

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES THURSDAY OCTOBER 14, 2010**  
**2<sup>ND</sup> FLOOR TOWN HALL AT 5 PM**

**PRESENT:** Tucker Hubbell (Chair), Bob Schwier, Eric Whitman, Nancy Cole, Tony Higgins

**ABSENT:** Toni Cohen, Larry Schubert

**ALSO PRESENT for All or Part of the Meeting:** Susan Silk, Neal Sullivan, JC Murphy, Andre Mallegol, Scott Stearns, Mike Colaneri, Troy Maciel, Laura Maciel, Phillippe Jordi

**5:00 PM DISCUSSION:** Post Hearing Changes of Pool for Bagehot Backs, Map 38 Lot 8: Chris Alley. Chris Alley brought an amended site plan to the office, showing the pool and pool house to be moved 10'. The pool will be 100' from the closest lot line, meeting setbacks amply.

**NEW BUSINESS**

John Hoff of Middletown Nursery wants to know if they can sell outdoor lights/lanterns that his brother Bill makes at their property in the Business district. He also is inquiring if his brother can move his lantern /light making operation to the nursery property. He had brought a letter and photos of the lanterns to the office earlier. The Board reviewed these, and said they would like to meet with John in order to make any decision.

**HEARINGS**

**5:20 An application by Habitat for Humanity of Martha's Vineyard for 3 Special Permits** to build 3 single family dwellings on 3 non-conforming (less than 3 acre) lots on Bailey Park Road: House A on Lot 10-92, 1,450 sq ft; House B on Lot 10-104, 1,254 sq ft; House C on Lot 10-105, 1,344 sq ft. Under Section 4.4-7 (Homesite Lots) of the Zoning Bylaws. RU District.

*Correspondence so far: 1) Planning Board, in favor*

JC Murphy started to engage the Habitat presenters regarding a plan that he had a copy of. The Board asked Mr. Murphy to wait until the presentation was over, assuring him his questions would be answered. (They were).

Neal Sullivan and Andre Mallegol of Habitat for Humanity Martha's Vineyard presented their application, showing blown-up plot and building plans. The first house they will put up will be the house the MV Savings Bank has donated; the house still on the bank property waiting to be moved. The second and third houses will be a 2 bedroom and a 3 bedroom, the order in which they will be built depending on the size of the family to be living in the 2<sup>nd</sup> house to be built. There are 3 wells and 3 separate septic systems, approved by the Board of Health.

Mr. Murphy asked questions about the financial arrangements, the mortgages. The Habitat representatives explained their positions, and that basically they are the bank. Mr. Murphy had further points to make on this subject, but as Nancy Cole put it, this is not the ZBA's discussion; that the financial agreements had been worked out by the Affordable Housing Committee, Habitat and the Selectmen. Apparently the AHC had met the previous night and Mr. Murphy had not attended; he thought the ZBA meeting would be a forum on the finances as well. Mike Colaneri said, if Habitat went away, God forbid, the property would go back to the town; they would have first refusal. The properties are to be affordable in perpetuity. The house may be sold by one individual to another qualifying family. The Island housing Trust will lease the properties, will hold the land; the houses go to the recipients.

Andre Mallegol explained that the houses will be built by volunteer labor. They hope to have the first house, the bank house, up in a year. Although it exists as a house (albeit cut in two for moving), it will need a lot of work; to bring it up to energy standards, for example. Habitat MV has a framing construction leader of 25 years experience. Abutter Scott Stearns voiced concern that construction for each house might take 2 years apiece. Mr. Mallegol pointed out that that construction at another Habitat/Island Housing Trust project, 250 State Road, went up in good time.

Mr. Murphy asked if there would be any other access than Bailey Park Road. The Answer was no. Mr. Stearns asked if they would be paving this extension of Bailey Park Road? No, they would not. The Stoney Hill Road Association will do that. They have been in many conversations with former developers Jampel and Baumrin regarding this, as well as easements. They are hoping there will be separate drives. Mr. Stearns also voiced concern that the nearby extensive walking trail system might become barred from use. Mr. Murphy responded to this by saying there are two existing law suits regarding the subject of whether or not these trails are public ways, ancient paths. These are his suits. It's his position these are not protected trails; that the landowners have rights.

On the subject of the sand pit/old stump dump, Habitat reps said that it will be filled in in a responsible manner. On the subject of lot size, Nancy Cole pointed out that 2 of the lots were slightly under an acre. The Zoning Bylaws require that Homesite lots be at least one acre. Board members addressed this by pointing out that this particular section refers to affordable lots being created by slicing off a portion of a lot...the parent lot must retain 3 acres, the sliced off lot must be one. These lots were formed from existing independent lots, were formally approved by the Planning Board, and have 10,000 sq ft for each bedroom.

On the subject of House C (the bank house) on Lot 105 needing setback relief of +/- 1.5 feet at the south west bound: The sideyard setbacks in this development are 25' (by Special Permit for the original Stoney Hill development). The house is shown to be sited at 23.13' from the southwest bound which bounds on a paper road called Eleventh Avenue. The Board granted setback relief of five feet on this side, citing that it will not be more detrimental to the neighborhood or Town. Mike Colaneri said the houses were placed to have the least amount of impact to any individuals. Bordering 11<sup>th</sup> and 12<sup>th</sup> Avenues are 20' paper Roads which provides additional setbacks for individual houses

As there were no more questions, the hearing was closed. Each parcel was voted on separately: Parcel 1 with House A; Parcel 2 with House B and Parcel 3 with House C. . The Board voted unanimously to grant the Special Permits, with the affordable conditions and as noted above, the Parcel 3 house was granted 5' of setback relief. Each Member cited the professionalism of the application and how it meets the criteria of Section 4.4-7 and the intent of the Bylaw.

### **OLD BUSINESS**

- The Minutes of September 16 were approved.
- The October 7 site visit at Keene's will be informally discussed next week on the 21<sup>st</sup> at 6 PM. Those in attendance at the site visit were: John Keene, Joe El Diere, Tucker Hubbell, Bob Schwier, Larry Schubert, Julie Keefe, John Powers, Tim Barnett, Ernie Mendenhall, Chief Dan Rossi and realtor Carmine Cerone

### **OTHER CORRESPONDENCE**

In: Letter from Ginny Jones of Sept 9 concerning home occupations.  
Change in agricultural zoning and draft MVC agricultural proposal

The meeting was adjourned at 6:05. Respectfully submitted by Julie Keefe, Board Admin.

