

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, June 2, 2022 meeting

Approved on June 23, 2022

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

Absent: Julius Lowe

Also Present: Pam Thors, Bd. Administrator, John and Linda Powers, Mike Sisco, Lisa Specht, Daniel Sour, Chris Alley, Michael and Lisa Daniels.

5:00 pm – The minutes of the meeting of May 12th were reviewed and approved with corrections, with one abstention; Jeffrey Kaye.

5:30 pm – Continued from May 26, 2022

Application for a Special Permit from Michael Daniels to allow a designated storage space to become usable workspace in an art studio and add decks to the structure requiring 7.5’ of south side yard setback relief and 3.6’ of north side yard setback relief under sections 4.2-2D4 and 11.2-2 of the zoning bylaws and to appeal a decision by the Building Inspector under M.G.L. Ch.40A sections 8 and 15 at 231 Vineyard Meadow Farms Rd., Assessors Map 37, Lot 13, RU District.

Chris Alley presented the plans and explained the project.

Larry explained that the appeal to Joe Tierney, Building Inspector’s decision is related to the calculation of the total square footage of the structure with the second floor space being used as workspace instead of storage. Larry said that it has always been the practice of the building inspector to count the stair square footage twice.

A motion was made and seconded to DENY the appeal to the building inspector’s decision because the board stands behind his calculation of total square footage with the following resulting vote:

L. Schubert-yes, D. Wells-yes, J. Kaye-yes, C. Decker-yes

A. Zaikis-abstained.

The square footages of the decks and the structure were discussed.

The following correspondence was read; (see file)

- 1- West Tisbury Planning Board
- 2- Immediate Abutter - Ogden
- 3- Immediate Abutter - Nesser

A discussion ensued regarding the total square footage of the structure and the use of the loft area.

Changes to the size of the decks and construction of a patio at grade level were discussed as possible changes to the request. Mrs. Daniels noted that being above ground level was important to her in relation to wanting a separation from wildlife, ticks and snakes in particular.

Jeffrey noted that one of the immediate abutters were concerned about use of the deck space and associated noise. Mrs. Daniels said that any entertaining would take place at the primary dwelling and that the art studio is intended to be occupied by only her and her husband.

Andy Zaikis speaking as an abutter, said he has no objections to the change in use of the second floor but noted that the structure was built right up next to the setbacks even though it was plain from the design that the Daniels were going to want the decks. He asked why an art studio would require wraparound decks. He noted that the art studio as proposed, has more deck area than the primary dwelling and that it is separated by a pool as well. He also noted that any condition will not be able to be policed by neighbors.

Mr. Daniels shared a landscape plan showing Skip Laurel trees that grow to 18' high and 8' wide. Deborah asked if the plan had been shared with the neighbors. Mr. Daniels said that it had not.

Details regarding backfilling and changing the size of the decks were discussed. Larry noted that in his opinion, the size of the decks was somewhat excessive. Mr. Daniels was not amenable to any of the suggested changes.

C. Decker and J. Kaye moved and seconded the motion to close the Public Hearing and open the Board Meeting.

Conditions of approval were discussed.

Condition #1 – Owner will plant and maintain 5 Skip Laurel evergreen trees at least 4' high on the North side of the structure and 3 Skip Laurel evergreen trees at least 4' high on the South side of the structure, locating them to maximize screening from immediate abutters.

A motion was made and seconded to approve the Special Permit with conditions with the following resulting votes;

L. Schubert-yes, D. Wells-yes, J. Kaye-yes, C. Decker-yes, A. Zaikis-abstained.

Larry went over the 20 day appeal period.

5:45 pm – Continued from April 28 and May 12, 2022

Application for a Special Permit from Michael Sisco, to bring into compliance an existing above-ground pool requiring 45' of West side yard setback relief under sections 8.5-4C and 4.2-2D4 of the West Tisbury Zoning Bylaws at 17 Oak Knoll Rd., Assessors' Map 16, Lot 55, RU District.

Larry read the Notice and also noted the site visit held on May 2, 2022.

Deborah recused herself from the hearing as she was not present for the first two meetings.

Larry read the letter from the Planning Board and noted that it is an above-ground pool. He also noted the need for a sound insulating enclosure for the pool equipment.

Andy asked if any neighbors had written in opposition to the Special Permit for the pool. He said his concern is that it be made clear that if the pool was taken down, that a new owner would understand that they would have to apply for a new Special Permit.

The site plan showing the distance from the pool to the lot line was reviewed.

The following condition was agreed upon;

Condition #1 – When the pool is removed, the Special Permit for setback relief will expire and a new application for a swimming pool in that or any other location on the lot will be required.

A motion was made and seconded to approve the Special Permit with Conditions with the following resulting votes;

L. Schubert-yes, A. Zaikis-yes, J. Kaye-yes, C. Decker-yes, D. Wells-abstained.

Larry went over the 20 day appeal period.

Application for a Special Permit from Michael Sisco, Sisco Family Services to operate a Service Business (Landscaping/Odd Jobs/Trucking) under section 8.5-2 and 3.1-1 of the West Tisbury Zoning Bylaws at 17 Oak Knoll Rd., Assessors' Map 16, Lot 55, RU District.

Pam read the 3 letters that came in after the last hearing. One was in support of the application and one was in opposition to the application, (see file). In response to the letters, Larry noted the enforcement policy of the town.

Mike Sisco, applicant said that all materials are now stored off site and that there has only been one work truck parked on the property. He said he is willing to follow all rules and conditions in order to have his business at this location.

The issues surrounding home ownership and Service Businesses were discussed. It was verified that it is allowable for a tenant to operate a Service Business with the approval of the owner of the property.

Larry noted that occupation of the residence is not within the purview of the ZBA.

In response to a question about drainage, Mike stated that there are no runoff issues and that there has been a catch basin across the street since he has lived on the property.

Mike told the board that he is requesting to have 2 employees and 2 trucks over 10,000 lbs GVW at any given time.

Jeffrey asked if the board could impose a condition that the parking area be moved back. Mike said that this would not be a problem.

John Powers, an abutter directly across the street from the property read the minutes of the last Road Association meeting in July of last year.

Larry verified that John is making the point that the vote of this group is against legal and illegal businesses.

An abutter noted a Facebook post by the Mike Sisco advertising his business as being 24/7 – 365 days/yr.

John Powers spoke to the location of the fence versus the location of the bounds in the front of the lot. Larry said that an opinion from the surveyor would easily be able to clear up that issue.

Linda Powers stated that if the fence is over the property line, the plantings would have to be moved as well.

John Powers said that the storage enclosure should be screened rather than being able to be easily seen from the road. Solutions such as installing a gate or moving the parking area to the back of the lot were discussed.

Linda Powers said that in her opinion it is hard to have confidence that Mike will keep his promises. She asked that the board look at this as an individual case rather than allow it just because the bylaw allows it.

The following parameters for the Service Business were discussed.

- Only 2 work trucks over 10,000 GVW
- Only 2 employees on the property at any given time.
- 7:30 am to 7:30 pm only
- Monday through Friday only – No weekends
- No multiple trips to the property
- No equipment to be stored on the property

Larry asked if parking and enclosure could be moved along with plantings off Island Farms Road property. He also asked if the entrance could be changed. Mike said he would like to continue with a plan using the existing driveway and show the enclosure screened. It was determined that he must show all plantings on the plan as being on the subject property and not on the Island Farms Road property.

Larry suggested that the existing bounds be utilized in the surveying work.

A motion was made and seconded to continue the hearing until July 14, 2022 at 6:15 pm.

It was suggested that the plan be submitted prior to the July 14th meeting.

The meeting adjourned at 7:45 pm.

Respectfully Submitted, Pam Thors-Board Administrator