

**WEST TISBURY ZONING BOARD OF APPEALS**

**MINUTES THURSDAY, June 21, 2018**

**2<sup>nd</sup> Floor, West Tisbury Town Hall - @ 5:00 PM**

**Approved on July 12, 2018**

**PRESENT:** Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Julius Lowe, Toni Cohen and Tony Higgins

**Also Present:** See attached list

**Minutes:**

The minutes of the meeting on June 7, 2018 were approved with corrections and two abstentions, (Toni Cohen and Tony Higgins).

**Hearing:**

***5:15 pm - A hearing for an application from Petr Valach, for Change of Use of an existing dwelling unit to an accessory apartment. Includes the construction of a new 2,312 sq. ft. single family dwelling. Zoning bylaws 4.4-3(A) and 9.3-1(C)1. Map 10 Lot 39, 79 Great Plains Road, RU District.***

Nancy read the notice and correspondence from Virginia Yans and Susan Suleiman, abutters opposed to the application, (see file). The applicant stated that they would like to build a new single family home while living in the existing dwelling which would then be reclassified as an accessory apartment and rebuilt per the submitted building plans. Nancy confirmed that the existing bunkhouse would be removed. When asked about the approved Septic Plans included in the application, Petr stated that they would use the existing septic until it failed, then tie in to the proposed new septic system.

Nancy asked for public comment. Kathryn Sullivan, Attorney for Virginia Yans, stated her client's concern that there was no screening indicated on the site plan, also citing Virginia's concerns about the access road and surrounding trees during construction. She asked if the Conservation Commission should be consulted. Nancy stated that there are no wetlands on the property so the Conservation Commission was not involved with this application. Proximity to the Greenlands, and a precedence being set in that area was discussed. Nancy stated that density of the neighborhood is appropriate according to the bylaws and that any general concerns regarding the ecology of the Greenlands can be taken up with the Planning Board.

Virginia Yans expressed her opposition to the project and the negative influence on her property value. She stated her concern with the number of vehicles parked on the Valach property and noise from the garage. It was confirmed that the Valach vehicles are registered and that the only law in West Tisbury regarding the number of vehicles has to do with unregistered vehicles.

Liza Williamson, a friend of the Valach family, stated her support of the project citing the benefit of having families like them in the Island Community. She also described the difficulty Petr has in entering the existing dwelling due to his prosthetic leg. She said that the couple should have the opportunity to make their home more accessible to him.

Norman and Kathy Lobb, abutters, agreed with Liza that the Valachs "couldn't be better neighbors". They stated that the Valach property has changed hands many times due to the small size of the existing house. Nancy clarified that the house is 850 square feet. She referred to the benefits of the accessory apartment by-law to families looking to house extended family members or caregivers, and to those seeking Affordable Housing. She explained that the owners of accessory apartments must sign an affidavit agreeing to the terms of the bylaw and that the restriction runs with the land so future owners would also be required to comply. Nancy asked about electricity. Joe stated that the source of electricity is not an issue related to the Special Permit application.

Virginia expressed concern for the water source and it was suggested that the issue of overdevelopment in this area could be taken up with the Planning Board.

Nancy reminded those present that the Valachs can build the new dwelling “by right” and that visual impact of the buildings on the property could be addressed in this Special Permit Decision. She said that road repair during and after construction could be addressed in the decision as well. Virginia stated her concern for the access road and the trees along it which are on her property.

*J. Lowe moved to close the Public Hearing and open the Board Meeting. Toni Cohen seconded the motion. The vote on the motion was unanimous.*

Larry suggested the following conditions to the Special Permit

- 1) The applicant must submit a landscape plan to the board and complete its installation prior to the issuance of an Occupancy Permit.
- 2) The applicant must maintain the access road during construction and return it to its original condition after construction.

A conversation regarding respecting the roads and the neighboring trees ensued.

*J. Lowe moved to approve the Special Permit. Tony Cohen seconded the motion. The vote on the motion to approve the Special Permit with conditions was unanimous.*

Nancy explained the twenty day appeal period.

***5:35 pm - A hearing for an application from Schofield, Barbini & Hoehn, agents for Katherine Walsh, for setback relief to construct an 26' x 48' barn, including height relief of 2'. The application also includes an accessory apartment to be located on the second floor of the proposed barn. Under zoning bylaws 4.3-3(D), 4.4-3(A) and 6.2-3(D), Map 31 Lot 17, 694 Old County Road, RU district.***

Nancy read the notice and the letter from Harriett Bernstein who opposed the application. She clarified that K. Walsh was not applying for a Variance which is a much more specific request. The square footage of the accessory apartment was discussed. Joe Tierney reiterated that the barn because it has the apartment above is considered a habitable space and therefore does not have to comply with the 2,000 square foot limit on non-habitable structures.

Larry confirmed that the height relief being sought is to allow for headroom in the accessory apartment. When asked about the size of the field, Brian Walsh stated that it is 4 acres. Brian said that the only abutters in sight of the barn are the Fales/Debragancas and that they are very much in favor of the farm being operational into perpetuity. Ina Andre an abutter stated that she is fine with the location of the barn. Larry went over the restrictions for renting an accessory apartment, (affordably).

*A motion was made to close the Public Hearing and Open the Board Meeting.*

*T. Higgins moved to approve the application. Larry Schubert seconded the motion. The vote on the motion was unanimous.*

Nancy explained the twenty day appeal period.

Joe reviewed the Map 1, Lot 50, 30 Beach Pebble Rd. issue. He explained that Tom Tate the applicant had applied for and was granted a building permit for a shade structure in the area surrounding the pool. He said that he should have referred the applicant to the ZBA to apply for an amendment to a Special Permit. Tom

asked if the abutters would need to be notified again and Nancy said that the whole process would need to be redone. It was determined in the discussion that the structure is not d minimus. Nancy suggested that Tate Builders apply to amend the existing Special Permit.

Joe explained that he had gone to Cronig's Market to check on a matter in the store and noticed that there was a table and a few chairs next to the window by the watercooler upstairs. He said that the area upstairs was specified in the MV Commission D.R.I. decision and the Special Permit for the building as a storage area. Nancy asked what changes Steve Bernier would need to make to comply. Joe said he would review the information in both permits and get back to the Board.

The meeting adjourned at 7:20pm.

Respectfully Submitted,  
Pam Thors, Administrator/ZBA

**Also Present:**

Virginia Rosen  
Kathy and Norman Lobb  
Virginia (Ginny) Yans  
Kathryn Sullivan  
Cecilia McCarthy  
Alan Northcott  
Liza Williamson  
Bruce Fernie  
Joe Tierney  
Petr and Olga Valach  
Tom Tate  
Ina Andre  
Brian Walsh