

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, October 6, 2016
2ND FLOOR TOWN HALL AT 5:05 PM

PRESENT: Nancy Cole, Larry Schubert, Tony Higgins, Toni Cohen and Julius Lowe. **ABSENT:** Bob Schwier and Roger Hubbell

ALSO PRESENT: See attached attendance sheet.

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

Minutes:

September 1, 2016- Larry moved to approve the minutes with corrections. Julius seconded, the vote was unanimous.

5:15 pm-A hearing on an application from Schofield, Barbini & Hoehn, agents for John Mansfield & Donna Paulnock, for setback relief to construct an addition over 676 sq., under section 4.3-3(C) and 11.2-1 of the zoning bylaws. Map 7 Lot 151, 180 Longview Road, RU District.

Nancy opened the hearing and verified the correct zoning bylaw the application falls under: which is 4.3-3(D). *Correspondence: A letter dated 8/29/2016, from Lydia & James Zappacosta (Map 7 Lot 156) in support of the application was read into the record. Jennifer & Lawrence Garfield (Map 7 Lot 157) reviewed the application and had no objections to the project. Robert Harris (Map 7 Lot 146) reviewed the application.*

John Abrams, from South Mountain Co., presented a site plan showing a proposed 780 sq. ft. one story addition which includes a bedroom with a master bath and sitting room. John explained the single story addition is designed for greater ease and accessibility as the owners plan for retirement. John told the board that Mitchell Greess and Cynthia Berman (M7 L 152), the abutters affected on east property line, had no problem with the addition. The applicant is requesting 9 feet of relief from the south property line and 5 feet from the east property line. There are wetlands located on the northeast corner of the property which the applicant did not want to encroach upon or into the 100 foot buffer zone. Mr. Robert Harris, (M7 L 146) asked about the siting of the house and procedures followed when setback relief is requested from the ZBA. Nancy explained that it is not uncommon for the board to give setback relief for additions. When granting setback relief the amount of relief requested and the impact on the neighbors are considered. Regarding this application the wetlands would be another factor if the applicant was looking to build within the buffer zone. Mr. Harris stated he had no objects to the application but wanted a better understanding of the process.

There was a brief discussion regarding covenants in the Longview subdivision. Larry explained to the applicant all permits required by the Town would have to be obtained before proceeding with any work. The board reviewed the plan and determined that the single story addition will be 40 feet from the south property line, with ten feet of setback relief and 44 feet from the east property line, with 6 feet of setback relief. The direct abutter (map 7 lot 156) had no objection to the project and the setback relief requested would not be detrimental to the neighborhood. The siting of the addition is located as not to encroach in the wetlands as shown on the submitted plan. Nancy asked if there were any further comments or questions regarding this application. Larry moved to close the public hearing and open the board meeting. Julius seconded, the vote was unanimous. With no further discussion, Larry made a motion to allow the requested setback relief under 4.3-3D of the zoning bylaws. Julius seconded, the vote was unanimous. The twenty day appeal period was explained.

5:40 PM – A hearing on an application from Billingham & Associates, agent for David & Elizabeth Hirsh, for the construction of a 30’x15’ swimming pool and associated pool equipment under section 8.5-4 and 9.2-2 of the zoning bylaws. Map 3 Lot 66.2, 12 Brook Hollow Road, RU District.

Brook Billingham, agent for the Hirsh’s presented a site plan showing a 30’ x 15’ swimming pool and a 4’x 8’ spa all within the required setbacks. The pool is located in the rear of the existing residence and is located 320 feet from the Black Brook, clearly placing it outside of the 200 foot buffer zone of a brook or stream. The plan shows a four foot fence with self-locking gates surrounding the pool along with a 5’x5’ shed for associated pool equipment. The pool is 54’ from the southwest property line, which falls within setbacks. The property is a total of 2.0 acres, the undeveloped portion of the lot is densely wooded which provides a visual buffer from the neighboring properties. With no further comments or questions from the public, *Larry moved to close the public hearing and open the board meeting. Julius seconded, the vote was unanimous.* Larry explained that if the board approved the special permit, the applicant would have to comply with all state and local codes relating to the installation and maintenance of pools. A revised plot plan showing the correct square footage is required prior to a building permit being granted. With no further questions or comments, *Larry moved to approve the application under 8.5-4 and 9.2-2 of the zoning bylaws; a revised plot plan will be submitted to the ZBA prior to a building permit being issued. Julius, seconded, the vote was unanimous.* Nancy explained the twenty day appeal period.

6:05 pm – A hearing on an application from Nancy Dole for the construction of a 18’x36’ swimming pool and associated pool equipment under section 8.5-4 and 9.2-2 of the zoning bylaws. Map 22 Lot 12, 29 Onkokeymmy Rd, and RU District.

Nancy opened the hearing at 6:05 pm. Clare reported she had two inquiries regarding the application. Frank Ferro (Map 22 Lot 44.2, 44.1, 44) and Neil Withers (Map 22 Lot 42) requested and were given copies of the application. Nancy Dole presented a plot plan of the property showing the location of the 18’x 36’ in ground pool, including the proposed pool equipment. The pool meets setback and the lot is a total of 3.50 acres, the undeveloped portion of the lot is densely wooded which provides a visual buffer from neighbors. Ms. Dole is the owner of the property along with her daughter and would like to install a pool for her grandchildren’s enjoyment. Eric Medeiros asked Nancy if the Fire Department would have access to the pool, to be used as a “fire control tank” which would help to control any potential fires in the area. He explained that Aquinnah and Chilmark have addressed this in their bylaws. Nancy said she does not have any plans at this time but would have a conversation with the West Tisbury Fire Chief. 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.

Larry explained that the project would have to comply with all state and local pool regulations and if the project was approved it would be part of the “boiler plate” conditions regarding pools, also a pool permit would have to be obtained from the building department. Nancy told the board that Eastern Pool Co., the contractor for the project is familiar with the procedures. She asked if she could extend the patio in the front of the pool by 4 feet to allow more seating area. The plan presented tonight would need to be modified showing that change. Larry moved to approve the application with conditions: an amended plan to be submitted showing the change in the pool patio extended by 4 feet, including all state and local pool conditions. Toni C. seconded, the vote was unanimous. The twenty day appeal period was explained to the applicant.

Discussion/Update: Affordable Housing Committee

Larry Schubert updated the board as to the progress regarding “Scotts Grove” affordable housing project. Article 4, on the warrant for a special town meeting scheduled for November 2nd is asking to appropriate the sum of \$900,000 from the CPC Fund to assist the Island Housing Trust in the development of the project.

Informal Discussion: Dan Imbrogno -Modification to existing landscape plan (SP 2014-11).

Nancy stated that this is an informal discussion with Dan Imbrogno regarding changes to the landscape plan for a special permit (2014-11). Nancy explained that the board can make de minimis changes to exiting special permits without a public hearing, but if there are significant changes then a new application would need to be filed with the Zoning Board and a public hearing would be held. Dan presented a narrative (see attached) detailing the vegetation existing on the property and the additional vegetation to be planted. A brief history of the project was discussed, including the recommendations sited in an email (7/25/16) from Paul Foley at the MV Commission. The board was in agreement that the changes outlined by Mr. Imbragno's proposed modification to the landscape plan would require a public hearing. Manny and Sharon Estrella (direct abutters) were in agreement but voiced their frustration and disappointment regarding this on-going project.

Mr. Imbrogno stated that he will be filling an application to amended special permit 2014-11.

Meeting adjourned 7:00 pm.

Respectfully submitted,

Clare Harrington
Administrator/ZBA