

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY, October 12, 2017**  
**2<sup>nd</sup> Floor West Tisbury Town Hall - @ 5:05 PM**

**PRESENT:** Nancy Cole (Chairman), Julius Lowe, Tony Higgins, Bob Schwier and Tucker Hubbell.

**ABSENT:** Larry Schubert and Toni Cohen

**Also Present:** See attached attendance sheet dated 11/12/2017.

**5:15 PM – A hearing on an application from Wilmar Prata, to construct a 770 sq. two bedroom accessory apartment above a detached garage, under zoning bylaws 4.4-3, Map 37 Lot 85.14, 80 Rustling Oaks Road, RU District.**

Nancy opened the hearing. *Correspondence/phone calls:* Gary Mottau (Map 37 Lot 56) called to review the application and had no objections. Chris O'Keefe (Map 37 Lot 85-13), reviewed the application and supported the project. John Leite, agent for Mr. Prata, presented a plan showing a two bedroom accessory apartment above a detached garage, the apartment is for Mr. Prata's mother. The building measures 35'x24' (total of 840 sq. ft.). Under zoning bylaws accessory apartment cannot exceed 800 sq. ft. The board questioned square footage and explained under the building code; square footage is measured from the exterior walls of the structure which also includes foyer/landing from staircases. Mr. Leite, explained that he would reduce the size of the building to 35'by22' (740 sq.), 25 feet height. The board questioned where the laundry area will be located, it can't be in the garage or it will count against the square footage, including showing two egresses from the apartment. The board told the applicant that when a special permit is granted the plan submitted is signed by the ZBA, which will be given to the Building Inspector. The board agreed that the applicant should come back with an accurate plan detailing the changes discussed this evening. Nancy told the applicant if he should rent the apartment it has to comply with affordable housing bylaws (4-4-3). Julius moved to continue the hearing to October 26, 2017, at 5:00 pm. Tony H, seconded, the vote was unanimous.

**5:50 PM - A hearing 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, under zoning bylaws 9.3-3. Map 10 Lot 39, 79 Great Plains Road, RU District.**

Nancy opened the hearing. Mr. Valach would like to amend a special permit issued in 2015, to attach a carport, on the northwest wall of an existing garage. The applicant is seeking setback relief of 16' from the northwest property line, map 10 lot 38, David and Loretta Chiavetta property. The Chiavetta's had no objection to the application. The carport is 40'x16' and 10' in height. A complaint from a direct abutter (Map 10 Lot 48) was investigated by the zoning inspector (under 10.2 enforcement), a violation was issued to Mr. Valach from the Zoning Inspector, that the carport was not part of the original special permit which was granted in 2015. Mr. Valach constructed the carport without amending the special permit or a building permit being issued. Correspondence was read from Susan Suleiman (map 10 Lot 48) into the record. An agreement was reached between Petr Valach and Susan Suleiman for 6 foot stockade fence and vegetative screening to alleviate the visual impact from her property. Attorney Sullivan, representing Ms. Yans-McLaughlin (map 10 Lot 49), presented an "agreement of the parties" detailing the landscape plan that Mr. Valach would abide by and sign. Mr. Valach and Ms. Volha, declined to sign any agreement, they stated for the record they were presented with this agreement an hour before the meeting. The board stated that they would not, nor have the power to enforce such "legal" agreement. The applicant and Ms. Yans-McLaughlin would have to work that out between themselves.

The board explained to the applicant, because the carport was constructed without amending the original special permit, the zoning board could require the removal of the illegal structure. The board was in agreement that the applicant was not acting in a malicious manner when they attached the carport to the garage, but it is incumbent for the applicant to work with the neighbors and try to reach some mutual agreement that would work for all parties. Nancy suggested that the applicant meet with Ms. Yans- McLaughlin attorney to discuss an agreement. Tucker suggested a site visit could assist the board in understanding the neighbors' concerns. The board agreed to hold a site visit on November 28<sup>th</sup> at 4:00 pm. Tucker moved to continue the hearing till November 30<sup>th</sup> at 5:15. Julius seconded, the vote was unanimous.

**6:30 PM - A hearing on an application from White-Lynch Brothers, agent for the West Tisbury School, to construct a fence over six feet in height, under zoning 4.2-2 D, Map 21 Lot 2, 401 County Road, RU District.**

Mr. Robbins, from White-Lynch, agent for the West Tisbury School (as requested by the principal Ms. Donna Lowell-Bettencourt), presented a plan showing an eight foot chain link fence around an existing basketball court. The existing court is 32 feet from the eastern property line (abutting Map 21 and Lot 13.3). The fence is a safety precaution to keep the ball inside the court play area. Anthony & Rosemary Confalone, the direct abutters had no objection to the project. The abutting property is heavily wooded; the fence will not have a negative impact on the abutter's site line. Julius moved to close the public hearing and open the board meeting. Bob Schwier seconded, the vote was unanimous. With no further discussion, Julius moved to approve the application as presented. Tucker seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

**6:45 PM – A continuation of a hearing on an application from Gregory Marcella, agent for Bryan Begley, for setback relief for an addition to an existing structure, totaling 1,288 sq. ft. under zoning bylaw 4.3-3D, map 17 lot 122, 175 Great Plains Road, RU district.**

Nancy stated this hearing was a continuation from September 28<sup>th</sup>. Clare told the board she had a phone call from Mr. Marcella, stating his client would like to withdraw his application. Mr. Marcella was not present for the hearing, but an email from Gregory Marcella, agent for Mr. Begley, dated October 7, 2017, was read into the record, asking that the application be withdrawn without prejudice. Julius moved to allow the applicant to withdraw the application without prejudice, Tucker seconded. The vote was unanimous.

**Old Business:**

Medowski: SP 2017-11. Glen Medowski, presented a narrative (detailing the types of vegetation) and an agreed upon landscape plan between himself and Mrs. Maida (direct abutter Map 7 Lot 11). The board signed the narrative which satisfies condition #1 in the decision, filed with the Town Clerk on September 28, 2017.

With no further business, the meeting adjourned at 7:15 pm.

Respectfully submitted,

Clare Harrington  
Administrator/ZBA