

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Tuesday, August 1, 2019 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON AUGUST 22, 2019

PRESENT: Nancy Cole-Chair, Larry Schubert, Julius Lowe, Deborah Wells, Toni Cohen from 6:25pm to 6:50pm

Also Present: Mary Ann Dolezsar, Brandon Smith, Catie Blake, Eric Blake, Peter Rodegast, Mr. and Mrs. Gianocostas

Garcia/Wing-Map 16, Lot 61 plan change-The board reviewed the plans submitted by Shelyn Garcia, which show the previously approved detached bedroom changed to be attached to the main house via a one story sunroom. They approved and signed the new plan which had been voted at an earlier meeting as a di minimus change. Pam told Shelyn that she would give a copy of the signed plan to Joe Tierney, Building Inspector.

5:15 pm A hearing on an application from Brandon C. Smith, agent for Henry and Leslie Nolte for a Special Permit to construct a detached garage requiring 6 feet of setback relief under Section 11.2-2 of the Zoning Bylaws, Map 37 Lot 43, 149 Vineyard Meadow Farms Rd, RU district.

The notice was read and Brandon presented the plans. He explained that the two car garage requires 6 feet of setback relief but is in line with the setbacks on the main house. He stated that this is really the only place on the lot where the garage could be built. Mary Ann Dolezsar, an abutter, two properties away, expressed her wish to see the existing large stand of evergreens to be left where they are or be replaced with similar trees if necessary. Brandon stated that he felt very comfortable complying with this request. Brandon stated his plans to install compliant lighting and Larry reviewed some of the specifics with him. The location of the existing evergreens and the existing shed were discussed. Larry asked where the shed would be moved to. Brandon stated that the shed would either be removed or relocated within the required setbacks.

Conditions:

- 1) Existing Evergreens will either remain or be replaced if necessary.

Julius moved and Larry seconded a motion to close the Public Hearing and open the Board Meeting

A motion was made to approve the Special Permit. The vote on the motion was unanimous. (LHS, NC, DW, JL).

Nancy explained the twenty day appeal period.

5:35 pm A hearing on an application from Dean and Petronella Gianocostas for a Special Permit to construct a 12 x 16 foot storage shed requiring 31 feet of setback relief under Section 4.2-2(D) 4 of the Zoning Bylaws, Map 17 Lot 18, 71 Otis Bassett Rd, RU district.

The notice was read and Mr. Gianocostas presented the plan. He verified that the shed will be for storage only. The one piece of correspondence, in support of the Special Permit, was read, (see file). It was noted that the shed would be permanently non-habitable. Setback relief requested is 15 feet from the Southwest lot line and 31 feet from the Northwest lot line.

Larry noted that the labelling of the shed as, “storage only”, is exactly what the Building Inspector will be looking for.

Julius moved and Larry seconded a motion to close the Public Hearing and open the Board Meeting.

A motion was made to approve the Special Permit. The vote on the motion was unanimous.(LHS, NC, DW, JL).

Nancy went over the twenty day appeal period.

Pat Nagy-Accessory Apt inquiry-The Board reviewed the letter from Pat Nagi who would like to build an Accessory Apartment to live in but still be able to rent her main house at market rate for one month in the summer. Her letter states that this would help her afford the costs of ownership, (see file). The board verified that one of the dwellings must be rented affordably. Nancy read the list of requirements in the Accessory Apartment Homeowner Fact Sheet from the Affordable Housing website, (see file). The board agreed that the owner would not be able to do what she is proposing under the current bylaw. Pam was asked to write to her and explain the board’s findings, directing her to the Planning Board if she would like to request a bylaw change at the next Town Meeting.

5:55 pm A hearing on an application from Erik Blake for a Special Permit to construct a 13x33 foot in ground pool requiring 14 feet of setback relief under Sections 8.5-4 (C) and 4.2-2(D) 4 of the Zoning Bylaws, Map 16 Lot 240, 18 Amos Ln, RU district.

The notice was read and the applicant presented the plans. Erik stated that they would like to put in a patio and pool, with compliant lighting. He said that the fence would be a combination of white 6’ Privacy fencing and 4’ wire mesh fencing. Larry went over the specific requirements for pools in West Tisbury.

A motion was made to close the Public Hearing and open the Board Meeting.

Larry asked that the individual setback relief being sought be represented in the decision.

A motion was made to approve the Special Permit. The vote on the motion was unanimous.

Nancy went over the twenty day appeal period.

Colaneri-plans-The Board signed the Colaneri plans, (Accessory Apt.) on Map 21, Lot 10.1, which had not been signed at the last meeting.

Ted Jochsberger-Email re: Aff. Housing New Committee-The letter from Ted was read and discussed. Larry gave the board some background regarding this issue. Larry stated that the town seeks to have enough Affordable Housing so that if a Ch40B application came along, that the town did not want that they could justify a denial. They agreed that although the ZBA would review any new Ch.40B applications, that the committee will probably be more concerned with the actual search for future 40B's etc. They decided to wait to hear from the Board of Selectmen.

6:15 pm A hearing on an application from Peter Rodegast, agent for Peter and Patricia Accinno for a Special Permit to construct a garage addition to a pre-existing, non-conforming dwelling requiring 37 feet of setback relief under Section 11.1-3 (A) and 4.3-3 (D) of the Zoning Bylaws, Map 16 Lot 9, 57 Island Farms Rd, RU district.

Nancy recused herself from this hearing due to a conflict of interest. Larry Schubert took over as Chair.

The notice was read and Peter presented the plan. He said that the owner is a seasonal resident who would like to add a one car garage which will have no electricity or heat and a mud room to the house. He said the house is a pre-existing, non-conforming structure due to one corner encroaching on the setback. He explained that the addition of a mudroom would accommodate the laundry which currently is in the basement. He said that there is a stairway to the upper story of the garage which will be used for storage only. He stated that the neighbors have been consulted and none seem to have a problem with the project. Larry read one letter which had been submitted in favor of the application. The driveway and parking were discussed. Peter explained that the roof pitch is the same as the main house.

A motion was made and seconded to close the Public Hearing and open the Board Meeting.

Larry stated that the logic in approving the garage in this location is that it is the best possible spot for it considering the shape of the lot and location of the main house.

Deborah asked about neighbors' concerns with the visual impact as far as the height of the structure is concerned. Peter said there doesn't seem to be any neighbor concerns. Other locations were discussed.

Finding:

The owner will be abandoning the parking west of the proposed garage and they will not be creating a new driveway between the garage and the property line.

A motion was made and seconded to close the Public Hearing and open the Board Meeting.

A motion was made to approve the Special Permit. The vote on the motion was unanimous, (LHS, DW, JL, TC)

Thomas-Map 16, Lot 45-The board reviewed the email from Joe Tierney, Building Inspector regarding the Thomas accessory apartment which had been approved with an interior stairway to the basement. It was agreed that this was a mistake but that since the decision had already been filed and the construction already begun, that the approved plans would have to be allowed. Pam was asked to draft a reply to Joe Tierney stating the Board's decision.

Copy of letter from Joe Tierney to Lambert's Cove Inn-(see file). The letter was read and discussed. The board agreed that the timing for this to have occurred is unfortunate considering that the Lambert's Cove Inn has an application before them.

Letter from Tucker Hubbell regarding Lambert's Cove Inn-noise. The letter was not read into the record as the Public Hearing portion of the Lambert's Cove Inn Application was previously closed. Pam was directed to notify Tucker that this is the case.

The Board voted to ask the Selectmen to appoint Deborah Wells as a full time member and Faren Worthington as an associate member.

Pam said she will draft a letter to that effect.

The meeting adjourned at 6:50pm.

Respectfully Submitted,
Pam Thors, Board Administrator