

## WEST TISBURY ZONING BOARD OF APPEALS

**Thursday, March 28, 2024**

**Meeting Minutes**

*Approved April 4, 2024 (4-0)*

**Present:** Larry Schubert, Julius Lowe, Andy Zaikis, Jeffrey Kaye, Casey Decker, Pat Barrett

**Absent:** Deborah Wells

**Also Present:** Kim Leaird (*Board Administrator*), Katherine Triantafillou, Bryan Collins, Reid Silva  
Amera Ignacio

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**5:00 pm** – Minutes of March 14, 2024 meeting were approved 6-0 with one edit. Jeffrey said he wanted to add a more complete reason for his recusal at the March 14 Bassett hearing and the board said we could not add something that did not occur, but his request would be part of tonight’s record. Instead, the board offered to strike from the minutes that he was “consulted on the applicant’s [pending unrelated legal] case.”

- Larry filled the board in on some of the work he has done in his role on the Board of Assessors including discussion about an affordable residential exemption as well as a “payment in lieu of taxes” program. They presented to the Select Board with mixed response. Discussion will continue on April 19.

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**5:15 pm** – (*Continued from February 29, 2024*) A public hearing on an Application for a Special Permit from Vineyard Land Surveying & Engineering Inc. on behalf of **Sylvia Hargrave**, Trustee of the Silver Strand Trust Agreement, to construct a (3) bedroom, (3) bathroom addition to a pre-existing, non-conforming dwelling requiring 10 feet of side yard setback relief under Sections 11.1-3A and 4.2-2D4 of the Zoning Bylaw at **57 Vineyard Meadow Farms Rd., Map 29 Lot 8** in the RU district.

Larry read the hearing notice at 5:15pm. Reid Silva was present for the applicant. Larry re-capped that there was an administrative error in the original noticing the hearing: while the project was described as a “3-bedroom, 3-bathroom addition” in the application narrative, it is in reality an increase of one bedroom once the renovation of the existing dwelling is combined with it (for a total of 4 bedrooms). The application was not re-noticed.

Casey recused. Andy said that he lives on the [same] street. The board confirmed that there were enough members present to vote and Kim said yes, those who can vote are Larry, Jeffrey, Andy and Pat.

Larry, Jeffrey and Pat did a site visit at 4pm today to see the property. Reid brought to the meeting a new site plan that shows the proposed landscaping. At the first hearing, the board had asked applicant to consider redrawing the plan so as not to need setback relief but Reid said the owner preferred not to do so. Instead, they are offering a generous landscaping plan to screen the side yard from the abutter.

Jeffrey said he was familiar with Silver Strand Trust Agreement and believes it is a development company. He asked if the applicant planned to live there. Reid said his understanding that it is being built for friends when they visit. She is also building another dwelling elsewhere on the island.

Public comment

Katherine Triantafillou of 49 Vineyard Meadow Farms Rd., lives next door and spoke in support. She said after initial concerns, she has since talked to the applicant several times and has no objections to the building of it, in fact it's similar to her own home. She had been concerned on the impact of construction on the neighborhood but after conversations with applicant feels assured that she will be respectful and find ways to mitigate the effect of dust and noise. There was no other comment.

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

Larry said it is a very generous screening/landscape plan and if the permit were to be approved, the tree height must be 5-6 feet high, planted according to this landscape plan. Larry proposed a potential second condition, "no construction activity past 7pm" although he noted the board has never imposed a condition like this. Pat thought it would still be reasonable to include it.

Andy expressed concern that after the first hearing the applicant was directed to go back and re-draw the plan so as not to need the setback relief. He said they showed no hardship in needing the relief, only that they wanted it. Larry pointed out this is a special permit not a variance (which requires applicant to prove hardship). There was discussion about how when this neighborhood was first established the setbacks were 40 feet and this would have been conforming. It was pointed out that several houses in the neighborhood do go into the setbacks and that the existing dwelling is already only 30 feet from the other side yard abutter.

Reid expressed concern that this wasn't more fully addressed before closing the public hearing portion of the hearing and thought one of the criteria was fitting with the general harmony of the neighborhood and this one, in particular, is full of narrow lots with several dwellings in the setbacks.

Discussion followed about setback relief and that it shouldn't be granted just because an applicant doesn't want to adhere to it. As it appeared the board would not approve this application, Reid asked to withdraw it. Board agreed.

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**5:35 pm** – A public hearing on an Application for a Special Permit from Sourati Engineering Group, LLC on behalf of **Middle Point Bend, LLC** to amend Special Permit #2023-32 to allow the installation of a small fireplace in the Studio portion of the Detached Bedroom and Studio under Section 9.3-3 of the Zoning Bylaw at **208 & 216 Middle Point Rd., Map 39 Lot 7 and 8** in the Inland and Shore Zones of the Coastal District in the RU district.

Larry read the hearing notice and opened the hearing at 5:45pm. The applicant was here a few weeks ago to appeal the Building Inspector's decision that a fireplace was not allowed and the board granted that appeal requiring only that the applicant return formally to request an amendment to Special Permit #2023-32. Jeffrey asked if it would be propane or wood-burning and was told wood-burning.

The Planning Board looked at the application and sent it back to the board for its determination, noting that the original structure is over 100 years old and might require Mass. Historical Commission but these issues were already addressed back when the special permit was first granted.

*A motion was made and seconded to close the hearing and open the board meeting.*  
There was no more discussion.

*It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.  
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes*

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**5:55 pm** – A public hearing on an Application for a Special Permit from Vineyard Land Surveying & Engineering, Inc. on behalf of **Matthew M. Greenfield and Laurence H. Dumortier**, co-trustees of the Greenfield/Dumortier Living Trust, to Amend Special Permit #2023-47 in order to relocate an 8’x15’ pool shed to the front yard; change pool size from 53ft. long to 55ft. long; and shift the pool approx. 12 ft. to the west under 9.3-3 of the Zoning Bylaw, at **80 Oak Lane, Map 17, Lot 105** in the RU district.

Larry read the hearing notice and opened the hearing at 5:55pm. Reid Silva presented the changes being requested. The pool shape has changed slightly and moved 20 feet down and has expanded by two feet in length. The pool shed is being moved from the rear corner of house because the neighbor to the rear didn’t want to see it. They have proposed plantings to screen the shed from the road and it is well within setbacks.

Larry read a letter from Kathie Skinner (received 30 minutes before board meeting). Kim said she had was able to forward her the proposed landscaping plan. Larry also read two letters of support from Kenneth and Pamela Silva and Virginia Yans McLaughlin. Amera Ignacio was also present and spoke to the landscaping plan. The board noted that dimensionally, the landscape plan did not match the engineered site plan. Reid said they would combine the two plans and submit a new one for the board to sign.

*A motion was made and seconded to close the hearing and open the board meeting.  
Applicant will submit a consolidated plan. Board discussed the trees planted for screening purposes must be 5-6 feet high, planted as per the plan.*

*It was moved and seconded to GRANT the Special Permit as conditioned. Larry went over the 20-day appeal period. Board signed one site plan as “Approved Dimensional Plan.”*

*A roll call vote was taken with the following resulting votes. Motion passed 6-0.  
L. Schubert-yes, J. Lowe-yes, A.Zaikis-yes, J. Kaye-yes, C. Decker-yes, P. Barrett-yes*

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The Meeting adjourned at 6:20 p.m.

Respectfully submitted,  
Kim Leaird, Board Administrator