

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, April 18, 2024

Meeting Minutes

Approved May 2, 2024 (4-0)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Jeffrey Kaye, Casey Decker, Pat Barrett

Absent: Andy Zaikis

Also Present: Kim Leaird (*Board Administrator*), George Sourati, Bryan Collins, Michael Barclay, Anne Nevin, Cody Coutinho, Charles Teague, Chuck Sullivan

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5:00 pm – Minutes of April 4, 2024 meeting were approved 5-0. Julius arrived after at 5:05pm.

Other Business

- Discuss board member reappointments for Deborah Wells, Jeffrey Kaye and Pat Barrett. After researching appointments, Jeffrey Kaye's 5-year term is not up until 2027. Both Deborah (5-year term) and Pat (2-year term) asked to be reappointed.

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5:15 pm – A public hearing on an Application for a Special Permit from Sourati Engineering Group LLC on behalf of **Nancy B. Gardiner**, trustee of the CYS 130 Realty Trust, for the renovation and construction of additions to an existing single-family dwelling, and the construction of a detached garage with two detached bedrooms in the Inland and Shore Zones of the Coastal District, under Sections 6.1-4B and 6.1-5B of the Zoning Bylaw at **130 Plum Bush Point Rd., Map 35 Lot 6.12** in the RU district.

Larry first read a letter from the Building Inspector, dated today, with concerns about the applicant changing the two detached bedrooms to two studios instead – pointing out that the Planning Board should be able to review this change under 9.2-1D and was not given the opportunity to do so. In addition, the proposed intended use has not been specified.

The board discussed whether or not it should be re-advertised to reflect the change from detached bedroom(s) to studio(s). Casey and Jeffrey did not think the lesser use [of a studio] had to be re-advertised.

A motion was made and seconded on whether this hearing could be opened and move forward.

A roll call vote was taken with the following resulting votes. Motion passed 3-1. The hearing cannot be opened and move forward; the applicant must amend application and it will be re-advertised.

L. Schubert-no, J. Lowe-yes, D. Wells-no, J. Kaye-no

A motion was also made and seconded to waive the application fee. Motion passed unanimously. George Sourati asked the board if it could review just the single-family dwelling portion of the application and was told no.

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5:30 pm – A public hearing on an Application for a Special Permit from Vineyard Land Surveying & Engineering Inc. on behalf of **Kirk and Crystal Wagar**, for the construction of an 18’x36’ inground swimming pool and a 2,000 sq. ft. residential accessory structure with two (2) detached bedrooms, under Section 8.5-4C of the Zoning Bylaw at **280 Oak Ln., Map 17 Lot 91.2** in the RU district.

Larry read the hearing notice and opened the hearing at 5:30pm. Cody Coutinho was present for the applicant. Of note, the residential accessory structure (“pool barn”) was removed from the application because there was a problem with the way the bedrooms accessed the living area. The site plan on file is incorrect and the board will need a revised, corrected site plan. Cody showed the plan and said the 18’x36’ pool is well outside the setbacks. There is a proposed 6’x8’ pool shed 51 ft. from the side yard setback. There is a fence around the pool patio and ends at pool shed. The property is located at the end of Oak Lane. Existing driveway about 78 feet on one side, 73 feet on other.

Deborah asked how it would be heated. Cody said as far as he knows, the pool will be unheated.

Larry read correspondence from abutter Annie Nevin with concerns about flags near her property. She was present and asked to see the plan. Cody said he believes the flags are meant [only] to stake out the property line. There’s a bridle path at the rear of the lot, Julius thought it was a “paper path”.

Larry read letter from Steven Cabana with questions about the long driveway on the plan and pool chemicals. Larry reminded all that there are standard pool permit conditions that speak to how a pool is filled, etc., and went over pool conditions. Cody said the driveway had not been shortened with the removal of the pool house.

Larry said the applicant should bring in an amended site plan and remove the driveway/parking area. The board reviewed the pool shed plan which is pretty straight forward.

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

Julius proposed a finding that if applicant decided to heat the pool, it would be by electric heat pump.

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 4-0.

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

The board signed one site plan and scratched out the extended driveway, asking the applicant to bring in a revised one with it removed.

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5:45 pm – (Continued from April 4, 2024) A public hearing on an Application for a Special Permit from Sullivan Associates Architects on behalf of **Megan and Charles J. Teague**, for a renovation/addition of a 4,880 sq. ft. pre-existing, non-conforming dwelling, with an approximate 36 ft. net reduction in total square footage, under Sections 11.1-3A, 6.1-5B and 6.1-6 of the Zoning Bylaw at **48 Forest Rd., Map 13 Lot 2** in the Inland Zone of the Coastal District in the RU district.

Larry read the hearing notice and opened the hearing at 5:50pm. Present were Chuck Sullivan and owner Charles Teague. Casey recused. Chuck went over the locus and the topography. It’s on Vineyard Sound at the end of Tisbury Lane in Seven Gates. There is a small pond and they are inside the coastal district, outside the flood plain and located on a hill.

The proposed 3-bay garage is being rebuilt in the same footprint. Both the garage and single-family dwelling are pre-existing non-conforming (PENC) in setbacks. The main house is PENC in ridge height, which will not be changing. The single-family dwelling setbacks are improving from about 32 ft to 33 ft. away. The garage is currently 7 ft from property line and will remain so. There is a small storage area in back that will be removed and not replaced.

The existing single-family dwelling has a two-story portion and two one-story “wings”. The idea is to save the two-story structure portion of dwelling and slide it over about 8 feet on a new foundation. The one-story sections will come off, they are at different levels and the owner would like the proposed dwelling to all be on one level.

The existing 3-bay garage will have the same roof pitch. There is an 8-bedroom septic system for a total of six proposed bedrooms.

Retaining walls will be rebuilt to accommodate some more regrading and a more gently graded parking area. Chuck said the project has been approved by ConCom and the Seven Gates Association and that for most of the work there is a 75 ft. buffer from the wetlands and a 100 ft buffer from the stream and the wetlands. The septic is outside of it, part of the house is outside of it, and the garage is outside of it.

Larry went over the relevant bylaws and it was noted that the existing stream does *not* drain into a coastal great pond [meaning the board can grant this special permit]. Jeffrey asked whether the basement has any windows. Chuck said no, it’s very wet. There may be limited mechanicals in the basement, but that’s it.

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

It was moved and seconded to GRANT the Special Permit as conditioned. 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, D. Wells-yes, J. Kaye-yes

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The Meeting adjourned at 6:20 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator