

West Tisbury Zoning Board of Appeals (ZBA)
Minutes March 10, 2016— 5:05 PM
Second Floor, Town Hall

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

ABSENT: Tony Higgins, Toni Cohen and Julius Lowe

ALSO PRESENT: Shelia Morse, Philip Wallis, Randy Scott, Ralph Scott, Dan Rossi, Richie Olsen and Jane Rossi and Clare Harrington (Administrator).

Minutes:

March 3, 2016 - Bob made a motion to approve the minutes as amended. Tucker seconded, the vote was unanimous.

Hearings:

5:15 PM - A hearing on an application from Shelia Morse, agent for Carolyn & Philip Wallis for setback relief for an accessory structure, under section 4.2-2D and 9.2-2 of the Zoning Bylaws. Map 332 Lot 49, 11 Mill Road, VR District.

Nancy opened the hearing. Correspondence: Letter from Geraldine Brooks and Tony Horwitz in favor of the application (Map 32 Lot 48). Email from Abby Fryer concerning the use of the shed and potential noise that could emanate from it (Map 32 Lot 51).

Philip Wallis explained to the board that he and his wife are relocating to the Island and have put an offer on the property. They would like to build a 14' x 18' x 12' shed (252 sq. ft.) to be used for storage of lawn and garden equipment which also includes a storage loft. The submitted site plan shows the shed location approximately 15 feet from an existing building. A building permit was issued in 2005 to convert the existing garage to a detached bedroom which is 9 feet from the northeast property line. The applicant would like to place the shed adjacent to the detached bedroom without removing the existing trees. The applicant is seeking 6' of relief from the northeast property line. Shelia Morse told the board they received approval from the Historic District for the project. With no further input from the public, Tucker moved to close the public hearing and open the board meeting. Larry seconded the motion, the vote was unanimous. Tucker explained because there is already an existing structure sited 9' from the property line he was inclined to allow the 6' of relief for the shed. Larry concurred and also stated he felt the shed was sited in a thoughtful manner given the reasons why. Larry moved to approve the application, seconded by Tucker. The vote was unanimous. Nancy explained the twenty day appeal period.

5:35 PM- A hearing on an application from the Town of West Tisbury/Highway Dept. for setback relief for an accessory structure (garage), under section 4.202D, 11.2-2 and 9.2-2 of the Zoning Bylaws. Map 16 Lot 97, 454 State Road, RU District.

Nancy opened the hearing. No correspondence was received regarding the application. Richard Olsen, Highway Superintendent, made the presentation. The proposed 50'x 62' garage would be located behind the Public Safety Building Complex which houses the Fire Department and the Police Department. The applicant is seeking setback relief from the northeast property line of 5 feet from the front side corner of the building and 2 feet from the rear back corner of the building. The building is an accessory structure over 676 sq. ft. Mr. Olsen explained they did not want to site it closer to the neighborhood of Island Farms and it also could not encroach upon the Public Safety Building septic system location. The garage will be used to store the town equipment which is a small dump truck, and one plow, no sand or salt will be stored on the property. The mezzanine/blacktop area will be used to store other town equipment, for example small tools, voting booths and the Lamberts Cove beach walkway. The question of noise was raised by the direct abutter Ralph Scott (Map 16 Lot 107). Chief Rossi said he did not believe there would be any increase of noise on the property generated from this building. Chief Rossi went on to say that this project is contingent on funding which would be determined at Town Meeting in April. He said there will be a public forum on May 24th at 5:30 to answer questions and take comments from the public regarding the project.

The question of additional screening was raised, Mr. Olsen explained that the existing screening is very dense and there is the driveway down the side. The parking area behind the building is used for employee parking; all town trucks will be parked in the garage. The garage appearance will be similar to the existing building to fit into the character of the Town. The abutter asked about landscape; the area will be similarly landscaped in keeping with the existing building. Larry explained that the 5 feet or relief asked for is rather minimal in nature; pushing the building back further would not necessary eliminate the need for setback relief.

Randy Scott was concerned about an easement which, according to his deed, runs along the edge of the property. According to the plan drawn by Schofield, Barbini & Hoehn (SBH) no easement is being shown on the Town's property. Mr. Scott was concerned about access to his property. It was suggested by the board to contact a title examiner or an attorney to get some answers to his concerns. The ZBA would not be the entity to determine these issues. It was also suggested to contact SBH, the engineers, for additional information.

With no further discussion from the public, Larry moved to close the public hearing and open the board meeting. Tucker seconded, the vote was unanimous.

The board would require a set of plans showing the dimension of the building to be submitted for the boards review and signature before a building permit could be issued. The building will not be any higher than 25 feet which is the existing height of the fire station. Regarding screening; the board agreed that there will be a no-cut zone 15 feet off the northeast property line the length of the building. It was agreed this was an established piece of property owned by the Town, and it would be the logical site for the garage. Tucker moved to approve the application with the above conditions. Larry seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

6:15 PM – A hearing on an application from Daniel & Jane Rossi for an accessory apartment, under section 4.4-3 and 9.2-2 of the Zoning Bylaws, Map 37 Lot 85.7, 39 Rustling Oak Road, RU District.

Nancy opened the hearing. No correspondence was received regarding the application. Dan Rossi explained to the board they are seeking a special permit for a 790 sq. ft. accessory apartment which they will occupy. The lot is an ample 2.0 acres. Their son and daughter-in-law will be moving into the main house. There was a brief discussion about the bylaw which was amended last year at town meeting which increased the square footage for accessory apartments. Larry explained the section of the Zoning Bylaw 4.4-4 Occupancy Restriction on Apartments. A discussion ensued about the possibility of a property sold with an accessory apartment on it when the individual owner is not domiciled year round in West Tisbury. The board was in agreement the bylaw would need to be discussed further with the Planning Board. Nancy made a recommendation to meet with the Planning Board to discuss some possible changes to the bylaws. At this time Tucker moved to close the public hearing and open the board meeting. Bob seconded the motion the vote was unanimous. With no further discussion Bob moved to approve the application as submitted. Tucker seconded the motion, the vote was unanimous. Nancy explained that any substantial changes may need to come back to the ZBA. The building inspector does have the authority to approve minor changes. The twenty day appeal period was explained.

Correspondence

A letter to the ZBA from Manny Estrella regarding the condition of Dan Imbrogno building site (Map 16 Lot 82) and an email dated 3/10/16 from Paul Foley at the MV Commission regarding a site visit to Dan Imbrogno property.

The correspondence was read into the record (see attached). The board was in agreement that Mr. Imbrogno is still working on the site and that he is in the process of completing the project. The property would need to come into compliance with the concerns raised in both Mr. Estrella's letter and the MV Commission email.

The board was in agreement that the landscape plan was complete along Mr. Estrella's property line. The discussion returned to the amount of trees planted and the specific types. The board concurred with the finding as outlined in the email from Paul Foley at the MVC. The board was in agreement that the remainder of the landscape plan needs to be complete before any occupancy permit can be issued. Regarding Paul Foley's email the board appreciated that the MVC agrees with the ZBA that the landscape area along the Estrella's property line is satisfactory.

Meeting adjourned at 7:15 PM.

Respectfully submitted,

Clare Harrington/Board Administrator

