

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, September 14, 2017
2ND FLOOR TOWN HALL AT 5:05 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Julius Lowe and Toni Cohen

ABSENT: Tony Higgins, Bob Schwier and Tucker Hubbell

Also Present: See attached attendance sheet.

Minutes:

Toni C. moved to approve the minutes of July 13th and August 31st, with clarifications. Larry second, the vote was unanimous.

5:15 pm – A hearing on an application from Phyllis Kugler, for a home occupation (personal trainer) under zoning bylaws 8.5-1B, Map 16 Lot 186, 6 Pin Oak Circle, RU District.

Nancy opened the hearing. **Correspondence:** An email dated September 11, 2017, from Kathleen Werber (map 11 lots 92 & 93) voiced her support of the application. Ms. Kugler stated she has been a personal trainer at Airport Fitness for sixteen years. A special permit in 2003 was issued to build an 864 sq. ft. addition; Phyllis wants to convert this room to a small gym for her clients. Hours of operation are Monday thru Friday, eight to five, and Saturday eight to noon, with no more than four clients a day. In rare circumstances two clients may train together. No large group lessons will be held. Ms. Kugler told the board she will be the only instructor. There is sufficient parking provided off the driveway which is located away from the road, which will have no impact on the neighbors. Ms. Kugler told the board she has no plans to have any signage. Larry explained if she wants to put up a sign, it would have to comply with the signage regulation under the zoning bylaws. With no testimony from the audience, Julius moved to close the public hearing and open the board meeting. Toni C. seconded, the vote was unanimous. The board was in agreement that this application complied with the zoning bylaw and the nature of the business will have limited low impact on the neighborhood. Julius moved to vote the application, Toni C. seconded. The vote was unanimous. Nancy explained the twenty day appeal period.

5:35 PM – A hearing on an application from John Mayhew to convert an attached bedroom into an accessory apartment, under zoning bylaw 4.4-3A, Map 32 Lot 47, 32 Looks Pond Way, RU District.

Julius stated for the record that he is employed by Lowe Energy Design, Inc., which in the past has worked on this property. Currently no work is being conducted by Lowe Energy on this property. Julius has no financial stake in respect to this application. Nancy opened the hearing; Clare reported to the board that two abutters Ms. Fyer (Map 32 Lot 51) and Ms. Geraldine Brooks (Map 32 Lot 48) reviewed the file, and had no objections to the application. Jack Mayhew told the board he would like to convert an existing bedroom to an accessory apartment as shown on the submitted plans for a family member. They would be adding a counter with a second sink, including kitchen facilities (refrigerator, microwave and a convection oven). They would be removing ½ of the ceiling to create a cathedral ceiling. The other half will be used for storage only. Jack explained that it will be used for a family member. Larry discussed the affordable housing bylaw and told the applicant if it is rented, they would have to comply with the 4.4-4 of the town bylaw. Larry moved to close the public hearing and open the board meeting, Toni C. seconded, and the vote was unanimous. The board was in agreement that the application meets the criteria of the accessory apartment bylaw. Larry move to vote the application as submitted, Toni C. seconded. The vote was three – in favor, zero – opposed and one abstention. Nancy explained the twenty day appeal period.

5:50 PM – A hearing on an application from Travis Ritchie, agent for Susan & James Cole, to install a 18'x 38' in-ground pool, 392 +/- sq. ft. pool house, and associated pool equipment, under zoning bylaws 8.5-4, Map 31 Lot 104.5, 65 Blackthorn Rd, RU district.

Nancy opened the hearing. **Correspondence:** Letter from Robert Doane and Cynthia Doane; The Irrevocable Living Trust of the Doane Children, referencing a land dispute on lots 104.6, 104.7 and 116. The property this application refers to is lot 104.5, which according to the WT Assessor's office, Susan and James Cole are the legal owners. Travis Ritchie, agent for the Cole's presented a site plan prepared by Vineyard Land Surveying including site plan prepared by R& D Studio, showing the location of the pool, pool house and the related pool equipment.

The proposed 18'x 38' in-ground pool is directly behind the existing house on the south side of the property. The pool, pool house and safety fencing all meet setback, the property is a total of 2.090 acres. The proposed pool house will have a bathroom, sink and shower including all required pool equipment. The plan shows a code approved barrier fence with self-latching gates. The lighting for the pool area will comply with 8.6 of the zoning bylaws. The applicant was told that his contractor would need to comply with all state and local pool requirements. Toni C. moved to close the public hearing and open the board meeting, Julius seconded. The vote was unanimous. The board agreed that the application complies with 8.5-4 and 9.2-2 of the zoning by-laws. Toni C moved to vote the application as submitted, Julius seconded. The vote was unanimous.

6:05 PM – A continuation of a hearing from August 31, 2017, from Fullers Energy, agent for Ashely Medowski, for setback relief to install ground-mounted solar arrays (24 modules with a footprint of 33'x10') under 4.2-2D of the zoning bylaws. Map 7 Lot 13, 367 Lamberts Cove Rd, RU district.

Nancy stated for the record this is a continuation of a hearing from August 31, 2017. The board conducted a site visit on the property, September 12th at 5:00 pm. **Correspondence:** Letter dated September 14, 2017, from Margaret Maida – Map 7 Lot 11, (see attached), Mrs. Maida's concerns were the following: if the applicant could place solar panels on the roof of the house presently being built (Ashley Medowski), and what type, size and the number of trees to be planted. As discussed at the previous meeting Dave Smith from Fullers Energy stated again the siting of the array on the property and shown on the plan is the most efficient place for them. The house currently under construction, 1300 sq. ft., one and a half stories, it would not be large enough to handle roof mounted solar panels and still produce energy to make it financially feasible. A brief discussion ensued regarding the amount of energy which would be produced per kilowatt hour. The question of the number of trees, types of vegetation and the location was discussed. After a lengthy discussion which involved both the applicant and Mrs. Maida, Nancy asked if they would be agreeable to meet and present a final agreed upon landscape plan, which the board would review and sign. If they could not come to an agreed upon plan, the Zoning Board would. Both Mr. Medowski and Mrs. Maida agreed to this suggestion. The applicant agreed to move the array five feet down the slope, the total height will be eight feet from mean natural grade, and placed twenty-five feet from the northern property line. Larry moved to close the public hearing and open the board meeting, seconded by Toni C. The vote was unanimous. The board discussed the changes as stated above including the following conditions. The applicant will comply with all conditions as outlined by the West Tisbury Conservation Commission. A final site plan showing the location of the array and an agreed upon landscape plan will be submitted to the ZBA for final approval and signature. Final activation of the array will be contingent upon an inspection and approval by the Building/Zoning Inspector. Larry move to vote the application as presented with the findings and conditions as outlined. Toni C. seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

Business/Discussion;

Clare was asked by Rhonda Conley, the administrator to the Affordable Housing Committee, if the Zoning Board could make applicants who are applying for accessory apartments, aware of the "Guide to Homeowners" fact sheet. The board agreed this would be a good idea, by letting the public know the guidelines on renting an accessory apartment. Clare will make copies available to applicants who are applying to the ZBA for accessory apartment.

With no further business the meeting adjourned at 7:00 pm

Respectfully submitted,

Clare A. Harrington
ZBA/Administrator

These minutes were approved on October 12, 2017.

