

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES JULY 11, 2007**  
**TOWN HALL 7 PM**

**PRESENT:** Eric Whitman (Chair), Tucker Hubbell, Tony Higgins, Bob Schwier, Toni Cohen, Larry Schubert

**ABSENT:** Nancy Cole

**ALSO PRESENT for All or Part of the Meeting:** Joanne Scott, Harriet Bernstein, Connie Koch, Harry Odell, Clark Bruno, Bob Andrews

**BUSINESS**

- The minutes of June 27 were approved
- Imbrogno review: As conditioned, ZBA made a site visit to the Imbrogno property to see if the conditions of their February, 2007 Special Permit were being met. The ZBA found that they had met all the conditions.
- Coffee at Fiddlehead Farm: Rose Willett phoned the office to see if they were able to provide coffee. Julie reported she had told Rose it would be put on the agenda, but that it was most likely a Board of Health issue. Board of Health agent John Powers explained that an application to them to use bottled water would be required, as the property does not have a certified public water source. Also, the added water flow for washing the coffee apparatus could put a strain on the cesspool on the property. The ZBA voted that as far as their Board was concerned, they could have coffee and it would not require a new hearing, as long as the Board of Health permitted it. They stated that bottled water should be used and the coffee equipment must be washed off site. Both the minutes and decision were silent on the question, other than food could not be prepared on the site, and no salad bar.
- Nancy Dole new entrance plan for upcoming Planning Board hearing: There is not an increase in parking places.

**HEARINGS**

**7:20 An application by Eric Whitman for a Special Permit** for a 24' by 24' garage with a second floor for storage. Section 11.2-2 of Zoning Bylaws (over 676 sq ft accessory structure needs a special permit); Map 7 Lot 160; 209 Longview Rd; RU District. *No correspondence.* Eric Whitman recused himself and represented his application. Tucker Hubbell acted as Chair. Eric explained the garage would be built into the side of a hill, would be part workshop and garage for storage. The second gabled floor would be for storage. His house is built on a slab, so he'd like more storage space. The structure meets setback and other dimensional requirements. No plumbing is planned. While to the front of the house, the building's footprint is less than 600 SF so is not required to be 100' back from the front lot line. The Board voted unanimously to grant the Special Permit. There was no one in attendance for the hearing.

**7:35 An application by Joanne Scott for a Special Permit for a home occupation of massage therapy.** This would take the place of Hair Solutions, currently on the premises, not be an added occupation. Section 8.5-1 of Zoning Bylaws; Map 31, Lot 33.2; 595 Edgartown Road; RU District. *No correspondence.*

Joanne explained that although she got a Special Permit from the Board in May to have a massage home occupation at the former Gadowski property in North Tisbury, she decided against that location when it became apparent that making the building usable would have been too costly a project. She has a P&S with Judy Drake Kent; the place and price are just right for her. It has handicap features, and she will use the hairdressing room for her massage therapy. She still plans to work alone and to operate from 9 to 7, Monday through Saturday. She plans to

have a sign and was reminded to get a sign permit. She is working with the Board of Health to uphold their massage regulations. She and the Board note that she will need a waiver from their Section 6.05-O as there is no public sewerage system in West Tisbury. ZBA voted unanimously to grant the Special Permit with conditions. No one was in attendance for this hearing.

**7:50 An application by Harriet Bernstein for a Special Permit for setback relief** for a 16' by 16' one story shed/studio to be sited 34' from the rear north bound and 25' from the side west bound. Section 11.2-2 of Zoning Bylaws; Map 31 Lot 26; 629 Edgartown Rd; RU District. *No correspondence so far.*

Harriet explained she chose the back western corner of her lot because the studio would be tucked away amongst trees...most of her lot is open. She submitted photos of her land. She said you could see her neighbor's, Mrs Koch's, lawn furniture located near the bound. There is a split rail fence that separates the properties that is located on Mrs. Koch's land. She plans to use the studio as a sanctuary and writing studio, and for storage in the winter. She runs a small B&B in her house. She would like to have electricity at some point in time, and a composting toilet.

Direct abutter to the west, Mrs. Connie Koch said she objected very strongly to the proposal...it's too close to her property line and house, which was built in 1972. She said it would have a strong impact on her and her children and grandchildren. There might be noise; a future owner might rent it out. Shade trees is not a compelling reason to have it in that corner. Eric said to Mrs. Koch that the ZBA does pay attention to abutters, and also that they don't "all the time" grant 50% setback relief. It sounded to him as if a site visit was in order.

Direct abutter to the north, Clark Bruno said he'd just found out about the hearing last night when Mrs. Koch phoned him. The notice went to his brothers address and his brother most likely didn't read it as he's about to have a baby. He and his brother own the property; they've not built on it yet. His sentiments are, what is the reason in this case for relief from the setback rules? He's not heard any good reasons for granting the relief. He's concerned about increase in use if a bathroom is installed. He hasn't looked at the site himself yet, and agrees a site visit is in order. He'd like to be a good neighbor and he is here to express his concerns about the setback relief. The Board voted to continue the hearing to 5 PM Wednesday July 25, with a site visit at 4:30 PM on the same day.

**8:10 An application by Island Pools & Spas on behalf of Christine Lai and Craig Elkind for a Special Permit** for a 16' by 43' ell shaped in-ground pool with associated patio, equipment pad and fencing. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 18 South Pond Rd; Map 30 Lot 2.20; 1.47 ac.; RU Dist. *Statement from Bob Andrews; No Correspondence.*

Bob Andrews of Island Pools and Spas presented the Elkind application. He showed that the pool was outside of the 100' green or no-cut zone, and that the house, providing part of the fencing, would have alarmed doors. There will be self-latching gates and a stone patio surrounded by an 18" stone wall. The Board noted that approx. 8' by 20' of the ground level patio would extend 8' into the no cut zone, and did not find that to be detrimental to the intent of the 100' green belt at the rear of the lot. The Board voted unanimously to grant the pool with conditions.

After discussion of when the ZBA could next meet...Eric will be gone for the month of August and Vice-Chair Tucker will be gone for the 1<sup>st</sup> 3 weeks of August, the ZBA adjourned the meeting at 8:55 PM.

**Respectfully submitted, Julie Keefe Bd. Admin.**