

**WEST TISBURY ZONING BOARD OF APPEALS**

**Minutes for Thursday, July 15, 2021 meeting**

**Online meeting via ZOOM- @ 5:00 PM**

**APPROVED ON JULY 29, 2021**

**Present:** Larry Schubert, John Rau, Jeffrey Kaye, Deborah Wells and Casey Decker

**Absent:** Julius Lowe and Andy Zaikis

**Also Present:** Pam Thors, Bd. Administrator, Keith Bassett, Jill and Bruce Carlton, Josh Gothard, Scott Caskey, Katherine Walsh, Patti Roads, Alex Karman, Anna Alley, Tracey Smith.

Larry opened the meeting and the minutes of the June 10, 2021 meeting were approved with one abstention, (Casey Decker). The minutes of the June 27<sup>th</sup> meeting were also approved with two abstentions, (Deborah Wells and Casey Decker). All correspondence was reviewed.

**515 pm:** A Public Hearing on an Application for a Special Permit from Keith Bassett to amend a Special Permit and to rent five (5) bedrooms at what will be called the West Tisbury Inn located in the Historic District at 1070 State Rd., West Tisbury, Map 32 Lot 90, VR District under Section 8.5-7 and 9.3-3 of the Zoning Bylaws.

Keith Bassett, the applicant presented his application. He said that he would like to continue the tradition of the Inn that his mother ran for 20 years. He said he has been upgrading the property and buildings.

John asked what Keith was requesting from the Board. Keith said he was never aware that he needed a Special Permit. John verified with him that there was never a Special Permit to run the Inn. Keith explained that he is just trying to keep the Inn running for his ageing and ailing mother and stepfather.

Pam said she thought that there might be a Special Permit issued back when the owners started renting rooms so included section 9.3-3 (Amendments to Special Permits) to the legal ad. She said she never found evidence of one but that Keith is applying under Section 8.5-7 (Renting of 4 or more rooms), because he would like to rent 5 rooms instead of 3. He clarified that his Mom would only rent out 3 rooms at a time even though there were multiple rooms available. He also noted for the record that they rent out the entire house weekly in July and August.

Jeff asked where the property is located. Larry answered that it is right next to the gas station.

Larry stated that at one point, when the Bassett's were before the ZBA on another matter, the subject of rented rooms was brought up and it was determined that they could rent out 3 rooms "by right", so a Special Permit was not required.

Casey stated that as long as the parking is adequate, he does not have a problem with the application.

Keith stated that he had dropped off a parking plan. He said he has spent \$7,000 on the driveway and parking area and now has 6 designated spaces.

Larry described the parking and building locations as presented on the plan.

John noted that since the spaces are drawn in by hand and not to scale, the plan is inadequate. He asked if it complies with the American with Disabilities Act.

Casey said that 9' x 18' is the usual size for parking spaces.

Larry suggested that a condition of the Special Permit, (if approved), include that the Building Inspector must approve the parking plan. Pam suggested that the condition be that the owner will comply with the parking bylaw.

Keith said that parking has always been an issue but it is much more “intuitive” now.

Larry reiterated that the Building Inspector would let him know if the parking doesn’t work. He added that the property seems to have adequate space for parking.

Larry asked about correspondence and read the letter of support from Nancy Dole, an immediate abutter. There were no other correspondences.

Abutter Bruce Carlton said that Keith’s mother is the owner and should therefore be the applicant. Keith answered that he is the owner of the business and has recently been named as trustee of the trust that owns the property.

Bruce Carlton commented that the Historic District encourages businesses and 6 rooms are already rented with no Special Permit in place. He asked if there should be.

Jill Carlton noted that the website for the Inn says that 6 rooms are available. She said she would like to know what the actual number of rooms is and what the improvements cited by the owner are. She also noted that the website states that meals can be served on site. She asked to be informed of what amenities are included in the functioning of the Inn.

Keith said that his intention is to run a 5-bedroom Inn during the months other than July and August. He said there are 6 rooms at the Inn. He stated that there have been no structural improvements and that he is only upgrading bedding, linens, paint and parking. Larry confirmed with him that there would be no improvements that would require a Building Permit. Keith added that he would like the Inn to be a “gem” for the town.

John asked if Historic District approval is necessary and if there will be any exterior changes to the building. Keith replied that he plans to keep things as is for now and will just be working on making the Inn more nicely appointed.

John reminded Keith that he should keep the Board of Health regulations in mind as well.

Larry said that the bylaw requires that the Board of Health review the project for “water, sewer and any other matters under its jurisdiction”.

The question of review of any current advertising was raised. Larry said that it would be inappropriate to discuss advertising at this time since up to now there has been no Special Permit. He then read the entire bylaw, 8.5-7 A-E, for the sake of clarity.

John noted that the bylaw mentions that “Traffic generated should be no more disruptive to the neighborhood than that normally resulting from agricultural or residential use.” He said that ordinarily he would not expect 6 cars parked in front of a residential home. He asked the board if they think that this is a traffic increase.

Larry said that considering the current traffic on State Rd., it would be hard to call this an increase that is more disruptive than normal.

Pam stated that the bylaw which allows for the renting of 4 or more rooms would intrinsically allow 4 or more cars to be parked there.

Deborah noted that the bylaw also refers to agricultural use which would be much more disruptive as far as traffic goes.

*J. Rau and D. Wells made and seconded a motion to close the Public Hearing and open the Board Meeting.*

All agreed that a condition of approval should be that the applicant comply with all aspects of the parking bylaw.

*A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes and C. Decker-yes.*

*Larry went over the 20-day appeal process.*

**535 pm:** A Public Hearing on an Application for a Special Permit from Scott and Charlotte Caskey to construct a 16'x 32' swimming pool on a lot located in the Inland Zone of the Coastal District under section 8.5-4C of the Zoning Bylaws at 65 Jennie Athearn Rd., Map 38 Lot 2, RU District.

Joshua Gothard, Architect for the Caskeys presented the application. The site plan was reviewed.

Findings:

- 1) The pool will be 16' x 32'.
- 2) There will be 4' high fencing with mesh on the outside face.
- 3) There will be self-latching gates with double locks.
- 4) The doors entering the pool area from the house are outfitted with safety alarms.
- 5) There will be an automatic pool cover
- 6) The pool equipment will be stored in a 10'x8' soundproof shed.

Pam read the only correspondence which was from abutters Fran and Sarita Valenti who wrote in support of the application.

Larry went over the "boiler plate" pool conditions.

*D. Wells and C. Decker made and seconded a motion to close the Public Hearing and open the Board Meeting.*

*A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes and C. Decker-yes.*

*Larry went over the 20 day appeal process.*

**Informal Hearing:** Patti Roads

The board reviewed Patti's request to amend her existing Special Permit for a home occupation, (2015-26).

The original application allowed the following days and hours of operation: "4 days out of 5, Monday through Friday with a maximum of four clients per day, 16 per week. There will be no group sessions".

The days and hours of operation being proposed are: Saturday and Sunday between 10am and 1pm and Monday through Friday between 6pm and 8pm.

A motion was made and seconded to deem the changes to be de minimus and therefore allowable without another hearing.

**Katherine Walsh- request to extend her Special Permit, (2018-18)**

Pam read the letter from Katherine requesting that the board extend the time limit on her Special Permit for 2 years. She said that they could not be here last year due to Covid-19 and that now, with the backup on construction and materials, she would like to request a 2-year extension.

*D. Wells and C. Decker made and seconded a motion to approve the extension on the time limit for Special Permit #2018-18 to July 3, 2023.*

*A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, J. Kaye-yes and C. Decker-yes*

The board took a look at the Planning Boards "Suggestions for houses over 3,000 sf. Casey asked if this has anything to do with the draft proposed bylaw limiting house size.

Pam said that it doesn't but that she would send the draft out to the members for their review, noting that the Preserve West Tisbury subcommittee of the Planning Board would probably ask to meet with the ZBA in the fall.

The Meeting adjourned at 6:20 pm.

Respectfully Submitted,

Pam Thors-Board Administrator