

**WEST TISBURY ZONING BOARD OF APPEALS  
MINUTES THURSDAY, NOVEMBER 17, 2016  
2ND FLOOR TOWN HALL AT 5:05 PM**

**PRESENT:** Nancy Cole, Chair, Tucker Hubbell, Toni Cohen, Tony Higgins, Bob Schwier, Larry Schubert, Julius Lowe  
**ALSO PRESENT:** Jarrett & Marret Brissette, Chuck Wiley, David Smith, Kathleen Skinner, Gary Blodgett, Mitch Pennington, Rhonda Backus, Meg Rottman, Linda Alley

**HEARINGS:**

**5:15 PM An application from Jarret Brissette to amend special permit #2015-17, issued on May 7, 2015, to permanently place a 30'X25'X13' hoop building, under section 9.3.3 of the zoning bylaws, Map 11, Lot 57.1, 368 State Rd, RU district**

Nancy opened the hearing at 5:15 pm. She read the notice for the Brissette hearing, (see file). Jarret showed the plan which included parking areas to the board. Nancy asked whether this plan had been factored into the original special permit. Jarret said that it hadn't but that the idea was to keep the cars and trucks parked in one area. Larry said that a temporary structure of 676 Square feet is allowed. Clare stated that the hoop house had been there while construction was taking place but that now he would like to keep it. This would become an accessory structure. The applicant explained that the original special permit was for a "Service Business" and that he has come back to the ZBA to amend that to include the accessory building. Larry clarified that the building is for storage and meets setback requirements.

*A motion was made to close the hearing and open the public hearing.....*

A motion was made to amend the special permit to read "and to permanently place a 30X25X13' hoop building as indicated on the signed plan.

The findings are as follows;

- 1) The hoop building is in keeping with the intent of the original permit, (2015-17) and will be useful for equipment and materials used in the applicant's business.
- 2) The accessory structure meets setbacks
- 3) The lot is an ample 7.1 acres
- 4) The location of the accessory structure is between a grove of beach trees in the southwest corner of the clearing, and a mature white pine tree in the southeast corner of the clearing (as shown on the signed plan).

The conditions for approval are as follows:

- 1) **Note: All conditions as outlined in the original special permit #2015-17, filed with the West Tisbury Town Clerk dated May 19, 2015, still in effect and must be adhered to.**
- 2) Any changes or alterations to the proposed plan must be approved by the Zoning Board of Appeals.

*L. Schubert made a motion to approve the amendment to Special Permit #2015-17. J. Lowe seconded the motion. The vote on the motion was unanimous in favor with one abstention; Tucker Hubbell*

Nancy went over the 20 Day Appeal Process.

**5:35 PM An application from Charles Wiley for setback relief for place a 12'6" x 18' 4" shed located in the southwest corner of the property, under section 4.2-2Dof the zoning bylaws, Map 16, Lot 235.1, 22 Old Stage Road, RU District.**

Nancy opened the hearing at 5:35pm. She read the notice and favorable correspondence from an abutter to the subject property, Anthony Gude, (see file). Mr. Wiley said that he had been given a garage/shed that is about 30 feet off Old Stage Rd. He said that you cannot see it from any other property. He also stated that there is only one other shed on the property. The plan he presented to the board doesn't show the other buildings. He explained that the long term plan is to give the property to his son who will build a house on it. Larry verified with Chuck that there will be no materials stored in the building requiring an MSDS, (material safety data sheet).

*A motion was made to close the hearing and open the board meeting.*

*T. Cohen made a motion to approve the Special Permit. N. Coles seconded the motion. The vote on the motion was unanimous in favor.*

The findings were as follows;

- 1) The accessory structure is a non-habitable space for storage only.
- 2) The direct abutter located on Map 15, Lot 73 (Anthony Gude) has no objections to the application.
- 3) The structure applied for will not be substantially more detrimental to the neighborhood and town and the construction is in harmony with similar development in the neighborhood and town in scope, size and design.
- 4) The property is a non-conforming, pre-existing lot totaling 1.70 acres.
- 5) Any products which are listed on the Material Safety Data Sheet (MSDS) cannot be stored in the accessory structure.

Nancy went over the 20 day appeal process

**5:55 PM an application for a special permit from Fuller's Energy, agent for Gary Blodgett, to install a 24 panel ground mounted solar system taller than twelve feet under 8.10-4 of the Zoning Bylaws, Map 17 Lot 62, 79 Oak Lane, RU District.**

The project was described by the applicant as being a dual access trailer solar array which increases the solar gain of a ground mounted system by following the arc of the sun. He stated that the square footage is less a ground mounted system. The maximum height being 20 feet at dawn and dusk and the resting height is 11 feet. He also verified that they are looking for height relief but not setback relief. Mitch Pennington asked about the noise. Gary explained that it is a hydraulic mechanism that makes an adjustment every 15 minutes and that it is nearly imperceptible. Larry asked how tall the trees are and Gary responded that the trees around it are from 25-30' high. Larry stated his opinion that it seemed like a somewhat massive structure. Gary explained that it is only at the max height for 4 hours and half the time is only 11 feet high. At night it is flat. Nancy asked about the solar gain. Gary said that it will produce approximately 14,000 Kw hrs. per year.

*Julius moved to close the hearing and open the board hearing.*

The findings were as follows;

- 1) The applicant stated that two smaller photovoltaic trackers would be more costly than one larger unit, and would require more clearing on the property including a greater impact on the neighbors.
- 2) The unit is smaller, covering less land than a fixed unit.
- 3) The applicant stated that there is extensive scrub oak screening running along the adjacent property lines.
- 4) The structure applied for will not be substantially more detrimental to the neighborhood and town and the construction is in harmony with similar development in the neighborhood and town in scope, size and design.
- 5) The project meets all setback requirements.
- 6) The tracker is sited on the property to maximize solar access.
- 7) The proposed use is consistent with the West Tisbury Master Plan.

The conditions of approval were as follows;

- 1) The owner must adhere to the design standards as stated in section 8.10-4.3 of the West Tisbury bylaws
- 2) The owner must follow the Safety and Environmental Standards listed under 8.10-4 of the West Tisbury bylaws
- 3) The owner must monitor and maintain the solar array as described in section 8.10-4.5 of the West Tisbury bylaws

*J. Lowe made a motion to approve the Special Permit. L. Schubert seconded the motion. The vote on the motion was unanimous in favor.*

**6:20 PM An application for a special permit from the MV Preservation Trust to amend special permit #2008 to allow the sublease of the "Farm Stand" for a seasonal holiday bazaar, under zoning bylaw section 9.3-3, Map 32, Lot 58, 1041 State Road, VR District**

Nancy read the notice and the correspondence which consisted of a letter from Paul Garcia and one from the Martha's Vineyard Preservation Trust, (please see file).

Linda Alley explained that they would like to sell island made holiday fare from 10am-6pm every day from Thanksgiving until Christmas.

*J. Lowe moved to close the hearing and open the public hearing.*

The findings were as follows;

- 1) The sublet would be to this group only from Thanksgiving until Christmas
- 2) The hours of operation would be from 10am-6pm.
- 3) Decorative wreaths would be allowed but nothing stacked outside would be allowed
- 4) No planned promotional events allowed

*T. Hubbell moved to approve the amendments of the special permit. J. Lowe seconded the motion. The vote on the motion was unanimous in favor.*

Nancy went over the 20 day appeal process

The meeting was adjourned at 7:40pm.

Respectfully Submitted,  
Pam Thors, Town Hall Administrative Assistant