

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Thursday, July 29, 2021 meeting

Online meeting via ZOOM- @ 5:00 PM

Approved on August 12, 2021

Present: Larry Schubert, Julius Lowe, John Rau, Jeffrey Kaye, Deborah Wells, Casey Decker and Andy Zaikis

Absent: N/A

Also Present: Pam Thors, Bd. Administrator, Heikki Soikkeli and Reid Silva

Larry opened the meeting and the minutes of the July 15, 2021 meeting were approved with corrections and two abstentions, (Julius Lowe and Andy Zaikis).

515 pm: A Public Hearing on an Application for a Special Permit from Heikki Soikkeli at Soikkeli & Co. for Henry and Jacqueline Shaub to construct an accessory structure over 676 sf. on a non-conforming lot at 256 Pond Rd., Map 30 Lot 2.42, RU District under Section 11.2-2 of the Zoning Bylaws.

Larry read the Hearing Notice and Heikki Soikkeli, representing the owners explained the project. He said that his clients wants to convert the existing garage into a bedroom and a playroom. He noted that they are in the process of increasing the septic capacity on the lot. He said that the garage is proposed to house two cars and a small sailboat and it has been approved by the Deep Bottom Pond Architectural Review Committee.

John asked where the original garage was located. Heikki reiterated that the existing garage is slated to become a habitable space.

The plans and elevations were reviewed.

John said he has sees no problem with the conversion.

Larry opened up the discussion to the room. He clarified that Heikki is before them to allow construction of an accessory structure over 676 sf.

Deborah verified that the total space is not conditioned.

Pam stated that there was no correspondence.

A. Zaikis and J. Rau made and seconded a motion to close the Public Hearing and open the Board Meeting.

A rollcall vote was taken to grant the Special Permit 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 Carter Payne to construct a 30' X 48' garage/woodshop requiring 40' of rear lot line setback relief on a non-conforming lot at 55 Fishhook Rd., Map 13 Lot 6.3, RU District under Section 11.2-2 and 4.2-2D4 of the Zoning Bylaws.

Reid Silva, who was to present the application was not in attendance at this time so the "Preserve West Tisbury Group" representative, Samantha Look explained her proposal for a new bylaw addressing house size to the board, (see attached draft proposal).

Samantha explained that her group has been trying to get this proposal out to many different entities in order to receive feedback and input. She explained that the housing size cap being proposed would include all structures on the lot. She also described the formula for calculating square footage. She added that for now, the Planning Board is slated to become the Special Permit granting authority for this bylaw. She noted that the Planning Board is already responsible for site plan review of houses over 3,000 sf. so ideally, this would dovetail with that process.

Larry noted that the proposal refers to “Accessory Apartments”. He advised Samantha that this nomenclature was amended at the last Town Meeting; changing it to “Affordable Accessory Apartments”. He also noted that the way the process works now is that if an applicant for a Special Permit is unhappy with a decision of the Building Inspector, they are allowed to appeal the decision with an application to the Zoning Board of Appeals. He noted that Town Counsel would be aware of this while reviewing the proposal and realize the challenges this may present.

Julius asked what implications this bylaw would have for a property owner. Samantha stated that you could only have a 3,000 sf. house on a one acre lot. Any sf. over that would relate to the sf. of the lot over and above 1 acre.

Jeffrey asked if there have been considerations of Land Court properties. Samantha said that there haven’t been as this subject had not come up before.

Deborah referenced section 2b...one third of the way down the and asked how the term “below grade” would be handled if part of the house were above grade.

Samantha said that her group had spent a lot of time on this question and that as of now, the determination would be left up to the Building Inspector. She noted that they were trying to avoid using the terms “habitable and non-habitable” because they are complicated to define.

Casey asked if they really want to leave this definition to the discretion of the Building Inspector.

Samantha said that this is still up for discussion. She asked if it would definitely be less risky than leaving it up to the Planning Board.

Casey noted that in the energy consumption formula, the structures are measured from the exterior walls. He said that since wall thickness and energy consumption are so intertwined, this seems to penalize energy efficiency.

Samantha said that she is aware of this issue and agrees that it would be a shame to discourage energy efficiency. She explained that they had tried to stay on track with how the Building Inspector measures structures.

Larry commented that measuring from the inside walls would make the process of limiting square footage of a structure much more complicated.

Julius noted that the purpose of limiting house size is more for limiting the visual mass of structures. He said that this supports measuring structures from the outside as well.

Larry stated that the bylaw being proposed will be scrutinized by Town Counsel prior to the Town Meeting and at this time sees nothing unsupportable in the proposal.

5:35 pm: Hearing was continued for re-advertising due to a clerical error.

The Meeting adjourned at 6:55 pm.

Respectfully Submitted,

Pam Thors-Board Administrator