

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, August 2, 2018 meeting
2nd Floor, West Tisbury Town Hall - @ 5:00 PM – Approved on 9/6/18

PRESENT: Nancy Cole-Chair, Larry Schubert, Julius Lowe, Toni Cohen and Bob Schweir

Also Present: Paul Connor, Joe Tierney-Building Inspector, Doug Ruskin and Geoffrey Rose

Minutes: The minutes of the meeting on July 12, 2018 were unanimously approved with corrections.

The forthcoming application for amendment to a Special Permit for 30 Beach Pebble Rd was discussed. The board concurred that there must be a new application for an amendment to the existing Special Permit for setback relief for the shade structure. Pam will notify Tom Tate of the time limits for advertising. Nancy suggested that Larry chair that part of the meeting since he was chairman of the original meeting on July 12th.

Hearing:

5:15 pm - A hearing will be held on an application from Paul Connor for a special permit for 30' side setback relief to construct a 12'x16' storage shed under 4.2-2(D) 4, of the zoning bylaws. Map 29 Lot 25, 124 Vineyard Meadow Farms Road, RU District.

Nancy read the notice. Paul presented the pictures of the shed he is proposing to build and the site plan prepared by Schofield, Barbini and Hoehn Inc. dated 6/27/18. He explained his need for a large shed to house kayaks and outdoor furniture. Paul stated that the company that builds the sheds does not have the capabilities to render a building plan. Nancy read the correspondence from an abutter in support of the project. Larry asked if the shed will be no higher than 16 feet. Paul confirmed that the total height including footings will be at a maximum of 16 feet. Joe said that although the zoning bylaws do not require a building permit for a shed under 200 square feet, he will inspect it when completed to check that the conditions of the Special Permit have been met.

Larry moved to close the public hearing and open the board meeting.

J. Lowe moved to approve the Special Permit. L. Schubert seconded the motion. The vote on the motion was unanimous.

Nancy explained the twenty day appeal period.

Patient Centric Informal Discussion: regarding Special Permit #2017-12

Geoffrey Rose and Doug Ruskin explained the changes they would like to make to the interior wall configuration of the Marijuana Cultivation Facility. Nancy read the narrative outlining the proposed changes and the board reviewed the new plans. Whether or not the changes resulted in an increase in the canopy area was discussed. Geoff confirmed that the grow area is still under 1,000 square feet. Joe stated his opinion that the grow area has increased. Geoff stated that they have only added one table and are able to do so without the calculation of the grow area changing, because the new bylaw uses the number of tables in the area as a measurement rather than square footage. Doug asked why they needed to ask for a special permit to make the changes. Larry explained that any property developed under a special permit, must be reviewed by the ZBA prior to the issuance of any future building permit to ascertain whether or not the change is substantial enough to warrant another hearing with abutter notification and legal advertisement. Joe said that Bill Veno of the Martha's Vineyard Commission, (MVC) reviewed the changes and said that there is no need for Patient Centric to come back to them. Nancy stated her opinion that the facility is still under the maximum allowable square footage, (1,000 sf.) and Julius agreed with her that the changes seem to be minimal. Nancy suggested and the board concurred that the changes are, "di minimus" and do not justify another formal hearing. The Board

signed the approved new plans. Pam was asked to send a copy of the approved meeting minutes to Patient Centric for their records and to give a copy to Joe who will review the changes with the Fire Chief.

5:35 pm - A hearing will be held on an application from Matt Stedman, agent for Luce Farm LLC to install an in-ground 20'x40' swimming pool under 8.5-4(C) of the Zoning Bylaws. Map 15 Lot 1.1, 25 Luce Farm Rd, RU District.

Nancy read the notice. She explained that the applicant may not come in for the hearing to present the project although it was suggested that he do so. Larry mentioned that the equipment shed is shown to be right up to the edge of the pool. Larry said that ordinarily someone is present that can be made aware of all pool regulations. Nancy mentioned the lack of detail as far as the pool area, such as lighting, decking etc. She suggested and the board concurred that the hearing be continued until the September 20th hearing. Nancy said that an engineered site plan with all pertinent details must be provided by the applicant. Larry said that the shed should be represented on the site plan and building plans for the shed must also be provided.

Bob exited the meeting at 6pm.

Pam asked if the Stedman plan is informative enough. Larry said that he would like to see a building plan for the shed and a complete plot plan showing pool surround plans and exactly what is being proposed. Nancy said that lighting should also be represented and that the applicant or their agent must be present at the hearing.

Larry stated that during the last meeting, the board reviewed the letter submitted by Kathryn Sullivan for Virginian Yans-McLaughlin. He said that he was reluctant to render any opinion at that meeting since Nancy was not present and that he had suggested the board take the letter under advisement. He said that review of the letter now would be appropriate. The letter was reviewed and the changes suggested compared to the decision. Nancy confirmed with Joe that the applicant could demolish the existing building and build their three bedroom dwelling by right and that the only issue before the board was the accessory apartment. Larry stated that the changes indicated in the letter would make the decision redundant. Nancy stated that the decision had been considered very carefully taking all of Ms. Yans' requests into account. The Board concurred that the findings and the conditions were correctly addressed in the decision. Joe discussed the Valach's options. Nancy stated and the general consensus was that the changes suggested in the letter are inappropriate and unnecessary.

Nancy read the email from Attorney Mark Bobrowski who is representing the town in the Smith case, (see file). The letter conveys that the process is ongoing and there will be an oral argument scheduled by early November. How Mr. Smith was able to sell his lot and retain ownership of the other lot was discussed.

Nancy read the letter from McCarron, Murphy and Vukota, LLP regarding the Sixth St. Stoney Hill Farms subdivision and the access restrictions regarding Map 10, Lot 170. The letter addresses the concerns of the Stoney Hill Farms Homeowners Trust (see corr. file).

Nancy read a letter from Joe Tierney, Building Inspector to Patricia Peters regarding construction without a permit on Map 11, Lot 111, (see corr. file). Joe said that he has required them to have a site plan drawn which documents all structures on the property.

The Board reviewed the shed plan submitted by Stan Hersh for an enlarged pool shed which would accommodate his pool heater. The sound attenuation of the heater enclosure was discussed. Julius stated that most of the noise comes from the filtration system. All setbacks were reviewed and the change in the shed construction was found to be no more non-conforming than the shed shown on the site plan signed at the original hearing. The Board concurred that the new plan submitted did not constitute another formal hearing. The new plan was signed. Pam was asked to notify Stan of the Boards decision.

The email from Travis Ritchie regarding setbacks on 42 Fire Tower Rd. (Map 12, Lot 40.3), was discussed, (see corr. file). Travis who has been hired to design a single family residence on the lot, expressed his concern that their interpretation of the bylaws is correct regarding setbacks,(50' all sides) height restriction, (skyline/treeline) and Planning Board site plan review.

The email from Maria McFarland regarding the Tate application was discussed, (see file).

The meeting adjourned at 6:30pm. Respectfully Submitted, Pam Thors, Administrator/ZBA