

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY, October 27, 2016**  
**2ND FLOOR TOWN HALL AT 5:05 PM**

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

**ABSENT:** Toni Cohen, Tony Higgins

**ALSO PRESENT:** See attached attendance sheet.

A quorum being present Nancy called the meeting to order at 5:05 pm.

**5:15 pm-A hearing on an application from Jacob Engineering, agent for the MV Airport Commission for the removal of an existing Aircraft Rescue Fire Fighting (ARFF) and Snow Removal Equipment (SRE) Building to replace with a new ARFF/SRE building totaling 23,000 sq. ft., under sections 3.1-1 use table and 9.2-2 review criteria of the zoning bylaws. Map 28 Lot 1 and Map 28 Lot 100.10, 54 Airport Road, Ext, LI District.**

- No correspondence was received regarding this application.

Nancy opened the hearing by explaining that the Building Inspector, Joe Tierney reviewed the plans and referred it to the MV Commission under section 3.1A.(development of commercial use over 3,000 sq.) in the DRI checklist. Nancy explained that this hearing would be continued until the Commission makes a determination regarding the project; the MV Commission was established as the agency which is charged with overseeing specific projects in Dukes County. Steven Flecchia from Jacobs Engineer, as the agent for the Martha's Vineyard Airport Commission (MVAC), gave a brief presentation regarding the project. A narrative by Keenan & Kerry Architects was read into the record and a plan for the project was reviewed at this time. The work includes demolition of the existing ARFF/SRE building and the construction of a new, approximately 23,000 sq. modular steel framed building with a maximum building height of 35 ft. above grade. The existing structure was built over the years beginning in the 1940's.

The facility will bring the MVAC into compliance with regulations from the FAA (Federal Aviation Administration) and NFPA (National Fire Protection Agency). The building consists of administrative offices on the second floor, garage parking with twelve bay to house equipment needed to operate the airport (in essence a fire house) including a training facility. Mr. Flecchia said the outside of the building will be similar in design and appearance as the Oak Bluffs Fire Station. There was a brief discussion as to the merits of the referral to the MVC (mandatory or discretionary). Mr. Tierney said that according to the DRI check list, it falls within those parameters.

Tucker understood that under the current DRI checklist the project falls within those parameters, but suggested that the MVC review the DRI checklist when addressing applications as it pertains to facilities like the airport, which is self-contained. When a project falls within the DRI parameters it adds to the applicants cost of the project as well as the additional time. Tucker was of the opinion that town boards and the building inspectors' department could oversee some projects without them going to the MVC for added approval.

The Land Use Planning Committee (LUPC) held a hearing on the application on October 17, 2016. It was referred to the full Commission for a public hearing on November 3, 2016. With no further comments from the audience, *Julius moved to continue the public hearing to November 10<sup>th</sup> at 5:15 pm. Bob seconded, the vote was unanimous.* Clare will contact Paul Foley regarding the status of the application.

**5:50 pm- A hearing on an application from Dan Imbrogno to amend special permit #2014-11, issued, June 5, 2014, for a modification of the landscape plan under zoning bylaw section 9.3-3 amendment of terms and conditions of a special permit. Map 16 Lot 82, 56 Indian Hill Road, MB District.**

Nancy opened the hearing. *Correspondence: Ltr- October 7, 2106 from Joe Tierney (Building Inspector) to Dan Imbrogno; Email – October 18, 2016, from Amy Carignan, Map 16 Lot 231 (see attached).* A site visit was held on Tuesday October 25; at 5:15 pm. Dan is requesting the ZBA to amend the 2014-11 special permit to modify the original landscape plan. Dan said this was the first time he knew of Ms. Carignan's concerns, but wants to be a good neighbor and would do what was needed to accommodate her. He would be agreeable to contact her and make arrangements to repair the fence and plant additional trees in front of the Carignan's shed/garage. A brief outline of the statues of the property including the existing and additional vegetation to be planted was discussed; (see proposed plan on file and narrative attached). Dan explained that the building has two garage doors facing the east side of the property; he proposes to eliminate the loam and seeded area called for on the original plan. Because the garage doors are used in the day to day operation of the business moving equipment in and out of the building a graveled area is more practical. The board raised the question about drainage in the front where the fire suppression tank will be located and in particular the back corner bordering the Carignan property line. Joe Tierney agreed with the board it should be addressed. A discussion ensued as to different engineering aspects and how to address it.

Nancy opened the hearing for public comments. Manny Estrella (M 16 L78) stated that the board should follow the original plan approved by the MV Commission for the Hart application. He also called attention to several plantings that were dead and should be replaced. Sharon Estrella also referred to the original plan and was concerned about possible leakage from caustic material into the water table and agreed with Manny that the board should follow the plan as approved by the Commission as it pertains to the planting shown along the south and west property line. James Ferry agreed that screening was important but said Dan built a beautiful building compared to the condition in which Jim Hart had left the property. The discussion returned to where Dan will park his landscaping equipment; i.e. trucks, trailers. Larry suggested that planting more vegetation along the back and sides, as it grows, could limit where Dan will be parking his landscape equipment. Currently his equipment is parked in front along the side. He explained that this is temporary still a work in progress, but the plan is the equipment will be parked in the back. Larry stated that especially Leyland Cypresses be planted between the spaces of the viburnum and red cedar so it would fill up the open spaces in the screening. Dan stated that the original landscape plan was "over kill" and he would not be inclined to agree with this suggestion. He went on to say he will not plant anymore "large trees" that he has satisfied the intent of the plan. But if the board insisted he would remove the existing planted vegetation and start over, but it would be a financial hardship for him. A conversation ensued about feedback from Polly Hill in respect to specific types of trees and shrubs. Tucker stated for the record (this was also clarified in previous minutes) he never had a conversation with Tim Boland, he simply was speaking to an arborists at Polly Hill Arboretum about trees in general but nothing specific to this project.

The board was in agreement that it would not be necessary to remove the existing planting and start over. A conversation continued about the number of Leyland cypress trees which should be planted along Estrella's property line. The board would like to resolve this on-going issue in a fair manner for all parties involved. Tucker asked if Dan would be agreeable to the following suggestion; to plant three Leland cypresses to fill in the gaps (see photos referencing to this area) which would create additional screening along the Estrella's property line. Tucker asked the Estrellas if this suggestion would be agreeable to them. Manny agreed the planting would help in alleviate the problem. Sharon thought the original plan should have been followed. The board continued to discuss some conditions and findings which could apply to the application if the special permit was approved. Larry asked about the state code regarding the storage of gasoline and other solvents used for the business. Dan told the board he will comply with the WT Fire Department and the State Fire Marshall's office; including the Building Inspector's Office to satisfy all requirements.

Dan clarified all repair work is conducted inside the building. With no further comments from the public, Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous.

From the discussion that had ensued the board concluded the following.

### **Findings**

- 1) The application is consistent with the review criteria of 9.2-2 of the ZBA bylaws and the project is in keeping with the mixed business district.
- 2) The area in front of the garage doors on the east side may be graded with gravel or equivalent.
- 3) The applicant will confer with Ms. Carignan (M16 L231) to replace/repair broken fence panels.
- 4) Additional landscaping will be planted on the northeast corner (Inkberry, Viburnum and Bayberry).

### **Conditions**

- 1) Existing and recently planted vegetation designed on the plan as screening shall be maintained so that the integrity of the screening is not compromised.
- 2) Beginning at the western boundary (Estrella's property line) from Indian Hill Rd approximately to the Oak Tree Three Leyland Cypress will be planted to replace the removal of six viburnum to fill in the gaps between evergreens as shown on the submitted plan and added to at tonight's meeting (plan on file).
- 3) A letter by a civil engineer stating the drainage system meets the standards for water runoff mitigation must be submitted to the ZBA and the Building Inspector's Office.
- 4) Two Leyland Cypress trees will be planted in front of the Carignan shed, along the southern property line.
- 5) All conditions must be completed by December 15, 2016, as documented on the submitted plan.

With no further discussion: Bob moved to approve the application as amended on the plan including the conditions as outlined above, Julius seconded. Nancy called for a roll call vote: Julius; yes, Larry; yes, Bob yes; Tucker yes; and Nancy yes.

### **Correspondence:**

The attached correspondence was reviewed; no action needed.

- Affordable Housing – Draft proposal for Scott's Grove Apartment showing ground lease options.
- Ltr from Linda Alley - regarding using Alley's Farm Stand for a Holiday Shop for Island artisans crafts.
- Ltr from Finance Committee - FY 2018 budget request and warrant articles.

The board agreed to table the matters under "old business" to a later date. The meeting adjourned at 7:15 pm.

Respectfully submitted,

Clare Harrington  
Administrator/ZBA

\

