

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, September 10th, 2020 meeting
Online meeting via ZOOM- @ 5:00 PM

APPROVED ON SEPTEMBER 24, 2020

Present: Nancy Cole, Larry Schubert, Deborah Wells, John Rau, Andy Zaikis and Jeffrey Kaye

Absent: Julius Lowe

Also Present: Pam Thors, Board Administrator, Alison and Joe Thompson, Alex Senchak and Rumena Manolova, Moira Fitzgerald, Anthony and Maria Marchigiano, Tracey Smith.

5:00 pm

The minutes of the meeting held on August 27th were reviewed and approved with corrections. Payroll and invoice for Martha's Vineyard Times were reviewed and approved for payment.

The board reviewed and approved the letter to the Planning Board with corrections, (see attached). Pam said that she hoped that the letter would open up communication about referrals and the site plan review bylaw.

5:15 pm

A Public Hearing on an Application for Special Permit from Alison and Joe Thompson to construct an addition to a pre-existing, non-conforming dwelling requiring 13' of setback relief from the rear lot line and to construct a 14'x27' swimming pool under Sections 8.5-4 (C), 11.1-3 (A) and 4.3-3 (D) of the Zoning Bylaws, Map 11, Lot 48, 329 State Rd., RU District.

The Notice was read and Alison explained the project. Pam stated that the only things before the board were the pool and the corner of the dwelling where the master bedroom is proposed which requires the setback relief. She said the other additions proposed on the plan appeared to be allowable "by right".

Nancy asked about the vegetation on the lot line closest to the master bedroom addition. Alison said that the corner requiring setback relief overlooks Fred Fisher's farm and the part of the addition that is visible by other neighbors will be screened by additional plantings.

John noted that Section 9.2-2 Review Criteria for Special Permits should be reviewed at each hearing before the board votes. Nancy agreed, suggesting that the matter be discussed at the end of the meeting.

The details of the pool were discussed. Alison said that they would like the pool equipment enclosure to be located south of the pool instead of being placed on the west side of the existing garage. Nancy asked why she wants this change. Alison said that Pam had told them that the shed would require setback relief if it was located on the side of the garage and that the new location works better. The lighting plan was also reviewed.

Larry discussed the boiler plate regulations that apply and will be listed as conditions of approval in the Decision.

Nancy asked for public comment. There was none. John asked if there was any correspondence. Pam said that there was none.

L. Schubert and A. Zaikis moved and seconded a motion to close the public hearing and open the board meeting.

A motion was made and seconded to APPROVE the application with CONDITIONS. A rollcall vote was taken resulting in the following votes; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes, Jeffrey Kaye-yes.

Nancy went over the 20 day appeal period.

5:35 pm

A Public Hearing on an Application for Special Permit from Moira D. Fitzgerald, agent for Alex Senchak and Rumena Manolova to construct an addition to a pre-existing, non-conforming dwelling requiring 19' of setback relief under Section 11.1-3 (A) of the Zoning Bylaws, Map 3, Lot 65.22, 57 Duarte Pond Rd., RU District.

The Notice was read and Moira presented the application. Andy asked why the addition cannot be located in a different part of the house. Moira stated that this location is the only possible choice considering the location of the recently renovated kitchen. She noted that the lot dropped off behind the house and that they are trying to make a safer and more substantial entryway. She said that this is the best configuration.

Alex Senchak said the second floor addition would not be viable if it had to be relocated.

Three letters from abutters in support of the application were read, (see file).

Larry asked if the bedroom count was going to increase. Moira said that it will remain a four bedroom dwelling.

Nancy asked for public comments or questions. There were none.

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

A motion was made and seconded to APPROVE the application. A rollcall vote was taken resulting in the following votes; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes, Jeffrey Kaye-yes.

Along with his vote of approval, Larry stated that the request is allowable under Section 11.1-3 (A) due to the board's finding that the alteration is not substantially more detrimental to the neighborhood.

Nancy went over the 20 day appeal period.

5:55 pm

A Public Hearing on an Application for Special Permit from Anthony and Maria Marchigiano to construct a 17'x 34' swimming pool and hot tub on a non-conforming lot and the addition of a pool equipment enclosure to a pre-existing, non-conforming garage under Sections 8.5-4(C), 11.2-2 and 11.1-3 (B) of the Zoning Bylaws, Map 29, Lot 46, 12 Waldron Bottom Rd., RU District.

The Notice was read and Tracey Smith from Schofield, Barbini and Hoehn, Inc. presented the application. Nancy asked why the lot is non-conforming. Tracey Smith said that it is less than 3 acres.

Deborah asked about the fencing that would be used. Tracey said that what is proposed is a split rail fence backed by attached metal mesh. Pam shared pictures of the fencing and all agreed that it looked compliant. Deborah asked about the location of the fence. Tracey explained that it follows the contours of the existing vegetation surrounding the lot.

The pool equipment enclosure was discussed. Tracey said that she was leaving this detail up to the Marchigianos. Anthony stated that the equipment that services a heated salt water pool is relatively quiet. He said that the three sided structure will comply with the bylaw. Larry said that before a use permit will be granted by the Building Inspector, he will decide if the structure is adequately noise insulating. Larry suggested that a finding should be that “The applicant agreed that the described enclosure will be sound insulating but that he will make whatever changes are requested by the Building Inspector in order to comply”.

Larry went over the boiler plate regulations regarding filling, maintaining and draining the pool.

Aaron Phillips, an abutter joined the Zoom meeting to offer his support for the application.

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

A motion was made and seconded to APPROVE the application with CONDITIONS. A rollcall vote was taken resulting in the following votes; Nancy Cole-yes, Larry Schubert-yes, Deborah Wells-yes, John Rau-yes, Andy Zaikis-yes, Jeffrey Kaye-yes.

Nancy opened up the discussion about setback relief that John had brought up earlier in the meeting. She said that setback relief is one of the most common requests that comes before the board. She said that they look at input from neighbors, size of proposed construction and amount of setback relief being requested.

Larry stated that the phrase “is not more detrimental to the neighborhood” gives the ZBA power to deny over the top applications. He said that reasonable requests tend to be approved. He also mentioned that he has lived here for over 40 years and is very familiar with the neighborhoods. He suggested that board members direct questions about neighborhoods to applicants.

Andy suggested showing maps of the neighborhoods during the hearings. Pam said that the Google maps that she posts for each hearing give a good idea as to the density of the neighborhoods and the location of dwellings on lots abutting the subject lots. She said that ordinarily, those maps would be on the table for ZBA review but since meetings are virtual, they are not always shared. She asked that Andy or any member suggest looking at these maps during hearings.

John stated that he believes that Section 9.2-2 Review Criteria, should be discussed at each hearing and the discussion be included in the minutes especially since board review of this section of the bylaw is always listed as a finding in decisions.

The letter from Harriett Bernstein was discussed, (see attached). It was suggested that Pam answer her letter regarding pools and water usage. Pam said she will attach the decision for Hartzband/Sonneborn for Harriett’s review of the conditions of approval for pools.

The meeting adjourned at 6:15 pm.

Respectfully Submitted, Pam Thors-Board Administrator