

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, JULY 14, 2016
2ND FLOOR TOWN HALL AT 5:10 PM

PRESENT: Bob Schwier, Larry Schubert, Tony Higgins and Julius Lowe

ALSO PRESENT: Arthur Hitchings, Michael and Genevieve Jacobs, Vince Maciel, Keith Maciel, Lara Maciel and Reid Silva, Manny and Sharon Estrella, Dan Imbrogno, Randi Grendinger

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

5:15 pm-A hearing for Dan Imbrogno for setback relief to install 12,000 gallon water tank (accessory structure), under section 4.2-2D & 4.3-3D of the Zoning Bylaws. Map 16 Lot 82, MB District

Larry read the notice and asked Dan to verify the location of the proposed screening. Dan stated that the water tank is 8'6" tall, 8' wide and 33' long. He explained that from the property line to 10' from the concrete wall, the grade falls off creating a problem with completely burying the tank. He said that it will have to be partially exposed because the bottom of the tank has to be at least one foot above the level of the basement floor.

Larry asked what it would look like when it is installed. Dan said he would utilize plantings, a fence or other visual screening. He said that the exposed part of the tank would still be partially buried. He stated that the lot next door is vacant and as far as he knew, unbuildable. He said he had spoken to Susan Sanford who did not have a problem with it.

Larry closed the hearing and asked for public comment. Manny said that the whole side of the lot is supposed to be adequately screened already. He said that this was one of the conditions of the original special permit for the building. He expressed frustration that this has not been taken care of.

Larry said that the building requires a fire suppression tank so there may have to be some compromise to allow for the use of the building. Dan said that when Jim Hart received the first special permit, that he didn't need to have a water holding tank but since then, the law has changed. Larry explained that the Estrellas were questioning the compliance with the landscape plan approved as part of the original Special Permit for the building. He stated that the ZBA had already reviewed the landscaping/screening on the Estrella's side and deemed it to be "adequate".

Sharon mentioned that the adjacent lot is a gray water lot. She explained that water runs through the lot and feeds the Great Pond. She said that in her opinion, this is a very good reason to protect it. She cited that there is already an 11' variance on the lot. She expressed concern about the sand being removed from the lot to accommodate the tank. She asked if there is another place to put the tank. Dan said that the tank has to be adjacent to the rear right corner of the building. He said that the tank could be put where the parking lot is but the lot would have to be dug up and a pipe run underneath to reach the side of the building.

Tony asked how much of the 33' long tank would be exposed. Dan stated that half would be completely buried. He stated that as the slope increases, the tank would become more exposed. He said that the concrete wall would completely shield it from view from one side and part of it would be buried. He said that the concrete wall would completely hide it on one side. Julius verified that the tank and its contents, (water), has no environmental impact.

Manny said that Dan was aware of the need for the tank when he took out the original building permit for the building and that it should have been included in that plan. Sharon said that she would prefer to see the tank buried in the parking lot. She said that the Martha's Vineyard Commission had addressed this part of the lot in the first application, indicating that it should be planted with grass and bushes.

A motion was made to close the public hearing and open the board meeting. Larry confirmed that the concrete wall of the tank is 11/2 feet from the property line. Dan said he would screen the tank from view appropriately. He also cited that the concrete wall is 42' long. Julius stated that the bottom line is that the part of the tank closest to the road will be buried. Dan supported that statement, saying that the further the wall goes towards the Estrella property, the more it is buried. He explained that he could build a retaining wall on the side opposite the concrete wall and then plant on top of the tank.

Larry stated the following findings: Without the tank, the apartments would be in violation of fire codes and regulations therefore becoming unusable. That would leave the Commercial Space much larger than what was allowed under the initial Special Permit and disallow the use of the two very beneficial affordable apartments.

Tony mentioned that the lot adjacent to where the setback relief is being proposed is vacant and most probably unbuildable due to the size, thus minimizing the impact of the reduced setback. Julius stated that the setback is not allowing anything that, once in place, will have only little impact to the community and will pose no environmental hazards.

The following conditions were discussed:

- 1) The tank must be painted a neutral color
- 2) The tank property must be fenced on 3 sides.
- 3) The tank must be buried as much as possible
- 4) The top of the tank must be planted
- 5) The cement wall must be 1 foot 5 inches from the lot line

Larry made a motion to vote on the application. Julius seconded the motion.

T. Higgins voted in favor of approving the application. J. Lowe voted in favor of approving the application, citing the benefits to the community to have the affordable apartments. B. Schwier voted to approve the application. L. Schubert voted to approve the application. The vote on the motion to approve the application was unanimous in favor.

Larry explained that the decision, once written and submitted to the Town Clerk, could be opposed for 20 days. He advised the applicant to refrain from starting the project until the 20 day appeal period had lapsed.

A continuation of an application by Reid Silva, agent for Keith and Lara Maciel for a marine service business 8.5-2(B) and 9.2-2. Map 8, Lot 25-5 8 Beaten Path, RU District.

Reid presented the revised plan. Some of the additions/changes listed are as follows;

- 1) The plan shows a four foot berm with proposed plantings of American Cedar and Leyland Cypress
- 2) The location of boat storage moved back 20' to shield the site from the roads
- 3) The working area and storage area are now labeled on the plan

Reid presented a Project Narrative to the Board, (please see attached). Larry stated that he would like to see all points in this document included in the Conditions of Approval.

Along with the Project Narrative, the following Conditions of Approval were discussed and included:

- 1) No bottom cleaning of boats on premises.
- 2) No running of engines before 8am or after 6pm.
- 3) Planting must be completed by November 1, 2016.
- 4) All efforts shall be made to maintain optimum screening of boats from Orchard Rd and Beaten Path.

Dr. Jacobs suggested additional plantings for the sake of appearances.

A motion was made to vote on the application.

L. Schubert voted in favor of the application citing that the Board worked hard to cover all the bases, taking all the views of the neighbors into consideration. B. Schwier voted in favor of the application, citing that a lot of home businesses in West Tisbury are approved with the caveat that the owners of the business will do whatever they can to fit into the neighborhood. J. Lowe voted in favor, A. Higgins voted in favor. The vote on the motion to approve the application was unanimous.

Larry reminded the applicant that there is a 20 day appeal period for the application.

Correspondence was reviewed and the meeting adjourned at 6:30pm.
Respectfully Submitted, Pam Thors, Administrative Assistant