

WEST TISBURY ZONING BOARD OF APPEALS

MINUTES September 4, 2014

2ND FLOOR TOWN HALL AT 5:00 PM

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

ABSENT: Bob Schwier

ALSO PRESENT: Joe Turney, Neil Withers, Deborah Withers and Joe Tierney -WT Building/Zoning Inspector.

Minutes:

July 24, 2014 - Nancy made a motion to approve the minutes with amendments. Toni C. seconded. The vote was unanimous with Larry Schubert and Tony Higgins abstaining.

July 31, 2014 – Nancy made a motion to approve the minutes with corrections. Larry seconded. The vote was unanimous with Tony Higgins and Tucker Hubbell abstaining.

June 6, 2013 - Toni C made a motion to approve the minutes with amendments. Larry seconded. The vote was unanimous with Julius Lowe abstaining.

August 29, 2013 – Larry made a motion to approve the minutes with amendments. Nancy seconded. The vote was unanimous with Julius Lowe abstaining.

Hearing:

An application by Joseph & Laurie Turney requesting a special permit for an 18'x36' in ground swimming pool with associated fence, gate and pool equipment. Section 8.5-4 of the Zoning Bylaws; Map 8 Lot 21: 7 Stoney Hill Road, RU District.

Tucker opened the hearing. No correspondence was received regarding the application. Mr. Turney presented his plan for an 18' by 36' in ground swimming pool. The plan shows a 4' split rail fence with green wire attached to the fence. The fence will have code approved alarm system with self-latching gates. The lighting proposed for the pool will meet the requirements of the Bylaws. Mr. Turney explained the pool will have down facing lighting only. Mr. Turney explained to the Board that he approached his neighbors; who had no objection to the installation of the pool. The pool meets setbacks. The equipment will be housed as shown on the plan in a soundproof shed. Mr. Turney will need approval from the Board of Health and a pool permit from the Building/Zoning Inspector. Larry reiterated to Mr. Turney that he will have to comply with all regulations of the State Building Code CMR780 Section 421, which the Building/Zoning inspector's office regulates.

Larry moved to close the hearing, Julius seconded. The vote was unanimous to close the public hearing at 5:25 pm. Tucker opened the board meeting. There was no further discussion at this time. A motion was made by Nancy to approve the application as presented. Larry seconded the motion. The vote was unanimous. Tucker explained the twenty day appeal period.

An application by Neil & Deborah Withers requesting a special permit to extend or alter and existing non-conforming structure under Section 11.1-3A and to construct an accessory structure: a trellis under Section 11.2-2 of the Zoning Bylaws. Map 22 Lot 42, 645 State Road RU District.

Tucker opened the hearing. Mr. Withers came before the board and presented his plan for a trellis/fence located on the south side of the house and a trellis located on the north side of the property (see attached drawings). Tucker explained to the board that the trellis/fence on the north side has been built. The height of the trellis/fence is 7' tall. Larry moved to approve the trellis/fence "as built" on the north side and the new construction of the trellis/fence on the south side under bylaw 11.2-2. Julius seconded the motion. The vote was unanimous.

Mr. Withers presented his plan to extend/alter an existing dwelling under Section 11.1-3. Mr. Frank Ferro, an abutter Map 22 Lot 44-1 and Lot 44-2, came to the office and reviewed the application including the plan. Mr. Ferro had no objections to the proposed application. Tucker read into the record the narrative provided in the application. Mr. Withers explained the proposed addition. Tucker asked about Board of Health approval; Clare showed the board a permit from the Board of Health; the Withers property was approved for a 4 bedroom residence three bedrooms on the 2nd floor and one bedroom on the 1st floor. Tucker pointed out to Mr. Withers that the ZBA is reviewing his application presented and any zoning regulation is under their jurisdiction. Any other issues on the property are subject to the Board of Health and the Building/Inspectors Office approval. The plan presented is no more non-confirming on the southwest bound. The new deck on the northwest bound is located on the plan 45' from the property. There was a brief discussion regarding setback relief.

Larry moved to close the public hearing at 6:15, seconded by Toni C. The vote was unanimous. The board meeting was opened. Larry referenced 4.2-2 C of the Zoning Bylaws (Interpretation of Dimensional Requirement) what is permitted use; steps and stairs which is four feet into side or rear setbacks. It was explained to Mr. Withers that the plan the ZBA signs tonight is what is to be built. The Building/Zoning Inspector will give you a building permit based on the plan that is signed by the Zoning Board of Appeals. Nancy moved to approve the plan as presented; it is no more non-confirming on the southwest bound. The board granted 5' of setback relief for the new deck, (excluding the staircase) so that it will be 45' from the northwest property line. Julius seconded. The vote was unanimous. Tucker explained the twenty day appeal period.

Discussion:

Joseph Tierney – Building/Zoning Inspector Re- Signage at Lamberts Cove Inn

Mr. Tierney explained to the board that he has concerns regarding the size of the new sign at the Lamberts Cove Inn which was recently erected. There was a brief discussion regarding the history of the signage at the Inn. There has been a sign there since 1969 prior to zoning. Tucker explained to the board that the old sign which was replaced is now at the entrance to the Inn. A brief discussion ensued that the Planning Board will review the bylaw regarding signage and that some changes be made. Tucker referenced a letter dated July 8, 2014, from the Planning Board to the Building Inspector indicating future changes to the language regarding signage. The board was in agreement that the size of the sign at Lamberts Cove Inn did not warrant any special action by the Zoning Board. There was continued discussion regarding sign permitting and how the process works with respect to the Building/Zoning Inspectors Office.

Meeting adjourned at 6:45 PM

Respectfully submitted.

Clare A. Harrington

Administrator