

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, May 3, 2018
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Toni Cohen, Julius Lowe, Bob Schwier and Roger Hubbell.

Also Present: John Guadagno (South Mountain Co.)

Minutes:

The following minutes were approved by the board on May 3, 2018.

March 8, 2018, March 15, 2018, March 21, 2018, March 22, 2018, March 29, 2018 and April 19, 2018.

Hearing:

5:15 pm - A hearing on an application from South Mountain Co, agent for Osprey Point Corp, for setback relief to install an accessory structure (parking canopy), under 4.2-1 and 4.2-2D1-b of the zoning bylaws. Map 16 Lot 86, 20 Indian Hill Road, MB district.

Nancy opened the hearing. No correspondence was received in regards to the application. It was clarified that the property designated is in the mixed business district. John Guadagno, agent for Osprey Point Corp (Dr. Caldwell office), the applicant is requesting to install a 1,402 sq. ft. accessory structure (parking canopy) to be located 8'4" from the northeast corner, with setback relief of 21' 8" from the side yard setback. The structure will meet all setback requirements from the front, rear and south side. South Mountain Co. custom builds for each site. This canopy will be constructed of "engineered" timber and the foundation is designed to work with the existing asphalt. There will be no increase in parking spaces and the applicant will comply with all conditions as specified in special permit 2013-17. John told the board the Building Inspector, Joe Tierney, determined the solar array (which will be attached to the parking canopy) are not ground mounted panels. John went on to state the primary function of the accessory structure is a "parking canopy". The board reviewed the original decision from 2013 and the building inspector determined that the setbacks for the rear and south side lot line would be 20 feet (refer to site plan dated 3/25/13). The board agreed, for consistency purposes regarding this property, the setbacks are 20' from Indian Hill Rd (east side) and 20' from Conroy Apothecary (south side). Larry suggested and the board concurred that the applicant consult with Reid Silva, at Vineyard Land Surveying & Engineering, in determining water flow and the potential run-off effect on the parking lot (site plan prepared by Vineyard Land Surveying dated 6/6/2013). With no further comments, Julius moved to close the public hearing and open the board meeting. The board was in agreement that the setback relief requested would be no more detrimental to the neighborhood. Larry moved to approve the application under 4.2-1 and 4.2-2D-B of the WT Zoning bylaws. Julius second, the vote unanimous. Nancy explained the twenty day appeal period.

New Business:

An email from Tara Whiting, Town Clerk, and dated April 18th was reviewed by the board. Ms. Whiting is requesting the board's opinion in regards to WTZBL section 8.4-4K (political signs). The bylaw reads "political signs may be displayed on private property with permission of property owner". Mr. Tierney Building/Zoning Inspector interpretation is: if the above is true, political signs may not be displayed on public/town property in the Town of West Tisbury. Joe's interpretation/reasoning of the bylaw is that since there is no specific language in the bylaw that states it is **allowed**; then it is not. The board discussed the WT bylaw and MGL Chapter 54 Section 65, specific to state regulations at polling places. In conclusion the board agreed that the regulations were clear regarding this subject. The Public Safety Building has been the established polling place for the Town for many years with precedent being set. All signs being held by campaigners have to be at least 150' from the established polling place is within established State Regulations. Town Clerks in Massachusetts (referred in the email) have indicated similar interpretations of these regulations, including reasons of First Amendments Rights.

With no further business the meeting adjourned at 6:30 pm.

Respectfully submitted,

Clare Harrington
ZBA/Administrator

Note: May 3, 2018, minutes were approved at the May 10th meeting of the ZBA.