

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES MAY 9, 2007
TOWN HALL AT 6:45 PM**

PRESENT: Eric Whitman, Bob Schwier, Tucker Hubbell, Toni Cohen, Larry Schubert, Tony Higgins

ABSENT: Nancy Cole

ALSO PRESENT for All or Part of the Meeting: Geoff Thors, Peter Williams, Patti Linn, Joanne Scott, Mark Weiner, Betty Haynes

PRE-APPLICATION DISCUSSION

6:45 Map 21, Lot 12, 90 Dr. Fisher Road. Jeff Thors and client Peter Williams came to the ZBA to get comment and direction regarding a proposal to build a 12 unit lodging facility and an indoor tennis court on a 2 acre wooded lot Peter owns in the North Tisbury Light Industrial district. The units would have kitchenettes and would be built in two separate rows, one with 8 units and the other 4, with a common porch for each row. According to calculations made from the rough site plan submitted, the 8-unit row would be approximately 133 ft by 32 or 33 ft. It was established that these developments will need Special Permits from ZBA because 1) although in the LI district, the construction for the units would be over 3000 sq ft and 2) tennis courts in all districts require a Special Permit from the ZBA and again it's construction of over 3,000 sq ft. Peter and Jeff had been to the Planning Board on April 23 to discuss the proposal, as they had thought they were the Board to do the permitting. (The Planning Board reviews business development in the LI district of under 3000 sq ft.) Looking at the MVC Standards & Criteria, ZBA said the lodging units and the court would have to be referred to the MVC as both would be new commercial construction totaling 2,000 sq ft or more and the lodging would be 10 or more dwelling units or 10 or more rooms for lease or rent. Peter and Geoff said they had read these regs.

Peter explained that last year he sold an acre of the formerly 3-acre property to the Bizzarro Brothers for storage of their trucks. The Planning Board permitted it with Plan Review. He showed on the site plan that Dr. Fisher Road runs through his property. He said Pine Hill road runs through Dr. Fisher and is the access for Bizzarro. Tucker asked what the units would look like? Peter said a porch in front for unity; shingles. Eric asked if there would be someone using one of the units as the office and living there to manage it? Peter answered no, the current shed on the place would be moved and would be the office. Bob asked if there was enough land for septic capacity for 12 bedrooms and a tennis court? Peter explained he'd kept the septic rights to the Bizzarro lot. He did not have an engineered design for septic, at this stage. Eric asked why 12, why not 8 units? Peter explained he had the septic capacity and this is the number he wanted, understanding that at some stage he might be told he couldn't have that many units.

Eric asked if Peter knew his neighbors Dan Larkosh and his mother Dorothy Roberts, as Mrs. Roberts owns the abutting property to the east and Mr. Larkosh owns the property next to hers? Eric said they might not like the idea as they had been against John Keene's expansion onto the Manter lot to Peter Williams' west. Peter did not know them but said he might introduce himself and tell them his plans. The Board encouraged him to do this. Eric summarized: you have John Keene's lot with all the piles on it on one side, Mrs. Roberts on one side, the dump on one side, the Bizzarro trucks in the back and a road running through the lot: do you think you'll attract customers? Peter said yes he does, and he thought it would be better to have a quasi-residential use, rather than a tire shop, say. He said there is mitigation from the Keene lot, and the dump is a landfill drop-off that is well run.

Tucker asked if the motel would be open year round? The answer was no, seasonal. The tennis facility, however would be open year round and open to the public. The Board asked if he envisioned island visitors staying there or say a sheetrock crew that comes from the mainland? The reply was the target is for transient visitors, not workers. Tucker said the area might not appeal to visitors, for example Keene's next door uses a stump grinder, although it is quieter than it used to be. Larry added, we're not saying all this to be defeatist, but to be realistic. Tony Higgins suggested he canvas his neighbors. Peter said if an abutter drives the wheel of the ZBA and is the voice of the committee, he'll pave the place over and put up "Butler" buildings. Tucker reminded him he'd have to apply.

It was noted that Peter's lot is on the eastern bound of the LI district and sideyard setbacks are 20' without a required buffer. Larry asked about screening: Peter said he would screen and put up a fence. He said he knows it's an ambitious project that will create waves; if the impact is too big and he can't do it, so be it, he'll do something else with the property. Tony asked if he'd be maintaining Dr. Fisher Road on his property. Yes, and he'd be using the State Rd side of Dr. Fisher for the entrance, not off Old County Road. Tucker asked if he'd thought of flipping the use...putting the tennis court to the front of the lot and the lodging in the back? Geoff said they had considered it; the court might serve as a better buffer; put the lodging units to the back of the lot. Bob suggested Peter get the units and cars away from the perimeter; as it is, the parking for the motel on both sides is right up to the bounds; it could be another reason for flipping the uses. Peter and Geoff were told how to apply to the ZBA, and that there would be an immediate referral to the MVC after the hearing was opened.

HEARINGS

7:25 Continuation from January 24 and 31 and April 4 and 25 of an application by Pyramid Construction on behalf of Charles Crovo for a Special Permit for a 42' by 28' two-story garage, the 2nd story to be used as home office space. Sect. 11.2-2 of Zoning Bylaws; 201 Pond Rd, Map 30 Lot 2.56; RU Dist.; 2.75 acres. Toll period suspended. The applicants have still not come in with a new plan. Julie will call them. Abutters will be re-notified when actual hearing resumes.

7:30 An application by Joanne M. Scott for a Special Permit for a home occupation of massage therapy. The applicant would be living on the premises. Section 8.5-1 of Zoning Bylaws; Map 22, Lot 55; 680 State Road (former Middletown Nursery); RU District. Correspondence: 1) From applicant; 2) Copy of new massage regs from Bd of Hlth. Applicant needs to get BoH approval.

Joanne Scott explained she plans to rent the property from the Morses. She'd be improving the grounds and building and the interior; making it more residential. She would build out the basement portion for a living area and use the first floor for the massage business. She plans on working alone for now, and sees one customer at a time. She has the massage regulations adapted by the Board of Health and has talked to John Powers about applying to them. The Board discussed that the property is in the RU district, therefore is a residential lot, and there are no pre-existing, non-conforming commercial rights attached to the former nursery business property; the nursery business started post zoning and by right, as an agricultural use was allowed by right.

Larry pointed out the bylaw requires your home to remain looking like a home, and your business secondary to it. He asked if Joanne had thought about reducing the large parking area on the property or putting it in the back? Joanne said she'd like a smaller area, but it's not her property; she needs permission from Morse for changes. In fact she needs very little parking space. Toni

Cohen suggested Joanne might choose to live on the first floor and do the massage downstairs. Abutter Betty Haynes asked if Joanne could do something about the old fish pond...it's falling down and has standing water. Joanne agreed with her, saying it should be filled in. She plans to have a year round Zen garden there.

Abutter Mark Weiner, Glassworks owner, wanted to know if owner Chris Morse might also be renting out the greenhouses to someone else? Joanne said as far as he knows, she'd be renting the whole property. There's no lease yet as her first step was coming to the ZBA to see if she could get the Special Permit. Mark said he wanted to make sure there were no backyard businesses, as he believed the greenhouses were being used, and Ken Vincent was using a building as a painting studio. The Board told Mark he'd be notified of any other home occupation or service use on the Morse property needing a special permit. It was discussed that as a tenant Joanne should have certain rights; that if she wanted to let someone grow things in a greenhouse or paint in a studio, she probably could. Eric used the example of Prudy Burt growing flowers on property next to Mark's. Mark said, actually that's my property she grows flowers on, and added that he sells her flowers.

Eric pointed out that Chris Morse came to talk to the ZBA at least once before he bought the property to ask about what he could use the lot for and he was told it was a residential lot, so he bought the property knowing that. Patty Linn spoke, saying she'd known Joanne for 31 years, and supported her application...she's a great masseuse and does things right. The hearing was closed; the Board set conditions and voted unanimously to grant the permit as it met the requirements of Sect. 8.5-1. Conditions:

1. The applicant must obtain approval from the Board of Health for their requirements.
2. The hours are limited to 9 AM to 7 PM Monday through Saturday.
3. This Special Permit is granted to Joanne M. Scott. Any new lessee or owner of the property seeking to do a home occupation must apply to the ZBA.
4. This Special Permit is granted under the presumption that Joanne Scott as lessee will have the use of the entire premises and that the owner will not be renting or leasing other portions or structures to other individuals.

BUSINESS

- The minutes of April 25 were approved.
- Fisher and Reynolds appealing Gibby decision: The Board briefly discussed this appeal. Regarding the 150' by 25' area cited in the minutes of April 4, Board members pointed out that actually it is a smaller area than that as the area is a crescent.
- Skydell's and Willett's list of products and floor plan given to Board of Health: Board of Health asked for comment: The ZBA said although they thought some of the points might be broad, it is what they approved and it's about the same as what Neil Flynn was doing a few years back. Robert and Rose had emphasized at the hearing how they hoped to use locally grown, raised, prepared products. Ultimately, the ZBA said, what they propose is ok and think they should be given a chance; it is after all a small place.

OTHER CORRESPONDENCE

- Paul Adler...email copy of letter to editor re 40Bs
- Copy of Gibby appeal by Fisher and Reynolds
- Larry has been appointed as a W.T. member of energy DCPC comm.

The meeting was adjourned at 9 PM.

Respectfully submitted, Julie Keefe Bd. Admin.