

WEST TISBURY ZONING BOARD OF APPEALS

Thursday, September 7, 2023
Meeting Minutes

Approved September 21, 2023 (4-0)

Present: Larry Schubert, Julius Lowe, Deborah Wells, Pat Barrett

Absent: Andy Zaikis, Jeffrey Kaye, Casey Decker

Also Present: Kim Leaird (*Board Administrator*), Andrea Mintz, Bob Fox, Roger Levine, Susan Stone, Kenneth Abbott, Deanna Ahearn Laird, Don and Gayle Bradley, Seth Vincent Maciel, Jared Maciel, Joseph W. Dick, Wendy Whipple, John Hoff, Adam Moore, David Murphy, Peter Rodegast, Chris Murphy, Kristen Geagan, Laura Murphy, William Fielder, Michael Black, Martha Post, Michael Post, Scarlet Johnson, Jeanne Barron

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5:00 pm – The meeting minutes of August 24, 2023, were approved 4-0.

Other Business

- The board reviewed revised floor plans to confirm the fireplace had been removed per the decision of special permit granted to Middle Point Bend LLC, 216 Middle Point Rd. (Map 39 Lots 7 and 8) on August 24, 2023 for a detached bedroom and studio.
- Larry told board that he and Kim had worked today to finalize the Stillpoint decision which must be filed by Tuesday, Sept. 12.

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5:15 pm – A public hearing on an Application for a Special Permit from Schofield, Barbini & Hoehn, Inc., on behalf of **Deanna Ahearn-Laird** to construct a 16’x32’ inground swimming pool; a 12’x20’ shed; a 16’x18’ open-air pavilion; and a 24’x24’ garage with an office/gym above – all proposed structures adhering to required setbacks – on a pre-existing non-conforming lot under 8.5-4C and 11.2-2 of the Zoning Bylaw, at **72 Vineyard Meadow Farms Rd., Map 29, Lot 34** in the RU district.

Larry read the hearing notice and opened the hearing. Ken Abbott and Deanna Ahearn-Laird were present. Ken said after the first (withdrawn) application they changed the site plan and adjusted so that all structures adhere to required setbacks and they moved and reduced the size of the garage from 26’x26’ to 24’x24’ to get footprint under 600 sq. ft. The pool, shed and pavilion are behind house, in same area but pool fence is closer and goes outside a stone patio that abuts the back of the pavilion and to back fence line which is approximately 130’ x85’ to encompass all structures.

The applicant provided a landscaping plan from Donaromas that shows the screening around the pool area as well as around garage. There will be a second curb cut for a parking driveway. Ken said abutters had been concerned about an existing shed being too close to the property line but it is under 120 sq. ft. and meets the requirement for a structure that size. It is 10 ft. high and 25 ft. from the side yard property line.

Larry read a letter from Planning Board referring it back to the board for their determination.

Deborah asked if the purpose of the landscaping plan is screening, then some of the things selected are vulnerable to deer. Pat asked if there was a homeowner's association and if they had comment. Deanna said only a road association and they did not.

Robert Fox, direct abutter to the north, said they had objections with the first application but said that Deanna had worked really hard to accommodate their concerns and produced a great new plan. They no longer have objections.

The board spoke informally about deer-resistant vegetation. Fox said they use deer fencing that does a good job protecting their vegetation and invited applicant to come over to see it.

Don and Gayle Bradley, direct abutters to the south, asked about the type of [pool] fencing she was planning to use. Deanna said it would be dark black fencing; in the woods it will be wooden where visible in yard it would be white with black meshing lobster wire. She added it will be aesthetically nice.

A motion was made and seconded to close the hearing and open the board meeting.

Larry said there are standard boilerplate pool conditions (signage, equipment room, sound insulated shed, etc.) that will be part of the permit. As far as the landscape plan, sometimes the board adds a condition that landscaping will be maintained to achieve their screening objective, but board did not think it necessary to include it as a condition.

It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, P. Barrett-yes

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5:35 pm – A public hearing on an Application for a Special Permit from Joseph W. Dick Architecture, on behalf of **Susan Stone and Roger A. Levine** for the extension and alteration of a pre-existing structure with interior and exterior renovations to include: 1) an 1,874 sq. ft. two-story addition above-grade with a walkout basement below and a 266 sq. ft. side entry porch to the rear and left side of the Main House requiring 10 ft. of right yard setback relief under 11.1-3A and ~~4.2-3D~~ 4.3-3D of the Zoning Bylaw; and 2) a 612 sq. ft. garage addition to a pre-existing detached bedroom requiring 45'8" of left yard setback relief under 11.1-3A and ~~4.2-3D~~ 4.3-3D of the Zoning Bylaw, at **671 State Rd., Map 22, Lot 37** in the Major Roads Zone in the RU district.

Larry read the hearing notice and opened the hearing at 5:35pm. The hearing was noticed with a typo in the bylaw reference: It should have been noticed under 4.3-3D - *Exceptions to Lot Frontage Requirements*, instead of 4.2-3D. Present for the applicant was Joseph Dick and homeowners Susan Stone and Roger Levine.

Joseph Dick presented and told the board that this is an existing 1850 Greek revival house they want to restore and save. It does not have a basement and the floor system is rotted. He proposes to lift house up, put in a basement underneath, then lower it down in same spot and face a concrete wall with existing stone slab salvaged from the house itself.

The board looked at each proposed structure separately starting with the 1,874 sq. ft. two-story addition to the back. The gable remains intact and behind the addition will be a screen porch. On the left side is a one-story screen porch.

Discussion followed about the walkout basement at the base of proposed addition. There is an existing shed that will be re-located so the narrower end faces street. Rotating it will not place it any closer to the lot line than it is presently and will present slope of roof to the direct abutter to the north (Whipple) instead of the full façade of the house.

Discussion followed about the setback relief requested. Facing the house from State Rd., applicant requests:

- 10 feet of right yard setback relief from the northeast lot line to the side of the proposed addition and screen porch. The existing house has 12 feet of setback relief, so the addition is not making it less conforming. The screen porch on the back meets setbacks.
- 45'8" of left yard setback relief from southwest lot line to proposed garage. The existing detached bedroom has 45'9" of setback relief, so the garage is not making structure less conforming.
- The existing shed remains a garden shed; no additional relief needed.

Joseph said they are trying not to increase the nonconformity. He added that there are a lot of these Greek revival homes along this stretch of road with the same type of massing and attributes. They are all set back from State Rd. about the same distance; most have ells added to rear and have large outbuildings behind. They are working within the character of this neighborhood.

Public comment

Wendy (Lynn) Whipple spoke in support but had questions about the timing of the planned construction. When would it start and how long it would take. Applicant said they do not yet know.

Vincent Maciel also spoke in support and said Joseph Dick's work is phenomenal. He had concerns about the noise level of a generator, lighting pollution and asked if the hedge on the plan between their two properties could be extended further along the existing driveway. Larry said the town does have a pretty good lighting bylaw now. Susan Stone told him that their goal is to put more hedging and fencing there. They are looking at horn beam, it's deciduous and its great in summer (and ok in winter too, but should be protected with deer fence).

John Hoff also spoke in support. He is an abutter from across the street and said it looks to be a pretty house and in character and lines up with other [similar] houses in neighborhood and will be a good addition.

Larry read a letter from the Planning Board noting they encouraged them to consult with Historic Commission to get approval on changes. This lot resides outside the Historic District making the Martha's Vineyard Commission the entity that would review it if the proposed changes were above the 25% threshold allowed. Joseph said he had provided calculations that were confirmed with the Building Inspector. There was no other correspondence.

Larry said the board should consider the requirements of ZBL 4.3-3D in its findings if in its opinion it will not have detrimental effect on the established and future character of the neighborhood and finds that other lots in this neighborhood have been previously developed... in such a manner to result in similar non-conformities. There are a number of other properties in the area including Glassworks, the Haynes,

Linda Maguire, the nursery across the street and the Keenes' old house with a garage massed forward that are all pretty similar to each other. While the setback relief needed would normally be considered a large ask, it is in keeping with the character of this area and from the street it will look not look much different than it does now.

Julius said the fact the Maciels as direct abutters are here and do not have an objection is significant.

A motion was made and seconded to close the hearing and open the board meeting.

Larry said for housekeeping purposes, to be clear in the decision about the correct setback relief requested as the legal ad was not as clear as it could have been. It was advertised with 10 ft. of right yard setback relief (which is to the side of the addition and the back-screen porch) and then the 45'8" of left yard setback relief (to the side of the garage). The board found the proposed construction will not have a material detrimental effect upon the established and future character of the neighborhood and the town. They also found that other lots in the neighborhood have been previously developed by the construction of buildings... in such a manner to have resulted in similar non-conformities and that the proposed construction would be in character with the general pattern of development... and would conform to the dimensional standards previously and generally employed. The board also looked at plan of garage and confirmed there was no interior access from detached bedroom.

It was moved and seconded to GRANT the Special Permit. Larry went over the 20-day appeal period.

A roll call vote was taken with the following resulting votes. Motion passed 4-0.

L. Schubert-yes, J. Lowe-yes, D. Wells-yes, P. Barrett-yes

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5:55 pm – A public hearing on an Application for a Special Permit from **Sheriff's Meadow Foundation**, a 501(c)3 organization, to assume the buildings at **78 Campbell Rd., Map 32 Lot 5** in the RU district, for office space, staff housing, and storage of trucks, tractors and equipment – serving as a base for the island properties and trails it manages, under 3.1-1, 8.5-2 and 8.5-3 of the Zoning Bylaw.

Larry read the hearing notice and opened the hearing at 6:10pm. Present for applicant were Peter Rodegast, Adam Moore (executive director), and Kristin Geagan (director of stewardship).

Peter said that the location is down South Rd., past the Yoga Barn. The next driveway is Scarlet Johnson's then Campbell Rd. is just past that on the right. Sheriff's Meadow has been looking for a place for its maintenance materials for years and this property is perfect for many reasons. It is an existing building and a good size, so no need to clear land for new construction and it can be moved into within a year vs. two [or more] years.

The property is 7.5 acres and the existing structures include a one-story garage built into the hillside that is unheated but is electrified; there is another larger 2-story building. The lower level is garage/shop space, the upper level is an approximately 1,000 sq. ft. 2-bedroom apartment over one half and storage and a woodshop on other half. These buildings were used by the Kenney family to maintain their island properties and an onsite caretaker has lived in the apartment. Peter said he thought the zoning board approved their use of it 20 years ago.

Sheriff's Meadow proposes to purchase the property from Mrs. Kenney and use it in much the same way except Sheriff's Meadow is a nonprofit. The properties they own and maintain are open to the public, this is not a private venture. The existing space would continue to be used as an apartment – there would be

no expansion – with the plan for a staff member to move in, to keep an eye on things and be a good neighbor.

They do propose to change the lower level. Right now, there are two large overhead garage doors that they will take out and replace with hinged doors and windows, and add partitions for office space inside. There will be no exterior change to the footprint, but they propose adding a porch at the north side towards driveway to make it more welcoming and to bring the size of the façade down a bit. The building is Texture 111 siding (grooved plywood); the porch will be made of either metal or asphalt shingles with open framing and posts. They hope to use timber from the pine beetle tree infestation and the dimensions will be 6-8 ft. deep and about 44 ft. long. They may propose to re-shingle to make the building more weather-tight and may add solar panels on roof.

Deborah asked about the floor material of the porch. Peter said a concrete slab is there now with a lot of asphalt around the building they don't plan to change. It is very accessible.

Discussion followed about the Use table and whether they had applied under business or commercial use. Larry asked if Sheriff's Meadow was listed as a charitable organization. Storage of heavy equipment requires a special permit.

Adam Moore said they are a charitable organization and that it is his understanding they are here as they are modifying more than 1,500 sq. ft. of space and requires a special permit from the zoning board vs. just site plan review from the planning board. The office is for a business office. Adam said there is also an educational component – they have a 4H club for example, but they are not planning any education or events at this site.

There will be seven employees including one who will live on site. There are also occasional volunteers. For example, they do two large mailings per year and have up to five volunteers. Adam added that the bigger volunteer element is the 32-35 board members who meet eight times a year, almost always on Friday mornings from 8:30am to 10:30am. There is also an occasional "special" board meeting. The June, July, and August meetings have greater attendance and others can be more hybrid in nature although there are always some present. There are also committees that meet weekly, ½ in person ½ on zoom.

Deborah asked if there were any other activities other than board and committee meetings and Pat asked about the staff hours. Adam said office hours range from 7:30am to 4:00pm. The field workers might start a little earlier in summer maybe at 7am. They do not typically work on weekends but sometimes do. Everyone does a different type of work and sometimes he is there later at night if on a zoom call, overall though, 7:30am-5:00pm is a reasonable timeframe.

Adam said they have two dump trucks that beep when you back up and they are used very rarely. Pat asked if there is carpentry or other work is done on site at this facility too. Adam said yes, on weekdays, same hours.

Deborah asked how many other committees they have. Adam said they have about 14 committees but they don't meet often. Some meet two to three times per year, and typically on zoom. Others meet monthly, 8:30am-10am, the first Wednesday of the month and most are in hybrid form. There is a range that Adam offered to share with the board.

Peter Rodegast said Sheriff's Meadow currently operates out of the Wakeman Center along with other nonprofits, which is in a residential area as well. He is not aware of them overtaxing the residents [there]. Julius asked if they also run a maintenance operation out of the Wakeman Center. Kristen said yes, sometimes.

Discussion followed about equipment. Kristen said they have three trailers of different sizes, the two dump trucks, and three pickup trucks. Larry said the ZBL 8.5-2 has limits on how many vehicles over 10,000 lbs. GVW that can be onsite.

Larry asked about the field workers and if they come to the facility and gather what they need – similar to a landscape crew. Kristen said because they have a lot of the equipment themselves and take it home with them at night, they do not need to come every day. Larry said it would help the board if they had an idea of the [total] number of trips – it would also be good for the community and neighbors to know.

Applicant said it's a couple of times per week, not per day, and they don't want to create traffic destructive to neighbors. Kristen said the tractors are more seasonal and the dump trucks don't go out every day and are mostly just parked.

Larry read a letter from the Planning Board in support. He and Julius read other letters of concern from Martha and Michael Post, Fred Barron, Laura Murphy, Thomas Hodgson and Geraldine Brooks.

Larry said his recollection was when this was in front of board a while ago, the Kenneys withdrew their application. He believes the buildings were built because they had 7.5 acres and they were built as accessory structures (but without a main house). The history could use some more research, but they are sort of commercial buildings – accessory structures on 7.5 acres.

Public comment

Jeanne Barron – 65 Campbell Rd. said they all love Sheriff's Meadow but the neighborhood has this giant lot in the middle and she is worried if a special permit is granted it would potentially extend to a future different owner that might not be as respectful to the environment and neighborhood. There are children and pets that walk on this narrow, one lane road.

Scarlet Johnson lives on 1163 State Rd. near the entrance to Campbell Rd. While she supports everything Sheriff's Meadow does, she would think they would normally not support [what they propose] in an RU district for others. It's a matter where it is, not who. These zoning bylaws protect this residential area, it is zoned for residential families and she would like it to stay residential or become more residential. [Potential] noise, light pollution and traffic will be extremely detrimental. She would like to know more about history of project and what Kenney's were permitted to do 20 years ago. There are no provisions of light industrial, storage of equipment or office space in the Use table. Even with an electric truck vehicle, equipment in a trailer makes noise. She said this is [like] a landscaping business. She asked that the special permit be denied.

Laura Murphy said her understanding is Sheriff's Meadow is a nonprofit and asked how does it become a charity? Isn't the money received by Sheriff's Meadow meant to acquire land? Adam said they are public charity under the public laws of Massachusetts and they are a tax-exempt nonprofit. There is a range of charities though their mission is narrow, as a land trust.

Michael Post said they have lived at 66 Campbell Rd. for 35 years now. Their driveway was the original beginning of the access easement to the Kenney property. He said they were very considerate people and

made sure that the amount of road used was minimal. He said he sees this ballooning and being a highly trafficked road with the number of meetings they hold and thinks it will diminish the quality of life of people who have lived there for a long time. Jerry Kenney [applied] to build a house at one time and when abutters raised concerns, he withdrew his plans. He sees this as a change from a residential to a business use. The Kenney's impact was not nearly as significant as what is being proposed.

Michael Black said he is totally against this application and added that delivery trucks would also add to the traffic.

Chris Murphy said without negating anything said by neighbors, they hear the trucks backing up from the other side of the hill. He said what was allowed on this property was done incorrectly and should have been in the Light Industrial district at the airport – although like with Stillpoint, he thinks what Sheriff's Meadow proposes is the best use of these buildings because he could see a lot of other potential things that could be more disruptive. It would be nice to know that it will never be subdivided, and that no other buildings would be built there, and that the septic would be upgraded to cope with what is already there. Chris added he couldn't imagine a better neighbor but he does hear the neighbor's issues and [still] thinks it can be done.

Abutter David Murphy said when the Kenneys used property for equipment storage the sound reverberates like in a valley.

Larry said it would be a good idea if Sheriff's Meadow could address some of the concerns presented tonight and suggested they continue the hearing as well as schedule a site visit. It will be the creative challenge of Sheriff's Meadow to look at access on the road and come up with a plan to address it. He added that it would also be nice if they came back with a noise policy and with strong numbers to present to the board.

*It was moved and seconded to continue the hearing to **Oct. 5 at 5:15pm.**
A site visit was scheduled for the day before on **Oct. 4 at 5:00 pm.***

*A roll call vote was taken with the following resulting votes. Motion passed 4-0.
L. Schubert-yes, J. Lowe-yes, D. Wells-yes, P. Barrett-yes*

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The Meeting adjourned at 7:30 p.m.

Respectfully submitted,
Kim Leaird, Board Administrator