

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY, December 14, 2017**  
**2<sup>nd</sup> Floor, West Tisbury Town Hall - @ 5:00 PM**

**Minutes approved on January 18, 2018, at a regular scheduled meeting of the Zoning Board of Appeals.**

**PRESENT:** Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Toni Cohen and Tucker Hubbell.

**ABSENT:** Julius Lowe and Bob Schwier.

**Also Present:** Stanley Hersh, Tracy Smith & Kristen Reimann.

**Hearings:**

**5:15 PM – A hearing on an application from Stanley Hersh, to install a 14’x32’ in-ground pool and associated pool equipment, including possible setback relief to move an existing shed, under zoning bylaws 8.5-4 and 4.2-2D4. Map 17 Lot 49, 200 Otis Bassett Rd, RU district.**

Nancy opened the hearing and the Board introduced themselves to the applicant. Clare reported to the board that a Mr. Jeffrey Nelson, Map 17 Lot 80, 193 Oak Lane, reviewed the application. Stan Hersh provided a site plan showing a proposed 14’x 32’ in-ground swimming pool, surrounded by a four foot mesh fence with self-locking gates for use by his family. Stan is proposing to relocate an existing 6’x 8’ shed (formally a chicken coop) to align with an existing 10’x12’ shed located along the north side of the property. The shed will be insulated and sound proofed for the pool equipment. Stan told the board that the 10’x12’ shed existed pre-zoning when he purchased the property. The board was in agreement that the 6’x 8’ “chicken coop” will be moved and attached as shown on the plan and will be no more non-conforming than the existing shed. With no further input from the audience, Larry moved to close the public hearing and open the board meeting. Toni C. seconded, the vote was unanimous. Larry explained to the applicant they must abide by Massachusetts State Building Code (CMR) 780- R326.1 which regulates the installation of swimming pools as well as Section 8.6, WT zoning bylaw. Larry moved to vote the application with the findings and conditions as presented. Toni C. 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 David Alshuler, to install an 18’x 40’ in ground swimming pool, hot tub and associated pool equipment including setback relief of 10’ from the proposed pool deck, off the southeast property line, under zoning bylaw 8.5-4 and 4.2-2D4, Map 32 Lot 121.2, 12 Parsonage Woods Rd, RU District.**

Nancy opened the hearing and the Board introduced themselves to the applicant. Clare reported to the board that Ms. Beatrice Whiting (map 32 lot 121.1), 6 Parsonage Woods Rd, reviewed the application. Tracy Smith, from Schofield, Barbini & Hoehn, presented a proposed plan detailing the following: an 18’x 40’ in-ground swimming pool, 8’x8’ hot tub, surrounded by a pool fence with self-locking gates. The applicant will have a 430 sq. ft. wooden pool deck at grade level, surrounded by a blue stone patio which will run along the north, south and east side of the pool. Setback relief of 10’ from the southeast property line is requested. An existing 10’x12’ shed will be relocated 10 feet off the southeast property line as shown on the plan. The shed will be insulated and sound-proofed to house the pool equipment. There was a brief discussion regarding accessory structures allowed by right as outlined under zoning bylaw 4.2-2D-1. With no further comments from the audience, Larry moved to close the public hearing and open the board meeting. Toni C. seconded. The vote was unanimous. Larry told the applicant the project must comply with the Massachusetts State Building Code (CMR) 780- R326.1 which regulates the installation of swimming pools as well as Section 8.6, WT zoning bylaw: outdoor lighting. With no further discussion Larry moved to vote the application under 8.5-4 and 4.2-2D4 of the zoning bylaws with the conditions and findings as outlined above. Toni C. seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

**Discussion:**

SP 2017-07: Luiz Oliveira (Map 16 Lot 61) – Mr. Oliveira came before the board to request a minor change to the roof design on an accessory structure (currently under construction) barn. On June 29, 2017, the Zoning Board allowed setback relief for the construction of a 28’x41’- 6” barn, to operate a foam insulation service business.

Mr. Oliveria explained he recently replaced his primary business vehicle (panel truck). Upon arrival it was 6" taller than was expected. He would like to incorporate a small dormer to allow one entry door to be one foot taller than originally proposed. The right door will be raised from 9'6" to 10' 6", including adding a storage area (mezzanine) over left garage door inside the existing building envelope as outlined on the proposed plan. The applicant told the board that he would only access the loft by a ladder, the loft is non-habitable space; storage only. The board discussed and agreed that the request made is de-minimis in nature, and the changes requested does not intrude upon or impacts the neighbors. The board agreed to sign the attached plan with the following stipulations. **1)** The right door will be raised to 10' 6" to allow a small dormer. **2)** The storage loft above the left garage door will be used for minor business items and personal storage items only. **3)** The loft area is **non-habitable, for storage only; access to the loft is by a ladder only**. **4)** All conditions as outlined under SP 2017-07 must be adhered to. The board explained to Mr. Oliveria, that any other changes would need to be reviewed by the building inspector who may refer it back to the Zoning Board. A letter will be drafted to the Building Inspector along with a copy of the plan.

With no further business the board adjourned at 6:35 pm.

Respectfully submitted,

Clare A. Harrington  
Administrator  
Zoning Board of Appeals.