

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES JUNE 11, 2008
TOWN HALL 5 PM**

PRESENT: Chairman Eric Whitman, Toni Cohen, Bob Schwier, Tucker Hubbell, Nancy Cole

ABSENT: Larry Schubert, Tony Higgins

ALSO PRESENT for All or Part of the Meeting: George Crawford, Gino Mazzoferra, Michael Ferry

BUSINESS

- The minutes of June 4 were approved.
- The ZBA continue to look for an Affordable Housing Committee member to be their designee.
- Question from architect Bruce MacNelly regarding can one apply for an over 3,500 sq ft building in the Mixed Business District? After brief discussion, the ZBA confirmed that the Zoning Bylaws allow more floor area only through Section 4.4-2, if one or more affordable apartments are added.
- Question re application submitted by architect Chuck Sullivan: Can former Haynes restaurant (a pre-existing non-conforming structure and use) in North Tisbury be rebuilt at over 2000 sq ft, the limit set for a non-residential related structure in the MB district. A client would like to buy and rebuild the fire damaged building. The Board confirmed there is not a section in the Zoning Bylaws which allows an increase by Special Permit. Chuck Sullivan has said, to Julie in the office, they feel the current use is over 2,000 sq ft as the basement has been fully used, so he would be asking the ZBA to grant rebuilding the fire damaged building based on this. A new building would use a basement only for storage; they need more square footage up top to be code compliant. The ZBA questioned if the past basement use had been legal.
- Ragosta/Shearer on Waldron's Bottom Road. The house is for sale; Link sent particulars and photos to the Assessors office; the bunkhouse has a deck, which had been denied by the ZBA. The deck in the picture appears to be near ground level. The bunk house appears to be being advertised as a guest house, income generating building. The structure was not permitted to be a guest house. The ZBA referred the matter to the Building Inspector for enforcement.

HEARING

5 PM Continuation of an application by Gino Mazzaferro on behalf of Barbara and Susan Silk for a special permit to build a 32' by 26' garage with a working studio above. (Over 676 sq ft accessory structure on under 3 acre lot needs a special permit: Sec. 11.2-2 of West Tisbury Zoning Bylaws.) Map 11 Lot 10; 1 Cardinal Way; RU Dist. *Previous Correspondence:* 1) Abutter Elkan Katz; 2) Abutters Michael and Elizabeth Ferry; 3) Abutter Pamela Miller; *New Correspondence:* 1) Phone call from Pamela Miller emphasizing the building is pushed right up to her lot, 50' minimum; 2) Office visit Michael Ferry, many concerns.

Eric asked architect George Crawford if he was aware of the observations the ZBA made at their site visit the previous day. Yes, he had an email from builder Gino Mazzoferra. Eric questioned

why that corner site had been chosen as there would be massive excavation (into the slope) to create a corridor for the new drive and garage, a lot of retaining wall would be needed, the already laid electrical cables will need to be re-located, many large trees will need to come down, the 2 closest neighbors feel encroached upon, it's at a distance from the house. The ZBA said they found that the building could be moved back from the road and away from the southern bound and be set at ground level; that the present driveway could be easily extended making the excavation of the hill and tree removal unnecessary. George replied that it is set 50' from the Cardinal Way bound so as to minimize the excavation and that actually the garage will be considerably more than 50' from the road, as the property bound is up from Cardinal Way. He had been unaware that the owners had changed the frontage from Hidden Village Road to Cardinal Way, and that accessory structures of an over 600 sq ft footprint, if in front of the house, had to have a 100 ft setback. He understands that the garage with studio on top will have to be moved back to be at least flush with the house.

He said his clients, the Silk Sisters, wanted access to the studio to be easy for them, so it was designed that the garage below would be pushed into the ground, making a climb to the studio unnecessary; a big issue for them was having the studio at near ground level. One of the sisters, who are in their sixties, likely may have trouble getting around. Tucker pointed out, if that were the case, it looks like they'd need an elevator to get up to ground level from the garage, and then it was a distance from the house. George said one sister is healthy and active; she'd drop the other at the house before driving to the garage. They could shift the garage closer to the house, and angle it 15 degrees so it would face the Ferry property less.

Eric asked, so you still want the "cut"? The answer was yes. Nancy suggested changes to the design; if there were no dormers and the gable end was facing the Cardinal Way bound, it would help with lighting issues. George said he didn't know that the studio would be used much after dark. Nancy pointed out other people could use the studio, it could be sold, etc. Gino said, we can always fall back on 2 smaller buildings, by right, not special permit. He was asked, if you did that, could you make a smaller studio? The answer was no. Nancy suggested, move it or build 2 buildings. Julie asked, if access is the issue, could they have the studio alongside, rather than on top of the garage, or attach it to the house? The house cannot get bigger, as it is at 3,000 ft; they didn't want it alongside, were the answers.

Tucker told the applicants, he would not vote for the cutting of a second drive off of Cardinal Way, a quiet narrow street, because of the disturbance to the lot; more trees coming down, a steep slope, a gigantic cut, a gigantic retaining wall, runoff. He cannot fathom why they'd put the building there. George said, I'm hearing we'd be restricted to one drive. Tucker corrected him, saying we haven't had a vote, and I'm just one member. Nancy suggested to continue again; for the 2 agents to talk to their clients about all the options discussed that night. Eric said, or we could vote tonight, the present proposal would probably be denied. It was up to them. Gino opted to continue the hearing. July 2nd at 7 PM was set.

The meeting was adjourned at 6:25.
Julie Keefe, Board Administrator

