

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, September 1, 2016
2ND FLOOR TOWN HALL AT 5:05 PM

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

ABSENT: Bob Schwier

ALSO PRESENT: See attached attendance sheet.

A quorum being present Nancy called the meeting to order at 5:10 pm.

Minutes:

April 4, 2016- There was no quorum present.

June 30, 2016 – Larry moved to approve the minutes with corrections, Julius seconded; the vote was unanimous (two abstentions, Hubbell and Cohen).

July 5, 2016 – Larry moved to approve the minutes with corrections, Julius seconded; the vote was unanimous (one abstention, Hubbell).

July 14, 2016 – Larry moved to approve the minutes, Julius seconded; the vote was unanimous.

5:15 pm-A hearing on an application from Mitch Gordon for setback relief to build a garden shed/studio (accessory structure), under section 4.2-2D of the Zoning Bylaws, 554 State Road, Map 16 Lot 64, RD District.

Nancy opened the hearing at 5:15 pm. *Correspondence was read: Email from James Ippolito dated 8/18/16 requesting information on the application.* Mitch explained to the board he is seeking a special permit to rebuild a shed which was on the property when he purchased it in 1988. The property is a pre-existing non-conforming lot, totaling 1.09 acres. The structure was in disrepair which he demolished in the spring, prior to getting a building permit to rebuild. The original structure was located thirty two feet from the north property line. The plan presented shows a 20' by 18' sq. ft. structure which is to be used for a garden shed/studio. The height of the structure is 12' 8". The new structure will be located 40 feet from the north property line which is less non-conforming. Larry stated the building is deemed uninhabitable; a dry studio with no plumbing facilities. Tucker confirmed that the public cannot be invited to the studio for any retail sales; it is not a home occupation. Toni moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. With no further questions or comments from the board, *Larry moved to grant a special permit for 40 feet of setback relief from the north property line under 4.2-2D of the Zoning Bylaws. Julius seconded, the vote was unanimous.* Nancy explained the twenty day appeal period.

5:35 pm – A hearing on an application from Schofield, Barbini & Hoehn agent for William Kerauvuori, for the replacement of a dwelling and guest house and construction of a swimming pool on a pre-existing, non-conforming lot, under section 8.5-4 and 11.2-1. Map 1 Lot 35.2, 75 Naushon Road, RU District.

Nancy opened the hearing at 5:35 pm. *Correspondence was read: A copy of the "Order of Conditions from the Conservation Committee, The Planning Board minutes of June 27, 2016, approving a house over 3000 sq. Two letters in support of the application: Richard Ablon (M1 L36-2) and Robert Epstein (M1 L 21), direct abutters.*

Kara Schumn, from Schofield Brothers, presented a revised site plan (changes were outlined in red on the plan) dated September 1, 2016. The location of the pool was reconfigured to meet the setback requirements and the lot is pre-existing non-conforming with a total of 2.70 acres. A landscape plan was presented prepared by Horiuchi & Solien Landscape Architects, showing a 12' by 75' lap pool, surround by a 4 foot high pool wall with self-latching gates. The pool equipment is housed in the utility shed outlined on the plan. Kara told the board that Joe Tierney was satisfied with the 4 foot wall surrounding the pool. The zoning board is only reviewing the application for the construction of a lap pool which is sited completely out of the shore zone. The existing structures will be demolished. The replacement dwelling and guest house will be located out of the shore zone and within the required setbacks which does not need a special permit from the Zoning Board. Larry explained to the applicant there are specific state and local regulations which are stated in all ZBA decisions regarding pool applications which the applicant is responsible to adhere to. At this time, with no further discussion or comments from the public, *Julius moved to close the public hearing and open the board meeting. Tucker seconded, the vote was unanimous.*

The board was in agreement that the pool is located out of the shore zone and met the required setbacks. Toni moved to approve the application for a special permit under 8.5-4 of the zoning bylaws. Tucker seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

Discussion:

George Sourati, (Sourati Engineering) regarding changes to Thomas & Makena Herger's Special Permit issued October 29, 2015, Special Permit 2015-36.

George presented a revised floor plan (dated 9/23/2015) including changes to the landscape plan of the Herget's project located at 4 Windy Way, Map 1 Lot 2. A brief history of the project was reviewed. In October 17, 2013, a special permit (SP 2013-27), was granted for the renovations and addition to an existing non-conforming single family residence. On September 10, 2015, the board voted to extend the permit granted in October 2013, due to financial reasons (special permits lapse after two years). The permit was extended to October 2017. On October 29, 2015, the applicant filed to amend special permit 2013-27, because of architectural changes to the house. In October 2013, the Planning Board approved a house over 3000 sq. ft. George explained the Conservation Commission reviewed the plans and had no objections.

The revised plan shows several architectural and landscape changes to the house (see plan on file).

These included changes to the window design on the south side of the house including a new door layout on the east side. On the north side the window configuration and style was changed. There were no changes to the height of the structure. The deck will be removed and replaced with a stone patio. The screened in porch has increased the total square footage of the house by 32 sq. There was a brief discussion if the increase of the square footage requires the applicant to return to the Planning Board for approval. George will contact the Planning Board regarding this question. The board was in agreement that the changes discussed were de-minimis in nature and would not require a public hearing. The revised plan was signed by the board.

Joe Tierney (Building Inspector)-report regarding current status at 56 Indian Hill Equipment project.

Joe informed the board he visited the site, Wednesday, August 31st, to check on the status of the completion of the landscape plan for the property. The plan is still not in compliance with what the board approved. He presented the landscape plan which was separated into four quadrants including a handout comparing what trees and shrubs were outlined and what was actually planted. He explained to the board he would like clarification from the board regarding the landscape plan i.e. what is planted in specific quadrants differing from the original plan. He suggested an updated plan be prepared by the applicant. A discussion among the board ensued as to the history of the property, when it was owned by Jim Hart.

Dan Imbrogno bought the property from Hart and came to the ZBA for a special permit to construct a commercial building with two apartments on the second floor (one to be rented affordably). The board agreed on a modified version of the Jim Hart's original landscape plan which was approved by the MV Commission. The board modified the original plan, reducing the number of plants and the specific types and varieties pertaining to the trees and shrubs.

At the board's request Paul Foley, from the MV Commission, along with Clare (administrator), conducted a site visit. An email dated July 25, 2016, (see attached) from Paul, regarding the visit to the site he pointed out several items which still should be addressed, but overall the landscape on the property is satisfactory. The board agreed the buffer along the Estrella's property line is satisfactory (Paul Foley, from the MV Commission concurred: see email).

The board was in agreement that the landscape plan needs to be completed within a specific timeline. A letter will be sent to Mr. Imbrogno, requesting his presence at the September 15th meeting, to discuss specifics pertaining to the plan, which is still incomplete and a completion date for the project.

With no further business the meeting was adjourned at 7:45 pm.

Respectfully submitted, Clare Harrington (Administrator)

