

WEST TISBURY ZONING BOARD OF APPEALS

**Minutes for Thursday, May 2, 2019 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM**

Approved on May 9, 2019

PRESENT: Nancy Cole, Larry Schubert, Bob Schwier, Julius Lowe, Toni Cohen and Pam Thors, Board Administrator

Also Present: Deborah Wells, James Ferry, Tatiana Bucheli-Ferry, Reid Silva, Christina Cain, John Cain, Jessica Kovack, Tucker Hubbell, Dan Scherlis

Absent: Tony Higgins

The minutes from the meeting on April 25th were approved with corrections. Toni Cohen abstained.

The following invoices were approved: Blatman, Bobrowski & Haverty, LLC - \$88.00

Board Administrator Payroll - \$2,160.90 (through 5/12/19)

5:15 pm: A hearing on an application from James M. Ferry for a Special Permit to construct a 29'7" x 14' 6" in ground swimming pool requiring 19' of setback relief under Sections 4.2-2 (D) 4 and 8.5-4 (C) of the Zoning Bylaws, Map 3 Lot 85.4, 67 Blackwater Hollow Rd, RU district.

The notice was read and Reid Silva, agent for the applicant presented the project. He stated that the wetland separation issues on the lot as well as septic location pre-determined the area where the pool could be located. He stated that the small pool was actually well located as far as existing hardscaping, landscaping and buildings are concerned. He stated that there may need to be some insulating of the pool equipment enclosure. He said that they had gone to the Conservation Commission and gotten approval for the siting of the pool. It was verified that a light code requirement. Larry said that the boiler plate requirements would be included in the decision.

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

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

Nancy went over the 20 day appeal process.

The changes to the pool bylaw which were approved at Town Meeting were briefly discussed. Organic pools were also discussed as to the classification of them as pools or ponds.

5:35 pm: A hearing on an application from Michael Colaneri, Trustee of Roger's Path Realty Trust for a Special Permit to alter a pre-existing non-conforming structure under Section 11.1-3 (A) of the Zoning Bylaws to allow an existing barn to be converted to an accessory apartment under Section 4.4-3 (A) of the Zoning Bylaws, Map 22, Lot 10.1, 41 Rogers Path, RU District.

The hearing notice was read and the hearing continued without testimony until May 30, 2019 at 5:35 pm. The continuance was requested via email, (see file), by Geoghan Coogan Attorney for owner, Michael Colaneri.

The continuance of the Colaneri hearing was discussed as to what would be presented. Pam stated that Michael is working on a plan to reduce the square footage of the accessory apartment. Larry asked if the applicant would be addressing the screening as well. He said that at the last hearing, he thinks that they were asked to put a plan together for screening with evergreens. Pam said she would email the minutes of the last Colaneri hearing to each member to review.

5:55 pm: *The informal hearing requested by Wilmar Prata for a question related to Special Permit Casefile #2017-20 was cancelled until further notice by Mr. Prata.*

Parts of the Annual Town Meeting were discussed; specifically the references to marijuana cultivation and sales and where the various activities are allowed. A question came up as to where the information regarding medical marijuana is in the bylaw. Pam said she would ask Jane Rossi planning board administrator about this.

The email from Kate Warner who would like to see the \$200.00 fee for the ZBA application for Accessory Apartments waived. Larry referenced the practice of waiving fees for town subsidized Affordable Housing and how that differs from Accessory Apartment applications. Other aspects of the Accessory Apartment bylaw were discussed.

6:15 pm: A hearing on an application from John Cain for a Special Permit to alter a pre-existing, non-conforming use by rearranging seating configuration at the Lamberts Cove Restaurant under Section 11.1-3 (A) of the Zoning Bylaws, Map 7 Lot 99, 90 Manaquayak Rd, RU district.

The notice was read and John Cain presented the application. He said that they would like to keep the total seats to 70 but want to substitute elevated seating for 9 of those seats. He said that State Rd restaurant has this type of seating and that it is allowed by many other restaurants on the island that operate under the same State requirements.

Tucker Hubbell, an abutter spoke in support of the application citing the many Island establishments that have this type of seating. He referenced the requirement that a meal, not bar snacks must be served along with the beer or wine. He suggested that the town's Beer and Wine regulations be a part of the decision.

Dan Scherlis, an abutter spoke in support of the application because it is consistent with the current use of the Inn and will seemingly not lead to additional noise and traffic, which are his family's main concerns. He agreed with Tucker that the State regulations for Beer and Wine licenses must be strictly adhered to. It was decided that this should be one of the findings in the decision.

A motion was made, seconded and approved to close the Public Hearing and Open the Board Meeting.

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

The discussion of Kate Warner's request to waive the \$200.00 fee for applications for Special Permits for Accessory Apartments was taken up again. Pam was asked to calculate the average cost of advertising for an Accessory Apartment application.

Larry asked Deborah Wells who had attended the meeting to see if she was interested in serving on the ZBA, how she feels having sat through a meeting. Deborah asked how quickly she would need to have a grasp of the bylaws. Various suggestions were given such as reading past minutes and looking through the bylaws. Julius explained that he did not do much more than listen and occasionally vote during his first four months or so of becoming a member. The nuances of serving on the ZBA were discussed. Deborah said she would like to serve. Nancy asked Pam to draft a letter to the Board of Selectmen asking them to appoint her to the vacant Associate Member position.

The meeting adjourned at 6:40 pm.

Respectfully Submitted, Pam Thors, Board Administrator