

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES JUNE 13, 2007
TOWN HALL AT 7PM

PRESENT: Eric Whitman, Tony Higgins, Toni Cohen, Larry Schubert, Tucker Hubbell

ABSENT: Nancy Cole, Bob Schwier

ALSO PRESENT for All or Part of the Meeting: Althea and Milo D'Antonio and their young twins; Gino Mazzaferro; Rex and Scarlet Jarrell and their daughter Maisie

HEARINGS

7:20 An application by Milo D'Antonio for a Special Permit to alter and extend a pre-existing, non-conforming (by setbacks) house: A two-story 16' by 18' addition and a 2nd story 18' by 20' addition over an existing attached storage area, to be 30' from the east bound. And a one-story mudroom to be 40' from the north bound. Section 11.1-3 of Zoning Bylaws; Map 16, Lot 29; 56 Oak Knoll Rd; RU District; 1.3 acres. *No Correspondence:*

Milo explained that originally his house was built as a workshop with an apartment on top. They need more room for a growing family. Part of the 2nd floor addition will be over an existing storage space; that roof will be leveled off. The addition will be a foot or two lower than the existing house. Milo said he twice asked his closest abutter, Tim Sylvia, if had any objections to the expansion, and the answer was no. He said he has a 4 bedroom septic adequate for the addition. After consideration, the ZBA voted to grant the request on the grounds it would not be more detrimental to the neighborhood.

7:40 An application by Gino Mazzaferro on behalf of Peter and Alison Clark for a special permit to build a 24' by 24' garage with detached bedroom on 2nd floor (over 676 sq ft accessory structure on under 3 acres). Sec. 11.2-2 and 4.2-2E of West Tisbury Zoning Bylaws. Location is Map 16 Lot 94; 45 Cardinal Way; RU Dist; 2.6 acres. *No Correspondence*

Gino said they could have built a separate garage and separate little bedroom, each under 676 sq ft and therefore not in need of a special permit, but they wanted to have them combined in one building as it would be more practical. Where it says 3 bedrooms on the plot plan, that refers to the new septic system installed for the project, not the number of bedrooms. Gino said the empty space shown on the 2nd floor plan could be construed to be a 2nd bedroom, but if that's the case they have the septic capacity for it. The structure meets setbacks and other dimensional requirements. After deliberation, the Board voted to grant the request for a Special Permit with the condition:

The bedroom must be used in accordance with Section 4.2-2E: "Detached bedrooms, with or without toilet facilities, shall be considered part of the dwelling unit with which they are associated, and may be rented only to the same household that occupies that dwelling unit. Such bedrooms may not be rented to boarders or to paying guests of a lodging facility or any other establishment (including owner occupied dwellings) providing sleeping accommodations for transient guests."

8:00 An application by Rex and Scarlett Jarrell for a Special Permit for a home occupation of massage therapy and yoga classes to be held in a modified barn to be relocated to the 13 acre property. Section 8.5-1 of Zoning Bylaws; Map 32, Lot 109; 1153 State Road; RU District. *Correspondence:* 1) Tom Hodgson; 2) Danny Bryant; 3) Joanna Cole; 4) Susan Strane, William Starr; 5) David Tilton

Due to insufficient notice to abutters of this June 13 hearing, this hearing was opened and continued without taking testimony and was continued to a time and date certain of June 27th at 6:30 PM. Abutters have been re-notified. Julie phoned as many abutters as possible to let them know that while they of course could attend if they wanted to, there would be no testimony or deliberation tonight. Rex and Scarlet Jarrell said they wanted to be here even knowing the insufficient notice meant the hearing wouldn't go forward. ZBA apologizes for any inconvenience.

One issue that had been scheduled for discussion could take place. The Jarrells had applied to the Building Inspector for an 8 by 8, in effect, in-ground hot tub. The Building Inspector referred the question to the ZBA of whether or not they felt it would also need a Special Permit for a pool as it had a filter motor in it and at some point was over 24' in depth. Rex said the tub will have an approved safety cover. After discussion, the ZBA concluded it would be a bad precedent to start allowing hot tubs by Special Permit and felt that the Building Inspector had the authority to require and enforce any safety features.

BUSINESS

- The minutes of May 30 were approved as written.
- Letter from Walpole Selectmen to W.T. Selectmen re 40 B's: Concerned with the impact that large, "hostile" 40B projects are having on Massachusetts communities, Walpole is requesting their representatives for legislation to overhaul the 40B system. They are urging other towns to support them by doing the same. The Selectmen had asked for ZBA comment. After discussion, the ZBA agreed to support the letter in the hope that it will produce a 40B that will provide more units of affordable housing with less disruption to the community.
- Nancy Dole question: Nancy wrote to ask if a driveway entrance change application to the Planning Board would also need a ZBA hearing. The Board said it would not as long as the parking lot remained in the same place with the same number of parking spaces.

OTHER CORRESPONDENCE

Letter and visit to Julie from MVC expedited permitting consultant Ed O'Connell

The meeting was adjourned at 8:50 PM.

Respectfully submitted, Julie Keefe, Bd. Admin.