

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, July 30, 2020 meeting
Online meeting via ZOOM- @ 5:00 PM

APPROVED AT THE MEETING OF AUGUST 27TH 2020

Present: Nancy Cole, Larry Schubert, Deborah Wells and John Rau.

Absent: Julius Lowe, Andy Zaikis

Also Present: Will Sennott and Pam Thors, Board Administrator,

5:00 pm

Nancy opened the meeting and read the Open Meeting Law Complaint filed by Tara Whiting-Wells and Peter Wells. She read the Notice for the application filed by Jaka Saarony;

A Public Hearing will be held online via ZOOM on an Application for a Special Permit from Jaka Saarony to construct an 18'x33' above ground pool under Section 8.5-4 (C) of the Zoning Bylaws at 5 Vincent Rd, Assessor's Map 31, Lot 102.11, RU District.

Nancy went over the instructions for a public body that receives a complaint. She said that after tonight's review, the board has 14 days to respond to the complaint and send a copy of the complaint and the response to the Attorney General's office.

The plans and the lack of dimensions were discussed. Larry said that sometimes plans come in with dimensions missing and during the discussion changes are made. He said that this is a common practice.

John said he agrees with Larry, noting that the lot is nearly 4 acres and that the new location is more in the center of the property than the original. He said that the pool is clearly over 50' from the lot line. He stated that the meeting was properly posted, abutters were notified, and all deliberation was done in public. He said that he doesn't see how the Open Meeting Law was violated.

Nancy said that prior to COVID-19, plans were often not viewed until the meeting. If abutters expressed an interest in the particulars of an application, the Administrator would get them the information they were looking for and in most cases be able to notify them of any changes. It was noted that this exact situation was what took place in the case of the Saarony hearing. It was agreed that since the abutters were notified of the change and were in attendance at the meeting, they had the opportunity to voice their concerns.

Deborah asked about the dimension error in the narrative cited in the complaint. Pam said that the original plan does show the pool 50' from any property lines and the new one does not, although it is plain that it is far from encroaching on any setbacks. Larry said that maybe they were referring to the 500' distance from all properties that is mentioned in the Narrative. He said that sometimes file information can contain errors and/or omissions.

Larry explained the deliberation process by the board which may contain erroneous information.

Nancy noted that the new plan locates the pool well away from the lot line setbacks. She said that the board could require an engineered plan so that the Building Department has it on record.

Deborah said that she is less concerned about the location of this pool because it is not an in-ground pool and is not heated and has no lights.

Pam asked if the board would have required an engineered site plan if the Wells' were not at the hearing or were concerned about the location. She said she wanted to know for this case and for the future.

John said that he still doesn't see any violation of the Open Meeting Law and that if there is a problem with the Decision, that that is a different matter.

Nancy stated that it seems that the board is in agreement that there was no violation of the Open Meeting Law. All concurred and requested that this be the first part of the response.

John moved and Larry seconded the following motion;

The ZBA did not violate the Open Meeting Law in the case of the Saaroney application for a Special Permit On July 9, 202.

In discussing the response letter, Nancy suggested that the board could decide to require an engineered plan showing the exact dimensions of the pool in relation to the setback.

Deborah asked if an engineered plan would be necessary when the pool is obviously so far from the lot line setbacks. She said that it seems that it would be more appropriate to require an engineered plan if the applicant were looking for setback relief.

Larry said he agreed with Deborah, citing the many instances where the board would measure out the dimensions on a plan at the meeting.

John said that the issue at hand is whether or not the Open Meeting Law was violated, not the specifics of the application.

Nancy said that their procedure was followed in the usual fashion and that they see no problem with the process.

Pam said she could draft a letter stating that the consensus of the board is that there was no violation of the Open Meeting Law in the hearing for a Special Permit from Jaka Saaroney following up with other responses to each individual point brought up in the Complaint.

The meeting adjourned at 6:00 pm.

Respectfully Submitted, Pam Thors-Board Administrator