

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, August 31, 2017
2ND FLOOR TOWN HALL AT 5:05 PM

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

ABSENT: Tucker Hubbell

Also Present: See attached attendance sheet.

Minutes:

Larry moved to approve the minutes from August 17, 2017, Julius seconded. The vote was unanimous, with Bob and Toni C. abstaining.

5:15 pm – A hearing on an application from Dave Smith from Fullers Energy, agent for Ashely Medowski for setback relief to install ground-mounted solar arrays (24 modules with a 33’x10’ footprint) under 4.2-2D of the zoning bylaws. Map 7 Lot 13, 367 Lamberts Cove Road, RU District.

Nancy opened the hearing at 5:15 pm. Dave Smith from Fullers Energy presented a narrative and a plot plan of the property. The property is a total of 6.6 acres, with extensive wetlands covering the acreage. Setback relief is requested to install a ground mounted solar array, totaling 24 modules with a footprint of 33’x 10’. The applicant is requesting 20 feet of setback relief from the northeast property line, abutting Map 7 Lot 11, Margaret Maida property. Dave explained the array is sited with the maximum solar access and the least impact on plant life and aesthetics of the property. He went on to report they received a “negative finding” from the West Tisbury Conservation Commission on the application, the array is 63 feet from wetlands into the buffer zone. Dave stated the location achieves a balance between the wetlands buffer zone and setbacks. Dave told the board that the distance between Mrs. Maida property where setback relief is being requested is approximately 200 ft. of heavy wooded vegetation.

Mr. Medowski detailed the property by sharing various pictures on his laptop to the board and the audience in relationship to where he would like to install the solar arrays. Mr. Medowski explained they had received permission from the Conservation Commission to move the shed and obtained a building permit in September 2016. The discussion continued as to the location of the solar arrays, and where the least amount of vegetation is, they will not be facing the road and no reflection from the panels should impact the neighbors. Ms. Linda Coutinho read a letter from her mother, Mrs. Maida, outlining her concerns regarding the project and the negative impact on her property. She asked the board to deny the application. Ms. Jennifer Feiffer, (Map 7 Lot 52), asked if the array would be seen from the road. Dave replied it would not be seen from the road. Ms. Maida was concerned about the visual impact on her property. Mr. Medowski told the board for the record that if Mrs. Maida should see the array (when the leaves are off the trees); he has offered to plant a row of evergreen trees along the ridge line, which should block any view from her property.

Dave stated it was the best location given the properties topography and extensive wetlands. At its tallest height it would be 7 feet from the top of the ridge to the top of the unit it is on a downhill slope. The applicant would be agreeable to moving it 25 feet closer to the shed, but moving it 50 feet would impact the solar gain from the array. They would have to return to the Conservation Commission for approval. Linda Coutinho told the board they can see the shed from their property. Nancy told Mrs. Maida that the applicant offered to plant additional screening, would that help mitigate her concerns. Mrs. Maida stated that they have 6 plus acres and could plan a better layout.

The discussion continued as to the siting of the solar array in relationship to where the shed is located now. The applicant has permission from ConCom to cut six specific trees located in the buffer zone of the wetlands, the further they site the array down the slope requires more trees to be cleared which the Conservation Commission would not allow.

Nancy and the board agreed a site visit would assist in getting a better layout of the property. The applicant will stake the area where the proposed arrays would be. A site visit is scheduled for September 12th at 5:00 pm. Larry moved to continue the hearing to September 14, 2017, at 6:00 pm, Julius seconded, the vote was unanimous.

5:50 pm – A hearing on an application from Mark Mazer, agent for Barbara Smith, for setback relief to convert an existing shed to a detached bedroom, under zoning bylaws 4.2-2-D, Map 7 Lot 170, 13 Scotty’s Lane, RU District.

Nancy opened the hearing. Mark Mazer explained the application to the board. In 2008, the ZBA gave a special permit to demolish an existing shed to rebuild it on the exact footprint. Mrs. Smith would like to convert the shed to a detached bedroom. Changes to the structure include the storage closet will be renovated to a bathroom and adding a window on the east side. The change in use to the structure is from a non-habitable space to a habitable detached bedroom. A brief discussion ensued regarding the renting requirements allowed for a detached bedroom. Mrs. Feiffer (Map 7 Lot 52), suggested that applicants coming before the ZBA should have long term plans for their property. The board agreed that it is not necessarily feasible and the board does not require it. Mark explained that the building is not insulated and will be used seasonally.

Toni C. moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. The board discussed the findings and conditions for the application.

Findings:

- 1) Under zoning bylaw 9.3-1 a change of use; the structure will go from a non-habitable space to a habitable detached bedroom totaling 280 sq. ft.
- 2) The storage closet will be turned into a bathroom and a window installed on the east side of the building.

Conditions:

- 1) The structure is not insulated and will only be occupied seasonally.

Larry moved to vote to approve, Bob seconded. The vote was unanimous. Nancy explained the twenty day appeal period.

Old Business/Discussion:

Mark Mazer came before the board to discuss a minor change to SP 2017- 09, granted in June 29, 2017. Mark explained that the permit allowed for a 5’x20’ ramp running to the parking area, the Conservation Commission pointed out that at the end of the ramp, is a nice specimen tree and suggested angling the ramp making it 5’ x 10’ , reducing it by 8 feet. The board agreed this was de minimus change. Larry move to vote to allow the change, Toni C. seconded. The vote was unanimous. A letter will sent to the building inspector notifying him of the change, and a copy to Mark Mazer.

With no further business, the meeting was adjourned at 6:45 pm.

Respectfully submitted,

Clare Harrington/Administrator
Zoning Board of Appeals