

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, November 30, 2017
2nd Floor, West Tisbury Town Hall - @ 5:00 PM

Minutes of November 30, 2017: approved on January 18, 2018, of the Zoning Board of Appeals Meeting.

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Bob Schwier and Tucker Hubbell.

ABSENT: Julius Lowe and Toni Cohen

Also Present: See attached attendance sheet dated 11/30/2017.

Hearings:

5:15 PM – A continuation of a hearing from October 12, 2017, on an application from Petr Valach to amend special permit #2015-18, under zoning bylaw 9.3-3. The applicant is seeking setback relief to attach a carport to an existing garage and construct a fence over 6 feet in height. Map 10 Lot 39, 79 Great Plains Road located in the RU district.

Nancy stated for the record this was a continuation of a hearing from October 12, 2017. A site visit was conducted on Tuesday, November 28, 2017, to determine the impact the proposed carport would have on the neighbors. The applicant reached agreements with two neighbors: Susan Suleiman (map 10 lot 48), to erect a 9 foot stockade fence along the northeast property line, including evergreen screening and Ms. Yans-McLaughlin (map 10 lot 49) to comply with an agreed upon landscape plan as presented. The carport (16'x40'x10') which is attached to the two car garage, is located 34 feet from the northwest property line, 16 feet of setback relief is requested from David & Loretta Chiavetta (map 10 lot 38). It was moved and seconded to close the public hearing and open the board meeting. A brief discussion followed regarding "mean nature grade" as to the placement of the fence. Larry suggested the applicant speak with the Building Inspector prior to erecting the fence to establish the "mean natural grade" this would eliminate any problems with the fence exceeding the 9' limit. Bob moved to vote the application as presented under section 9.3-3 of the zoning bylaws. Tucker seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

5:35 PM- A hearing on an application from Sheryl Dagostino, for a home occupation (personal trainer) under zoning bylaws 8.5-1B, Map 17 Lot 125, 189 Great Plains Road in the RU district.

Nancy opened the hearing regarding an application from Ms. Dagostino for a home occupation as a personal trainer. *Correspondence: Henry Leal – Map 17 Lot 98, reviewed the application with no objections to the proposal.* Clare explained to the board in 2015, the ZBA gave a special permit to Eli Dagostino, (the applicant's son) to operate a home occupation, as a Portrait Photographer/Life Coach. Ms. Dagostino told the board that her son Eli has moved off Island and is no longer conducting his business from their home. Ms. Dagostino is an ACE Certified Personal Trainer and licensed and insured under a LLC in Massachusetts. Days of operations are Monday through Friday, closed weekends. Hours: Peak season 7:00 am to 7:00 pm; off season 8:00 am to 7:00 pm. Two clients will be trained at any given time, with a maximum of twenty clients per week. She is the sole proprietor has no employees and she will not be sub-contracting to any other personal trainers. All outdoor lighting will comply with West Tisbury zoning bylaw. At this time she has no plans for a sign. It was explained that all signage has to comply with West Tisbury signage bylaw. It was explained to Ms. Dagostino that a certificate of use and/or occupancy shall be obtained from the Zoning Inspector indicating compliance with the requirements allowed by the special permit ZBL 8.5-1(C). There is ample parking on site and additional well-screened, off-site parking along the side of the house. With no further comments from the public, it was moved and seconded to close the public hearing and open the board meeting. After a brief discussion the board concluded that special permit issued in 2015-13, for a home business, issued to Eli Dagostino is null and void. The board was in agreement that the application complies with the home occupation bylaw, under 8.5-1B. Larry moved to vote the application with the findings and conditions as presented. Bob seconded the vote unanimous. Nancy explained the twenty day appeal period.

Minutes:

The board moved and seconded to approve the minutes of October 12 and October 26, 2017. The vote was unanimous.

5:55 pm – A hearing on an application from Reid Silva, agent for Jeffrey Levy-Hinte, to install a 22'x 71' in-ground swimming pool, a 10'x12' equipment shed and associated pool equipment, under zoning bylaw 8.5-4, Map 11 Lot 21, 706 State Road, RU district.

Correspondence: Email from Ms. Haller-Jorden (map 22 lot 21), raised concerns regarding lighting, noise and suggested potential landscaping to mitigate her concerns. Reid Silva, agent for the applicant presented a proposed plan including a narrative. His client would like to install a swimming pool for personal use but due to the site constriction on the current lot, the property lines will have to be relocated to accommodate the proposed pool. Reid told the board if the special permit is allowed a plan will be submitted to the planning board for the required lot line changes. The reconfigured lot, if approved by the WT Planning Board, would total 3.50 acres. The pool, fencing and associated pool equipment shed will be placed toward the rear of the lot, in a low lying area to minimize impacts to the roadside district and abutting neighbors. Reid explained to the board that all outside lighting will comply with the WT zoning bylaws; the pool equipment will be housed in an insulated, sound proof 10'x12' pool shed as shown on submitted plan. The pool will have a code approved barrier fence with self-latching gates. The pool will have a granite patio as shown on the proposed plan.

Ms. Bernice Kirby (map 22 lot 32), asked about the visual impact the pool might have from a Land Bank Easement (walking path) which runs along the north side of the applicants property. Ms. Kirby commented upon the applicant's property and their use of natural vegetation when landscaping property. With no further comments from the public, it was moved and seconded to close the public hearing and open the board meeting. A discussion ensued regarding the use of screening along the pool fence (north side) from the neighbors. The pool will be located in the back field. The board found that the applicant has done a wonderful job with landscaping their property. But, at their discretion, the applicant should place more screening along that north side as a buffer from the neighbors and the Land Bank easement. Larry moved to vote the application as presented under zoning bylaw 8.5-4, with conditions. Bob seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

Discussion:

Larry Schubert updated the board regarding Affordable Housing Committee business.

With no further business the board adjourned at 6:55 pm.

Respectfully submitted,

Clare A. Harrington
Administrator
Zoning Board of Appeals.