

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, July 6, 2017
2ND FLOOR TOWN HALL AT 5:05 PM

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Julius Lowe, and Tucker Hubbell.

ABSENT: Tony Higgins, Toni Cohen and Bob Schwier

Also Present: Anne Reekie, Alan Reekie, Sarah Reekie, Chuck Wiley, Christine P. Wiley and Patricia Linn.

5:15 pm - A continuation of a hearing from June 8, 2017, from Chuck Wiley for setback relief to erect dormitory housing, under 4.4-5 and 4.2-2D of the zoning bylaws; Map 16 Lot 235.2, 32 Old Stage Road, RU District.

No new correspondence was received. Mr. Wiley submitted supporting documentation verifying the status of Lot 235.2 and 235.3 as separate lots (documentation on file with the Zoning Board of Appeals). The board came to a consensus that based on the documentation presented showing lots 235.2 & 235.3 have been historically treated by the Town as separate lots. The board agreed they will treat these two lots as un-merged. Ms. Linn asked if the special permits that Mr. Wiley has presented in the documentation were filed at the Registry of Deeds. Nancy answered in the affirmative, and explained a building permit cannot be issued until a special permit decision is recorded at the Registry of Deeds. The board was in agreement after a brief discussion that the application did not raise to the level of a DRI (District of Regional Impact) referral to the Martha's Vineyard Commission.

The board reviewed the changes to the application that were previously discussed at the last meeting (June 8, 2017) regarding the dormitory: the front of the building will face south toward the greenhouses away from the Reekie's property; a stockade fence will be erected along with three evergreen trees along the Reekie's property line (map 16 lot 253). No deck will be constructed on the rear of the building, a separate outdoor area for the employees may be provided near the office which is located on lot 235.3. A resident manager employed by the business will live on site to monitor and enforce conditions; stated in 4.4-5 of the zoning bylaws. The applicant will also comply with 4.4-4A(2)-(occupancy restriction on apartments). The Wiley's business season runs from March 1st through November 1st, when employees will be occupying the dormitory. It was explained to Mr. Wiley if he wants to rent the bedrooms in the off season, he will need to comply with current zoning bylaws. It was explained that if there was any problems at the property the neighbors could make a formal complaint with the building inspector. Mr. Wiley stated he wants to be a good neighbor and would hope if there are any problems or concerns regarding the dormitory the neighbors would approach him first.

With no further comments from the public, Larry moved to close the public hearing and open the board meeting. Julius seconded, the vote was unanimous. The following findings and conditions were discussed.

Findings:

- 1) On a consensus of the board, based on the documentation presented showing lots 235.2 & 235.3 have been historically treated by the Town as separate lots. The board agreed they will treat these two lots as un-merged.
- 2) ZBA grants forty-five feet of setback relief from the east property (lot 235.3) which is owned by Chuck Wiley.
- 3) The building is fifty-two feet from the north property line (Map 16 Lot 235 – Anne & Alan Reekie).
- 4) The front of the building will be facing south.
- 5) Fencing will be erected and three evergreens will be planted along the property line (map 16 lot 253), to lessen any visual impact from the Reekie's site line. No deck will be constructed on the rear of the building.
- 6) The applicant will comply with 4.4-4(A2) and 4.4-5 of the zoning bylaws. The existing employee parking will be for the dormitory residents.
- 7) The application does not rise to the level of a DRI referral.
- 8) The board supported Mr. Wiley's effort in providing employee housing, which is difficult to obtain and lacking on the Island.

Conditions:

- 1) All screening requirements must be completed prior to occupancy permit being issued
- 2) The business season runs from March 1st through November 1st, when employees will be occupying the dormitory.
- 3) Maximum number of employees 9; 8 employees and a residential manager.
- 5) The applicant must comply with 4.4-4A (2) of the zoning bylaws. All permits from the Board of Health must be obtained.

The applicant will supply a site plan for the board reflecting the location of the fencing, evergreen planting and the parking area, prior to the expiration of the twenty day appeal.

Larry moved to approve the application with the conditions and findings as outlined. Julius seconded, vote was unanimous. Mr. Wiley's business, Vineyard Gardens, is a long standing business in West Tisbury, the board has faith Mr. Wiley will oversee the dormitory in a responsible manner and will comply with all conditions stated in the special permit. Nancy explained the twenty day appeal period to the applicant.

The board agreed to write a letter in response to Mr. Tierney's (Zoning Inspector) email dated 5/18/2017, in which he stated that his opinion setback relief was not required due to the merger of the lots (235.2 & 235.3). The board determined based on documented evidence that these lots have been treated by the Town of West Tisbury as separate lots. Therefore, as the permit granting authority the Zoning Board is treating these lots as un-merged and setback relief was granted.

Old Business

Nancy Dole –To change the size of the pool shed originally allowed in SP 2016-24. The board reviewed Ms. Dole's request to change the size of the pool shed from 8' x 10', to 8' ½" x 14', de minimis in nature and does not require a public hearing. The board signed the plan, a copy will be forwarded to the Building/Zoning Inspector.

Discussion

The board asked Clare to contact the Assessor's Office to provide a list of potential residential undeveloped properties in West Tisbury.

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

Respectfully submitted,

Clare Harrington/Administrator
Zoning Board of Appeals