

WEST TISBURY ZONING BOARD OF APPEALS

**Minutes for Thursday, May 9, 2019 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM**

Approved on August 22, 2019

PRESENT: Nancy Cole, Larry Schubert, Toni Cohen, Tony Higgins and Pam Thors, Board Administrator

Also Present: Adam and Lisa Gross, Jim Powell, Nicole Cabot, Bill Black, Chris Alley

Absent: Julius Lowe and Deborah Wells

The minutes from the meeting on May 2nd were approved with corrections. Tony Higgins abstained.

The following invoices were approved: MV Times-\$685.00 and DaRosa's \$85.00

5:15 pm: A hearing on an application from Adam and Lisa Gross for a Special Permit to alter and extend a pre-existing non-conforming structure/use to convert an existing studio to a detached bedroom and to reduce the number of bedrooms in the main dwelling from 4 to 3 under Section 11.1-3 (A) of the Zoning Bylaws, Map 22 Lot 42, 645 State Rd, RU district.

The notice was read and Lisa Gross explained the application. She said they want to put a bathroom in the studio and make it a detached bedroom. They are taking down a wall in one of the main house bedrooms so the number of bedrooms there goes from 4 to 3. This change allows them to have the 4th bedroom detached. Because the lot is undersized, the septic capacity is only for 4 bedrooms. The history of the buildings on the property was discussed. The previous owner, Neil Withers had obtained 2 Special Permits previously; to add a fence and to get setback relief for a new deck. Along the way, Mr. Withers was issued a cease and desist order for the plumbing in the studio due to septic issues. To remedy that situation, the Gross' have plans for a new septic line to the studio.

The second, smaller studio on the property that Lisa will be using as an office was discussed. It was verified that this structure is not connected to the house or the proposed detached bedroom.

The area on the second floor of the detached bedroom shown on the plans was determined to have too low a ceiling to be considered habitable. It will be used for storage only.

A letter sent by Nancy Dole in support of the project was read. There were no other correspondences.

Larry moved and Toni seconded a 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.

5:35 pm: A hearing on an application from Jim Powell, agent for The Rosalie H. Powell Trust for a Special Permit to convert an existing Bed and Breakfast to an Assisted Living Facility under section 3.1-1(Use Table) of the Zoning Bylaws, Map 22 Lot 17, 49 Old Courthouse Rd, RU district.

The notice was read and Jim was asked to present his application. He stated the need for affordable elderly housing and the fact that his mother, a stroke victim, is in need of perpetual care. He said he realized that he could help the community by turning the Bayberry B&B into an Assisted Living Facility.

He stated that if approved, there would be five rooms for residents and a garage apartment that has two bedrooms and two baths for himself and occasionally one staff person, rather than the ten guests allowed in the B&B. He also stated that there would be 3 staff people on the property 24/7. A letter from Paddy Moore in support of the project was read, (see file). Another letter in support from Ted Powell was read. Jim stated that he will be constructing "to code" outdoor stairways on both ends of the house to accommodate emergency

personnel access to the second story. An abutter to the property, Nicole Cabot asked what the project would entail, expressing concerns about traffic on the road. Jim restated his plans. He confirmed that he is allowed seven bedrooms according to his septic plan. Nancy confirmed that he is trying to change the use of the existing B&B. Nancy asked who licenses the facility. Jim said it is licensed by the Executive Office of Elder Affairs. Nicole asked if anyone else in West Tisbury was doing this. It was confirmed that Linda Bassett provided a similar service for a while. Larry asked about parking and landscaping. Jim said they could park 14 cars on the graveled surface which handles runoff. Larry asked about an offsite sign. Jim said that a pole at the end of the road used to have a Bayberry B&B sign and he would like to hang a sign there. Nancy stated that historically, the original sign has been there, so it wouldn't be an issue. It was noted that there has always been a sign at the end of the driveway as well.

Bill Black who arrived late to the meeting mentioned his concerns about the groundwater. He said that according to the current Board of Health agent, there is no septic system on the property, just an old cesspool. Nancy stated that the Building and Zoning Official will review all the requirements of their offices prior to permits being issued. Bill expressed his concerns for the traffic issue and this was discussed again.

Nancy clarified that the larger issue of density and the town's vision for the future, is what is really being examined in many cases of new developments on these small island roads. She stated that one of the conditions of the Special Permit should be that Jim must comply with all other town departments. Jim said he has already approached Joe Tierney, Building Inspector and Omar Johnson, Board of Health Agent.

Larry stated that the main condition should be that Jim must comply with all other town departments.

A motion 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 with conditions. The vote on the motion was unanimous.

5:55 pm: A hearing on an application from Matthew E. Epstein, for a Special Permit to install an 18x40 foot in ground swimming pool under Section 8.5-4 (C) of the Zoning Bylaws, Map 3 Lot 54, 71 Stone Bridge Rd, RU district.

The notice was read and Chris Alley, agent for the applicant, presented the project. The applicant would like to build an 18x40' in ground pool. Chris had just met with the Board of Health because of issues with the closeness of the pool to the septic. He said that the proposal was approved by them. Nancy read the one correspondence in support of the application written by an abutter, Fausta Hammarlund Edey. She then read the letter from the applicants to the board describing the issues surrounding Deborah Hiatt's illness and how the pool would help her maintain her mobility through exercise.

A motion was made and seconded 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 explained the 20-day appeal process. She stated that starting construction prior to the end of the 20-day appeal period is an issue to take up with the Zoning Inspector.

Old Business: The request from Kate Warner to waive the application fee for Accessory Apartment Special Permits was discussed. The Board agreed that they would not be willing to make this exception.

The meeting adjourned at 6:40 pm. Respectfully Submitted, Pam Thors, Board Administrator