

**WEST TISBURY ZONING BOARD  
MINUTES SEPTEMBER 5, 2007  
TOWN HALL 6:30 PM**

**PRESENT:** Eric Whitman, Tucker Hubbell, Bob Schwier, Toni Cohen, Nancy Cole, Larry Schubert

**ABSENT:** Tony Higgins

**ALSO PRESENT for All or Part of the Meeting:** Pascal Albanese, Jeannie Hay Sternbach, Thomas White, Clark Goff, Reid Silva, Ellen Wolfe, Judy Hartford, Thad Harshburger, Mike Colaneri, Glenn Hearn, Bill Black, Atty Howard Miller, John Black, Porter Thomson, Warren Mead, Maryanne Mead

**BUSINESS**

The minutes of July 25 were approved as written.

**HEARINGS**

**7:00 An application by Pyramid Construction on behalf of Charles Crovo II for a Special Permit** for an approx. 36' by 28' garage, with a 2<sup>nd</sup> story to be used as home office space; this is a modified plan from one heard in January, later withdrawn without prejudice, and now approved by the development's ARC. Sect. 11.2-2 of Zoning Bylaws; 201 Pond Rd; Map 30 Lot 2.56; RU District. *No Correspondence*

Pascal presented that the new garage plans include the removal of one bay, a reduction of about 500 sf, the removal of a pillar. The new plans have received Deep Bottom Pond's ARC approval. The garage will be used to store antique cars, and there will be home office space above. Jeannie reminded the Board that Mr. Crovo's lot has twice the acreage of most of the lots in the subdivision. The building meets setbacks. There was no abutter comment. The ZBA voted to approve citing that the applicant reduced the size as the ZBA had asked them to, and they now have ARC approval. It would not be detrimental to the neighborhood.

**7:20 An application by John Rosenmiller for a Special Permit** to alter and extend a pre-existing, non-conforming dwelling: To extend an existing, 10' by 17' open porch to be 16' by 21'. The porch is currently 7' from the north bound; the extension would put it at 6'3" from that bound. Sect. 11.1-3 of Zoning Bylaws; Map 35 Lot 1; 70 Pond View Farm Road: RU District. *Correspondence so far: 1 and 2) short statements from John Rosenmiller*

Reid Silva represented this application. He said that the VLS site plan is being used, but that Mr. Rosenmiller found the setbacks himself for the porch extension and they are accurate. The old Manter farmhouse is just about right on the bound. The porch will remain open; they simply want to enlarge it a bit. With no abutters speaking against, the Board found the change to be minor and not detrimental to the neighborhood, granting the special permit.

**7:35 An application for a Special Permit by Judy Hartford and Ellen Wolfe on behalf of the Bananas Gallery:** to alter and extend the pre-existing, non-conforming retail use at what is now Tree House Gallery; to have a retail boutique and gallery selling clothing, jewelry, art, photography, crafts, gifts and antiques. Tree House Gallery is re-locating. Section 11.1-3A. of the Zoning Bylaws; RU District Map 22 Lot 9; 697 State Rd. *Correspondence so far: 1) Nancy Dole; 2) Lynda Coslov; 3) Deborah Hiatt; 4) Michael Colanari and Family.*

Correspondence was read. Abutter Michael Colaneri and long-time Rogers Path resident Nancy Dole wrote detailed letters, particularly outlining the problems they've had with trying to exit from Rogers Path and making suggestions for the Board on how to improve the situation for a new lessee. Nancy emphasized that the Town must ensure that cars will not park in front of the Clark Goff owned

building by repainting the sign on the pavement. She felt the current lessee, Ruth Adams had done a good job of keeping cars from parking there by putting out her displays and plantings. Michael agreed that cars should not park out in front, but felt the outside displays had impeded sight lines. Both were concerned with safety issues, particularly since the customers will be exiting using Rogers Path. It's hard to make a left or right turn there. The other 2 letters were from Town resident customers who were in support. The letters are available to read in the ZBA office.

Judy Hartford and Ellen Wolf, in response to the letters, said they were sensitive to parking and egress issues, citing how they dealt with problems when they came up at Judy's Oak Bluffs shop. They said they did not plan to maintain a lot of flowers and shrubs in front of the building, but would like to have two antique mannequins outside. They plan an attractive exterior. Mikie Colaneri said he thinks a business should be there, it's cheerful to have one, but he is really concerned with safety. He and Board members felt the left front wall might be best for the mannequins, but to be no further from the building than the front porch. Judy Hartford said they certainly didn't want to antagonize anyone and hope neighbors and the Town would let them know if there were safety issues.

Tucker led the discussion of conditions, and the ZBA agreed to the following conditions: 1) No parking at front of building, clearly marked either by a no parking sign at front of building or porch and the no parking signs written on the pavement must be repainted. 2) Signs placed to indicate parking is in the area at the right side of building and egress is onto Rogers Path. 3) The one or two mannequins for outdoor display may not extend further out than the front porch and not block views of traffic. 4) If any plantings at front of building, they must be low and not obstruct views of traffic. Citing that the use would not be more detrimental to the neighborhood, a similar range of goods had been sold by the last tenant, that for decades and decades there has been a variety of commercial uses on the property, the Board granted the special permit with conditions.

**8:05 PM An application filed by Nextel Communications Inc. to amend a Special Permit granted in September, 2003:**

1) Install 3 additional panel antennae within the existing flagpole; 2) Install one additional radio equipment cabinet within the existing equipment building; and Install one GPS antenna to the roof of the equipment shed. Location is on property owned by David M and Francis Flanders; Map 22, Lot 7, 66 Old Courthouse Road; RU District. Sections 8.8-2, modification of a special permit as a special permit #2 and 9.2-2. *No Correspondence.*  
*Report from David Maxson of Broadcast Signal Lab*

The ZBA had hired consultant Dave Maxson to comment on the application. Dave has done similar work for the ZBA regarding post and pre-applications for wireless communication facilities. Among his findings were a few legal and technical issues he felt needed clarifying. He had briefly consulted with ZBA attorney Mark Bobrowski. Abutters in attendance and their attorney, Howard Miller, were given copies of the report, as was Thomas White (representing the application), and ZBA members. There had not been time to send the report in advance to anyone. After reading it, Thomas White said that in lieu of Dave Maxson's report he'd like a continuation in order to address the issues raised. The ZBA voted to continue the hearing until 6 PM September 19<sup>th</sup>.

**OTHER CORRESPONDENCE**

Ag Society ...re roosters

Mrs. Gibby...re will not need special permit

The meeting was adjourned at 8:30.

Respectfully submitted, Julie Keefe, Bd. Admin.

Approved on September 19, 2007

