

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, April 7, 2022 meeting
Online meeting via ZOOM- @ 5:00 PM

Approved on April 28, 2022

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

Also Present: Pam Thors, Bd. Administrator, Wayne and Kathleen Tackabury, Mauricio and Stephanie Gomez, Reid Silva, George Sourati, Carlos and Sybil Teles Filho, William Wing, John and Heather Hoff, David and Cynthia Gibby.

5:00 pm

The minutes of the meetings of March 10th and March 24th were approved with corrections

New Business:

Gomez- Informal Hearing

Pam read the letter from Mr. and Mrs. Gomez requesting a change in the location of their proposed barn, (see file). Mr. Gomez stated that his neighbor, David Desmarais who was most concerned about the new construction is in favor of the change. He said he decided to request the change because of his concern for the old growth pine trees that he would prefer to not remove. He said his contractor had told him that the change would reduce his cost to construct as well.

*A roll call vote was taken to approve the change as de minimus with the following resulting votes;
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.*

5:15 pm - On Thursday, April 7, 2022 at 5:15 pm the ZBA will hold a public hearing at the TOWN HALL-2nd floor meeting room (this is an IN-PERSON MEETING) on an Application for a Special Permit from Beth Horowitz and Michael Kazin to allow the construction of a 16' x 50' in- ground pool under section 8.5-4C of the West Tisbury Zoning Bylaws at 50 Lookout Hill Rd., Assessors' Map 12, Lot 41.1, RU District.

Reid Silva, agent for the applicants, reviewed the site plan. He described the landscaping proposed and the location of the pool. Wayne and Kathleen Tackabury, abutters to the property, voiced their concerns for a pool in that location, noting that it is at a very high elevation. They cited a neighbor's property whose well had dried up, noting that the water table is not as reliable there as it is in other locations in town.

Larry stated that the conditions on pools in West Tisbury include the requirement that initial filling of the pool be done with a mixture of off-site water and well water.

Kathleen said that if the Horowitz pool is approved and they lose their water, they would like to be guaranteed compensation from the town to install a new well. Wayne brought up the fragile nature of the water table in that area.

Andy asked if the property had an irrigation system as well as a pool, how they would know if the water shortage was due to the irrigation or the pool.

Wayne said that it should not be their responsibility to research this issue.

Reid stated that the water source is not hinging on any one pool and that this pool has a very minor effect on neighboring wells.

Larry asked Reid if he would be willing to forward the Tackabury's concerns to the applicant.

Reid went on to explain the science of water sources, noting that he has never seen a pool cause a well to run dry. He said that filling a normal sized pool requires about 30,000 gallons of water.

Julius stated that a condition of approval could be that the pool be filled with off-site water and that subsequent fillings be via off site water.

Reid said he would be happy to follow up with a letter to the applicant and copy to Pam.

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

Julius stated that since Reid had already agreed with the following condition that he would be ready to vote on the application.

Condition #1 – The initial filling of the pool and any subsequent, (30 inches of water or more), refills will be via an off-site water source.

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

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

Larry went over the 20 day appeal process.

5:35 pm - On Thursday, April 7, 2022 at 5:35 pm the ZBA will hold a public hearing at the TOWN HALL-2nd floor meeting room (this is an IN-PERSON MEETING) on an Application for a Special Permit from Jill Alman-Bernstein to allow construction of a 16'x 38' in-ground pool requiring 10' of East side yard setback relief under section 8.5-4C and 4.2-2D4 of the West Tisbury Zoning Bylaws at 101 Capawock Rd., Assessors' Map 1, Lot 15, RU District.

Tracey Smith from Schofield, Barbini and Hoehn, agent for the applicant, presented the application. She described the lot which has a wet depression in the middle and the challenges regarding locating the pool.

Correspondence was read from the Wolfsons, the abutters nearest to the proposed pool. They spoke of their concerns regarding noise and visual impact and their request for screening for both.

Tracey stated that the pool equipment would be located below the existing main house deck in a sound insulating enclosure.

The board agreed that if approved, the Special Permit should contain the following condition.

Condition #1 – Owners must maintain and fill in the existing natural wooded buffer on the east side of the property as necessary, to decrease noise and visual impact on neighbors.

Julius and Andy moved and 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, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.

Larry went over the 20 day appeal process and the boiler plate pool conditions.

5:55 pm - On Thursday, April 7, 2022 at 5:55 pm the ZBA will hold a public hearing at the TOWN HALL-2nd floor meeting room (this is an IN-PERSON MEETING) on an Application for a Special Permit from Carlos Gomes Teles Filho and Sybil J Teles to allow additions to a single family dwelling located on a pre-existing, non-conforming lot under section 11.1-3A of the West Tisbury Zoning Bylaws at 41 West Farm Rd., Assessors' Map 29, Lot 86.16, RU District.

George Sourati, agent for the applicants presented the project. He said that initially, they thought that a Special Permit was needed for setback relief but that it was brought to his attention that the lot was part of cluster development which has the same setback requirements as in the Village Residential Zone. The setbacks required are 20' from the sides and rear lot lines and 25' from the front lot line. As setback was determined to no longer be an issue, the applicant asked that the information be verified with the Building Inspector and they be able to request that the application be "Withdrawn without Prejudice" at a later meeting date.

A discussion of the proposed new bylaw to limit house size as it relates to this structure ensued.

Pam verified that they would like to add a master bedroom suite, new entryway and open living space. She added that one bedroom is being converted to additional living space.

The plans and elevations were reviewed.

A motion was made and seconded to continue the hearing until May 12th at 6:15 pm.

*A roll call vote was taken to continue to May 12, 2022 at 6:15pm.with the following resulting votes;
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.*

6:15 pm - On Thursday, April 7, 2022 at 6:15 pm the ZBA will hold a public hearing at the TOWN HALL-2nd floor Selectmen's meeting room (this is an IN-PERSON MEETING) on an application for a Special Permit from John Hoff to allow construction of a 20'x 42' Pool under section 8.5-4C of the West Tisbury Zoning Bylaws at 43 Dolphine Merry Way, Assessors' Map 11, Lot 27, RU District.

Larry read the notice and John and Heather Hoff presented their application.

It was verified that the Gibby's, the neighbors who would be most affected by the proposed pool, had reviewed the application.

The site plan was reviewed and Larry explained that the fence must be exactly as drawn on the site plan.

Mrs. Gibby read a letter to the board stating their concern for noise and visual impact, (see file).

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 with the following resulting votes;
L. Schubert-yes, J. Lowe-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes.*

The board briefly discussed the Board Administrator job application process, the MV Glassworks and the upcoming meeting on April 21st.

The Meeting adjourned at 7:50 pm.

Respectfully Submitted, Pam Thors-Board Administrator