

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY APRIL 7, 2011
2ND FLOOR TOWN HALL AT 5 PM**

PRESENT: Tucker Hubbell (Chair), Eric Whitman, Toni Cohen, Larry Schubert

ABSENT: Bob Schwier, Nancy Cole, Tony Higgins

ALSO PRESENT: Laura Wainwright and Whit Griswold

BUSINESS

- The minutes of March 24, 2011 were approved.

HEARINGS

5:15 An application by Vineyard Tennis Center, Workout and Spa for a Special Permit for a 20' by 3' banner type sign to be located on the southern exterior of the building: A sign of a size and height varying from the requirements of Section 8.4-6 of Zoning Bylaw and requiring a Special Permit; 24 Airport Rd; Map 28 Lot 1.2; Light Industrial Dist. *Correspondence:* 1) *Deb Potter, Martha's Vineyard Airport, asking ZBA to continue until Airport has permitted it;* 2) *Copy of letter from Deb Potter to Connie McHugh;* 3) *Planning Board*

The hearing was opened and correspondence was read. The Planning Board wrote they felt the sign was too big and stated why. Deborah Potter wrote to say that the Airport Commission had yet to receive and consider an application to them and asked that the Zoning Board continue the hearing until after April 28. Applicant Connie McHugh of the Tennis Center, who had been contacted by Deborah Potter, was not in attendance, nor was any one else. The Board continued the hearing until May 12 at 5:45.

5:30 An application by Vineyard Land Surveying on behalf of LCR Nominee Trust for a Special Permit for a 20' by 40' in-ground pool with associated fence and equipment. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 299 Lambert's Cove Rd; Map 7 Lot 7.2; RU Dist. *No Correspondence*

The Board, joined by Reid Silva, Laura Wainwright and Whit Griswold, looked at the submitted plans. Reid presented the application. The pool will be to the front of the house on the James Pond side and will be cut into the hill...a 4' cut on each end, have different width patio decks, and makes setbacks. It will be outside of the buffer zone of the Pond, 133' back, and outside of the shore zone. Equipment will be put in an existing shed. The Griswolds were asked what the screening was like between the 2 lots: Laura and Whit about the subject property to the north. There are trees and vegetation they said, but some it has been cut down so people to their south could have views to the Pond and Lamberts Cove beach area.

Laura asked if the retaining wall that will face the pond will be a Stone wall. Reid said he was not sure: For his client, this application is to see if this pool will be permitted, as the client says she'll not buy the property without the ability to build a pool. Drainage was discussed. Pools are usually let down a foot or so for winter after chlorine or other salt has dissipated, usually a week or more after no additional salt has been added. It was discussed how important it was that any draining be directed away from James Pond or any wetland. (The ZBA puts a standard condition regarding

drainage on all pool permits and it was discussed may be more site specific for this pool.) Lighting will be downward directed and in the pool itself.

More questions and discussion ensued, as shown in the following. The Board closed the hearing and voted unanimously that as conditioned the pool meets all requirements and would not be a detriment to the Griswold property:

The Conditions are:

1. The applicant and installers must ensure that the barrier fencing is acceptable to the West Tisbury Building Inspector to meet the building code demands. The applicants and installers must comply with all fencing and other safety requirements and further permitting as required by the West Tisbury Zoning and Building Inspector and Board of Health.
2. The fencing should be of the height and description as in approved plans and sited as in approved plans. Any changes to the fencing must be approved by the Zoning Board of Appeals.
3. Lighting for the pool must conform with Section 8.6 of the West Tisbury Zoning Bylaws, the lighting regulations.
4. The applicant and the pool service company must do any maintenance draining of the pool in such a manner as to direct all drainage away from any wells on the property or neighboring property, and away from any wetlands. Special care must be taken in this regard because of the proximity of James Pond. Drainage must not flow onto neighboring property. Drainage may not occur until such a time that there is no longer any chlorine or other salt content in the water. This condition must be posted in a visible place for the pool service employees to see. The applicant must ensure that the service company is aware of this condition.
5. There must be stone facing or screening for the retaining wall facing James Pond.
6. Before a Building Permit can be issued, the landscaping plan for the pool area, including the facing/screening for the retaining wall and lighting, must be approved by the ZBA.
7. The pool equipment must be enclosed. Elevations for the existing shed must be supplied. If the shed is not the final housing for the equipment, plans for housing for the equipment must be supplied and approved by the ZBA.
8. Any changes to the pool application must be approved by the ZBA.
9. Note well: Temporary or permanent fencing as required by the West Tisbury Building Inspector must be in place before the pool may be filled with water, and the pool installation must be compliant with 780 CMR J4.5.7.1

OTHER CORRESPONDENCE

Diana Douglas DeBlase re Fielder wind turbine

The meeting was adjourned at 6:15.

Respectfully submitted, Julie Keefe, Admin.