

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, June 10, 2021 meeting

Online meeting via ZOOM- @ 5:00 PM

Approved on July 15, 2021

Present: Larry Schubert, Julius Lowe, Deborah Wells, John Rau, Jeffrey Kaye

Absent: Casey Decker and Andy Zaikis

Also Present: Pam Thors, Bd. Administrator, Reid Silva-Vineyard Land Surveying, Matt Cramer and Stuart Allen-Hutker Associates, Patti Roads.

The minutes of the meeting of 5/27/2021 were reviewed and approved.

Larry suggested that the hearing for Sanke Realty Trust be chaired by Julius since Larry was not in attendance at the initial hearing. Julius agreed.

Pam shared the letter from the Planning Board regarding the application, which deems the proposal to be in keeping with the Zoning Bylaws. The letter suggests that the view easement be preserved and that the owner consider a denitrification septic system. Larry explained that this is what the ZBA was waiting for.

5:15 pm – (Continuation) A Public Hearing on an Application for a Special Permit from Sanke Realty Trust to construct a 20’x40’ swimming pool and an 847 sf. garage in the Inland Zone of the Coastal District at 160 Plum Bush Point Rd., Assessor’s Map 35, Lot 6.15 RU District under Sections 8.5-4C and 6.1-5B of the West Tisbury Zoning Bylaws.

Julius read the Notice and reiterated the information presented at the last hearing. He said that the garage, (847 sf.) is over the square footage allowed by right, (676 sf.) He also questioned whether the garage is located in front of the main dwelling or not. He noted that there is no setback relief being requested and that the project is not within the jurisdiction of the Conservation Commission.

It was noted that the solar panels indicated on the site plan would require a Special Permit. Reid said that they will be filing another application to the ZBA soon.

Jeffrey asked about the size of the garage. Reid said that it is over the size that the building inspector would consider to be a “minor accessory structure”, and that is why they are seeking relief from section 6.1-5B of the bylaws.

Julius asked if there was any correspondence. Pam said that there was no abutter correspondence.

Julius brought up the suggestions by the Planning Board regarding trees to be left on the site. Reid said that the comments were pertaining to trees in the view channels which had been established prior to the purchase of the property.

D. Wells and J. Kaye moved and seconded a motion to close the public hearing and open the board meeting.

A rollcall vote was taken with the following resulting votes; J. Lowe-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes, L. Schubert-abstained.

Julius noted that the application was fairly straightforward and within the parameters of applications they have approved before.

J. Rau moved and J. Kaye seconded a motion to approve the application.

A rollcall vote was taken with the following resulting votes; J. Lowe-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes, L. Schubert-abstained.

Julius went over the 20 day appeal process and the “boiler plate” pool conditions.

Informal hearing-Patti Roads

Larry advised Patti that her Special Permit from 2015 had lapsed and that she would have to reapply. He explained that Massachusetts General Laws require you to act on your Special Permit within 2 years from the time it is filed with the Town Clerk.

Her documentation from her last application was reviewed and she was told that she may be required to place boundary markers on her property to satisfy the bylaw requirement. It was also verified that she would need to submit 2 elevations drawn to scale for the accessory structure. Larry noted that the plans don't need to be done by an architect but must show what she is intending to build. He also stated that the building inspector will eventually need construction drawings, and that if they are not too different from those submitted to the ZBA in the new application, the building permit should be able to be issued.

Jeffrey asked about the conditions of the business, such as hours and days of operation. Larry said that when Patti reapplies, she can submit a narrative, giving all of this information.

Patti verified that the conditions related to screening the pool have been fulfilled.

Preserve West Tisbury group

Larry said that the group is not able to meet tonight and will ask to be on the agenda for one of the July meetings.

John asked why this draft proposes that the Planning Board and not the Zoning Board of Appeals would be responsible for granting the Special Permit. Larry noted that the Planning Board does review houses over 3,000 sf. so maybe this would be just an extension of that review. Pam said that the Planning Board can be the Special Permit Granting Authority, (SPGA) in some cases.

Larry said that when the discussion takes place in July, the group can be made aware that the ZBA is perhaps more suited to issuing the Special Permit.

Pam suggested that the group may have assumed that the Planning Board would be the SPGA and that this part of their request could be modified.

Jeffrey asked if this had already been passed. Pam said that it had not been, and that there may be a Public Hearing on the issue along with subsequent iterations before it were put on the town meeting warrant.

Pam asked the board when they would like to meet in July. She said she has no new applications. It was suggested that there not be a meeting on July 22nd due to members being away. Pam said she would keep the board posted as to new applications and meeting dates.

The board discussed going back to in person meetings vs. ZOOM meetings since the MA State of Emergency is coming to an end on June 15th. Various comments were made about the pros and cons. The consensus was, that if the legislation passes allowing ZOOM meetings to continue to take the place of in person meetings until September, they would like to continue on ZOOM.

The Meeting adjourned at 6:00 pm.

Respectfully Submitted,

Pam Thors-Board Administrator