

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES FEBRUARY 7, 2007
TOWN HALL 7 PM**

PRESENT: Eric Whitman, Tucker Hubbell, Nancy Cole, Tony Higgins

ABSENT: Toni Cohen, Larry Schubert, Bob Schwier

ALSO PRESENT for All or Part of the Meeting: John Hoff, Heather Hoff, Nick Willoughby, Scott Young, Matt Merry, Joan Smith, Frank Flanders

BUSINESS

- The minutes of Jan 24 and Jan 31 were approved with minor corrections.
- Regarding condition # 3 of the Imbrogno landscape business decision, members asked that it be noted in these minutes that: "...from time to time, due to weather conditions, this schedule might have to be flexible" does not mean that the start-up time may be earlier than 7:30 AM or that the business may operate on Sundays. They asked that a copy of these minutes be sent to the applicants when approved.

HEARINGS

7:20 PM An application by Cynthia and David Gibby for a Special Permit to extend a pre-existing, non-conforming (by setbacks) house: A two-story 24' by 32' addition with a 6' by 10' basement entry, to be 42' from the west bound. Section 11.1-3 of Zoning Bylaws; Map 11, Lot 26; 31 Dolphine Merry Rd; RU District; 2.10 acres. *Correspondence: 1) Tom Reynolds; 2) Lisa Fisher*

The Gibby's house has a 10' by 16' screened porch 41' from the west bound, built when setbacks were 40'. This makes their house pre-existing, non-conforming due to the increase to 50' setbacks in 1986. In their application letter, the Gibbys said their 2-story addition would comprise of kitchen, dining room, bath and bedroom on the south side of their house. They wrote of wanting more space for their married children with families and for storage, and said they were planning to move to the Island full time. They would put the 6' by 10' basement entryway on the south rather than the west, if required by ZBA.

Both Reynolds and Fisher, who are a couple and between them own 3 abutting lots, wrote strong letters objecting to the addition. They live in Colorado in the winter and were unable to attend. In essence, Mr. Reynolds wrote in detail of faults he found in the plans, asked for a new survey, and characterized a grant of this application as a taking of the use of his and Lisa Fisher's land. They raise pigs when they are here, and pigs have to be kept 100' from a dwelling other than their owners. In essence, Ms. Fisher wrote of the little vegetation between the Gibby house and their property line, the effects of clearing for a new septic, and the amount of square footage she calculated their organic pig farm lost due to due to other new construction in the area and the Gibby's proposed addition. The Board did not go into her calculations at this stage.

Nick Willoughby, representing the Gibbys, said he had not drawn the plans and actually was doing the foundation, not the building of the house. He thought there might be some inaccuracies on the plans. Scott Young, not an abutter, but there on behalf of Fisher & Reynolds, said he couldn't find an actual bound on the northwest corner, an issue contained in Mr. Reynold's letter, and asked for a new survey. After perusing the plans, it was ascertained that the building and its additions would have to be located accurately and by a surveyor. The site plan seemed out of scale, and did not make it clear if the cellar entryway was part of the 24'. If it is, it would be 48' from the bound, needing 2' of setback relief, not 8'. The plot plan for the house was on the form that the Building

Permit Application uses and did not have an actual setback number for the west written on it. The Kent Healy plan had to do with the septic, not the placement of the building, and a plan of land did not have actual siting of the structure. The floor plan and scale were not clear. The hearing was continued to March 7 at 7:30 with a site visit for March 5 at 4 PM. Julie is to contact the Gibbys with these conclusions and get permission for the site visit.

7:45 PM An application by Frank Flanders on behalf of Joan M. Smith for a Special Permit to alter and extend a pre-existing, non-conforming (by setbacks) 2 bedroom, single story cottage built in 1950: To move it 61' to the south and relocate at the previous setback of 16' from east bound. Sect. 11.1-3 of Zoning Bylaws; Map 5, Lot 2.1; 207 Obed Daggett Rd; RU District.
Correspondence: 1) Bd of Health, needs their approval of revised plan

The Board looked at the Vineyard Land Surveying site plan, revised November 2, '06. The plan had received Conservation Commission approval before the November revision, when it was shown to make the 50' side-yard setback. According to Julie and Frank Flanders, both of whom had spoken with the ConCom administrator, the applicants should submit the revised plan to ConCom if it is approved by the ZBA. The current location of the cottage is in the wetlands/dune area. The applicants said they also understood they'd need to go back to Bd. of Health for the septic changes.

It was established that Ms. Smith part-owns the abutting Berry Beach Trust lot, the affected parcel. Other abutters include Sheriff's Meadow, Beatrice and Patrick Phear and Ms. Smith herself. There was no abutter comment or presence at the hearing. The cottage is currently located at 16' from the east bound. The reason for the move is to get it out of the wetland/dune area it's in. The dune, it was heard, is 6' higher than it used to be. The reason for the request to be able to site it, again, at 16' from the east bound, was basically that it was a better location, would not have the view blocked by an existing barn, and the current non-conformity had not been detrimental to the neighborhood. They plan to move the building, not re-build, though will change windows and bring the current 576 sq ft livable area up to the size of a guest house (800 sq ft). ZBA voted to grant the re-siting at the 16' setback, citing it would not be more detrimental.

OTHER CORRESPONDENCE

- Fin Com... ZBA before them March 6, 2007 at 5:45
- Paul Foley MVC DRI Admin...copy of Hart plans and MVC comment
- Copy of Julie reply to Foley

The meeting was adjourned at 8:25.
Respectfully submitted,
Julie Keefe, Bd. Admin.