their homes. She described the building which is 18'x20'. She stated that there would be no exterior compressors, thereby avoiding that noise concern. She described her work over the years, (see narrative in file).

Nancy read the letter from the Planning Board who had previously reviewed the plans which include a sink. The letter states that the Planning Board takes no stance on the project.

Prudy Burt asked if the structure was going to be located outside of the 100 foot buffer zone and also about runoff from the property. She also asked if the use could be changed. Louise said that there are no runoff issues and Nancy said that if the use changed, it would have to come before the board again. Phyllis Meras asked if someone else could come in and take over the business. Nancy stated that anyone purchasing the property would have to come before the ZBA for their own home occupation permit if they wanted to operate a business on the property. Sue Hruby expressed her support of the project siting that traffic on private roads is always a concern. She asked Louise to make sure her delivery people and or employees drive slowly. Louise assured her that she would.

Julius moved and Tony seconded the motion to close the public hearing and open the board meeting.

Conditions regarding employees and hours of operations were discussed. Nancy stated that Louise would need to comply with the bylaw which states that no more than 2-3 employees would be allowed. It was agreed that 9am-7pm would be the permitted hours of operation.

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

Nancy explained the 20 day appeal process.

5:55 pm: A hearing on an application from David Johnson of Skaala Architecture, agent for Dawn Porter and David Graff for a Special Permit to construct an addition to a pre-existing non-conforming dwelling requiring 14.7 feet of setback relief under Section 11.1-3 (A) and Section 4.3-3 (D) of the Zoning Bylaws, Map 2 Lot 7.2, 200 John Hoft Rd., RU district.

Nancy read the notice and David Johnson, Skaala Architecture, described the project. Mark Ellis the builder was also on hand to answer questions on the proposed construction. He said the water management problems and changing floor levels in the structure are the main issues being addressed. He described the house as a mixture of poor design and rot. The existing setback of the structure is 49.1 feet from the lot line. The proposed construction would require that the structure become 35.3 feet from the lot line (14.7 feet of setback relief). Nancy noted that there is no written correspondence regarding the project.

Joseph Mendolia, an immediate abutter to the property spoke about garbage and landscape trash which was dumped on his property and disagreements about the lot lines that have occurred in the past. He showed the board where the trash has been dumped. He stated his wish to have a fence be a condition of the approval so that it is clear where his property starts and their property ends.

The following conditions were agreed upon:

- 1) Owners will install 200 feet of split rail fence on their property along the northeast property line
- 2) Owners will position garbage cans away from the Mendolia property.

Nancy suggested that if there are any future problems that Mr. Mendolia contact the town.

A motion was made and seconded to close the public hearing and open the board meeting.

A motion was made to grant the Special Permit with conditions. The vote on the motion was unanimous.

Nancy went over the 20 day appeal process.

6:15 pm: A hearing on an application from Jason Gale for a Special Permit to construct a 20'x20' 2 story addition to a pre-existing non-conforming dwelling requiring 15 feet of setback relief under Section 11.1-3 (A) and Section 4.3-3 (D) of the Zoning Bylaws and to amend Special Permit #2007-42 under Section 9.3-3 of the Zoning Bylaws, Map 7 Lot 136, 14 Four Way, RU district.

Nancy read the hearing notice and asked Jason to present the application. He noted that the addition is 1 story, not 2. He said that they had been approved for a special permit in 2007 that allowed a 24'x 36' 3 story addition but that it was never built. He explained that the project has been scaled way back. The current application is to request 15 feet of setback relief in order to increase the size of the walkout basement and enclose the existing 8'x 20' porch to give them a larger living area. Nancy verified that they are not amending the 2007 special permit because that one lapsed. Jason said that he had spoken to the abutter most affected and that he has no problem with the addition. There was no correspondence in the file.

Nancy verified that they are only voting on Section 11.1-3 (A) and 4.3-3 (D) of the Zoning bylaws.

A motion was made and seconded to close the public hearing and opening the board meeting.

A motion was made and seconded to approve the Special Permit. The vote on the motion was unanimous.

Jason asked about excavating prior to the end of the 20 day period. Nancy said that he would be doing so at his own risk. Larry stated that he should clear it with the building inspector first. Jason said he would consult Joe Tierney.

6:35 pm: A hearing on an application from Matthew B. Flanders, Beetlebung Tree Care LLC, for a Special Permit to install light poles exceeding 7 feet in height requiring 28 feet of setback relief under Section 4.3-3 (D) and to amend Special Permit #2015-10 under Section 9.3-3 of the Zoning Bylaws, Map 16 Lot 104, 22 Cournoyer Rd., MB district.

Nancy read the hearing notice and asked Matthew to describe the project. Pam said that only one abutter weighed in on the application when she came in to view the file. Her last name was D'Antonio, an abutter about 400 feet away, who left satisfied that the project would not have an impact on her property.

Mathew said he spoke to Joe about the fixtures hoping to satisfy the concerns regarding impact on abutters, noting that the lights are brown and have a shaded back so as not to allow light to spread onto abutting properties. He said that the lights would be operated via manual override, via a timer that would turn the lights on at dawn and off in the evening and via a motion detector that would be operational at night. Nancy asked about shutting off the lights earlier. Matthew said that they are flexible as far as the specific hours of the lighting. Larry expressed his concerns with motion detectors. Matthew said that they would like to have this added security for their equipment. He stated that the area is already well lit at night. He stated that they would like to tuck the lights in as tight to the property line as they can and therefore feel the need to ask for this setback relief. The poles are 2 feet from the lot line. The lights are a 400 watt equivalent, with 200 watt usage (LED) and they are 3,000kw which is the softest and warmest color they were able to use.

Nancy stated that she does not have a problem with the setback because it is not an actual structure.

A motion and was made and seconded to close the public hearing and open the board meeting.

A motion was made and seconded to approve the Special Permit. The vote on the motion was unanimous.

Nancy went over the 20 day appeal process

The meeting adjourned at 6:50 pm.

Respectfully Submitted,

Pam Thors, Board Administrator