

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES NOVEMBER 29, 2006
TOWN HALL 7 PM**

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

ABSENT: Bob Schwier

ALSO PRESENT for All or Part of the Meeting: Sandra Polleys, Juleanne Van Belle, Jamie Ferry, Simon Bollin, Neil Flynn, Rusty Hitchings, Breeze Tonnesen, Marc Tonnesen, Patty Kirwin, Mike Lynch, Peter Brennan, Paul Farenkopf

BUSINESS

- Minutes of November 1 were approved.
- Jamie Ferry to have a tennis court as part of a proposed recreational business: Notwithstanding a different opinion from the Zoning Officer and Counsel or other entity, the ZBA agree, if Jamie Ferry chooses to maintain that he no longer needs the Special Permit granted to him in September, as the court is now going to be part of a recreational business which only requires Plan Review by the Planning Board according to Business Uses, the ZBA have no objection. As far as they are concerned, he may choose to not file the Special Permit at the Registry, thereby making the condition moot. (For a longer written history and conclusions of the ZBA, please see Ferry file in ZBA office)
- Question re Map 3 Lot 52, variance or special permit for application for setback relief? The rear of the lot in question is very steep, therefore it would be a question of topography that would necessitate the setback relief. ZBA advises that the future applicant apply under a variance and that they would probably make a site visit before a hearing.

HEARINGS

7:20 An application by Neil Flynn for 1) a Special Permit for retail sales on the premises in connection with his apiculture (beekeeping) agricultural use, and 2) to have an off premises sign on State Rd at the beginning of Buttonwood Farm Rd. Sects. 3.1-1, 8.4-6 of Zoning Bylaws; Map 8 Lot 12; 26 Orchard Rd; 4.5 acres; RU District. *Correspondence: 1) Statement of Neil Flynn 2) Bd of Health, that Neil Flynn is permitted for the preparation of honey; 3) Abutter Linda Sibley*

The following was submitted or established: The applicant has an existing bee keeping and honey business, keeping hives on the premises and other chosen locations on the Island. There is an existing ell attached to the house on the premises which functions as the honey room, and is where honey extraction and other preparations take place and part of it will be used for display and sales. He would cordon off the processing area from the displays and the public. The applicant also sells his products at the local Farmers Market in the summer season and at various other outlets on the Island. The Town of West Tisbury requires a Special Permit for retail sales for an agricultural use. Products could include extracted honey, bee pollen, beeswax soap, lip balm, skin cream, chunk honey, comb honey, creamed honey, beeswax candles, honey straws, honey candies, and gift baskets. The applicant proposes to begin with modest hours: Wednesday, Saturday and Sunday from one to five, perhaps expanding the hours as the customer base grows. He would anticipate 4 or 5 customers a day in the summer. He has had school children visit in the past, on field trips, and likely would like to continue to do so. There is ample on-site parking for the anticipated number of clients, as shown on submitted plans.

The Board of Health has submitted that they have permitted Neil Flynn for the preparation of honey. The sign Neil designed met the dimensional requirements.

Abutter Linda Sibley's letter supported the application, but asked that the ZBA ensure that the hives would not be located too close to the property lines and that the flyways be directed away from property lines. Neil said he has about 10 hives on his property; that the hive nearest the Sibley lot line is about 75 feet back from the bound, as are the other hives on his property. The flyways have not been a problem. He will not increase the number of hives on the property, although in springtime, there may temporarily be more. The majority of his hives are on properties throughout the Island. Board members thought this was a reasonable setback for the hives.

Direct abutter to the northeast Breeze Tonnesen spoke: She said the sign at the end of the road would create curiosity, would bring in people who are curious to see what is down dirt roads; their privacy would be invaded. Neil said it would be 3 afternoons a week, 1-5 and the sign would say open or closed. ZBA suggested the Tonnesens or anyone else could put a private sign on their drive. Mark Tonnesen said it is a single lane dirt road (Orchard Road which is about 335 yards long and serves as access to Neil, the Tonnesens and Rashba/Greenberg) that they, the Tonnesens, have maintained. Neil said he would grade the road; he personally doesn't care if there are potholes, but for the customers, he would grade it. The Tonnesens said, and put rap down, too, to which Neil did not commit. Breeze Tonnesen said there is no turn-out on the road at all, and this business would impact them, their quality of life. They live on a little farm and have horses; when they moved to the property 3 years ago, they did not expect to have a retail store next to them; the peace of the neighborhood would be adversely affected; she is training a young horse; she rides on the road. Direct abutter to the east Rusty Hitchings (who is listed as being on Beaten Road, but apparently uses the Orchard Road Access as well) agreed that the single lane road was not suitable, and had worries that the peace of the neighborhood would be disturbed. He and the Tonnesens said that the bee keeping and Neil's honey production itself was not a problem, but the issue of a sign and customers would be. Rusty said he would not be interested in establishing turnouts on his land that abuts Orchard Lane.

Abutter to the southwest Juleanne VanBelle spoke: She said she had no objection to the business or the sign, but was here because she wants Neil to pay his Association and Road dues; that Neil and the Tonnesens did not pay their Buttonwood Farm road dues.

Eric asked Neil, why, when he sells his honey all over the Island, did he want to start selling from his property as well? The reply was that it was mostly about money, as he sells wholesale to other stores. Also he would like to produce and sell products that can only be made in small quantities. He added that mail order is not a good idea for honey farmers, and that the honey business is low-key. As for the dues, he'd had some objections over his assessment, but said he had gone along with one-half of his bill, and sent a check. He only uses a small part of Buttonwood road, and they don't do maintenance on his (Orchard) road. Juleanne said he'd been billed for \$50/year and could have attended a meeting to modify it. The Tonnesens said they had the same objections about their road fee.

Eric said, it sounded like Orchard Road is not in good enough shape to maintain added traffic. The road would have to be improved and a turnout or two added. As it stands, he would not feel comfortable voting for this 3 day business using this road. Neil said he deferred to Eric's

opinion, but pointed out that he *has* offered to grade the road. Nancy Cole spoke: she said she didn't imagine there would be a lot of business, but a sign would increase traffic, it would impact the road and neighborhood. She lives on a similar dirt road shared by a pre-school, so understands the neighbors' concerns.

Eric suggested Neil could ask for a lengthy continuance; to talk with the neighbors and get them on his side, and fix the road. Neil said, he probably wouldn't, as he could see what the votes would be. He pointed out that the Tonnesens have 3 cars, making multiple trips on the road daily and because they are building a new house, there is also construction traffic on Orchard Road. A little honey business would not be making that much of a dent. Nancy Cole said here are some options: We vote now, or continue it for a month while you improve the road and confer with your neighbors who object, or you could withdraw without prejudice. Larry pointed out the Catch-22 of good road/bad road: With a pot-hole road, people slow down or don't return; fix it up and it's easy for people to use and go faster. Neil asked to withdraw his application. The Board voted to approve withdrawal without prejudice.

7:40 An application by Patricia Kirwin for a Special Permit for a home occupation: Caning and furniture restoration. Putting up a sign on her property along State Rd doesn't require a Special Permit in itself as it's not an off-premises sign. Sect. 8.5-1 of Zoning Bylaws requires a special permit ; Map 10 Lot 192.2; 96 State Rd; RU District; 1.5 acres.
Correspondence: 1) Patty Kirwin's statement of application.

Patty Kirwin and her husband Henry currently do chair and other caning and furniture restoration, called "Able to Cane", in a detached building on their property. Because she would now like to put up a sign for the business, she has reached a threshold where according to Section 8.5-1 she'll now need a Special Permit. They do not plan to have any employees, plan to be open seasonally, May – October three days a week from 10Am- 3 PM. They anticipate about 4 clients a day; there is ample parking on the premises. The sign will be located on their property on State Road. There were no abutters present for the hearing and no correspondence. The Kirwins are the first house along the access drive; there didn't seem to be any road problems. The ZBA found the use to be benign and having no detrimental impact to the neighborhood. The Special Permit was granted unanimously.

8:00 An application by Michael Lynch on behalf of Nancy Strauss for a Special Permit to alter and extend a pre-existing, non-conforming dwelling: To add an 8' by 12' mudroom and 8' by 6.5' attached deck, to be 35' at the nearest corner from the south side bound. Sect. 11.1-3 of Zoning Bylaws; Map 34 Lot 1.2; 43 Line Dr; RU District. *No Correspondence*

Mike Lynch explained that the changes will enable the applicants to access their house more conveniently and safely as the existing nine steps into the house will be reduced to 3 steps and the car can be parked more closely to this access. The existing house is approx 44' from the southern bound, built when sideyard setbacks were 40'; they are now 50', therefore the house is pre-existing, non-conforming. The addition will require 15' of setback relief. There were no abutters present for the hearing and no correspondence. Finding the proposal to be not detrimental to the neighborhood, the ZBA voted unanimously to grant the Special Permit.

8:15 An application by Paul Farenkopf on behalf of Dennis Driscoll for a Special Permit to construct a 28' by 36' in-ground gunnite pool with 6' by 10' spa and associated apron and fence. Sects. 3.1-1, 8.5-4 of Zoning Bylaws; Map 29 Lot 47; 24 Waldron's Bottom

Rd; RU District; 5.4 acres. West Tisbury requires a Special Permit from the Zoning Board in order to get a building permit for a pool. *Correspondence: 1) Abutters Mr. And Mrs. Calvin Grimes, in favor; 2) Board of Health, reminder to applicants to apply to BoH.*

The next door neighbors, the Grimes, wrote to support the granting of the Special Permit, adding that “the pool will be good for bringing family and friends together, and in these times, nothing is more important.” Pool designer Peter Brennan and Paul Farenkopf of Atlantis Gunnite Pool represented the application. Peter Brennan described the 5.4 acre property as being flat, and ample to site the pool with no impact on neighbors. All fill would be taken off-site. Fencing would be the commonly used cedar posts with black mesh, 4’ high and the house doors will be alarmed. The pool will have a “Florida fall”, to be illuminated by two underwater 500 watt lights. There will be no overhead lights around the pool; the idea is to keep the pool dark except for the underwater lighting. The adjacent spa will be able to be used year round and will have a safety thermal cover. The applicants have applied to the Board of Health. Larry told the applicants that boiler plate conditions would be attached to a Special Permit. The ZBA voted unanimously to grant the Special Permit with the usual conditions, as it met the requirements and would not have a detrimental effect on the neighborhood. No one was in attendance for the hearing, and the only correspondence was from the Grimes.

CORRESPONDENCE

- Letter from Donald Mills and Kristen Kinser
- Handouts from training workshops
- Joanne Taylor of MVC...asking ZBA’s to help with Island Plan by joining in
- Email from Dominic Scordino, November 20
- Phone call from Justine...Driscoll fence now put in as on approved plan: resolved with abutter and DBPARC. Casey will have a new, Association proved fence plan that she’ll bring to ZBA. Right now, there is some question that the abutter expected certain plantings, which there is no memory or plan agreeing to...
- Bruce Stone...Budget Materials

The meeting was adjourned at 9:23.

Respectfully submitted, Julie Keefe, Bd. Admin.