

WEST TISBURY ZONING BOARD
MINUTES JANUARY 28, 2009
HOWES HOUSE 6:45 PM

PRESENT: Eric Whitman (Chairman), Nancy Cole, Bob Schwier, Toni Cohen, Larry Schubert

ABSENT: Tucker Hubbell, Tony Higgins

ALSO PRESENT: Keith Maciel, Simon Bollin

BUSINESS

- The minutes of Jan 7 were approved.
- Condominium-izing: Kristina West asked about fact that Calvin Grimes is selling his main house on Waldron's Bottom Rd as a condo. Should Town look into this condoing vs zoning requirements? The Board said we should get opinions on this matter.
- Discuss "Service Business" and "Non-Residential Uses": Please read Use Table and definitions of Home Occupations and Service Businesses and Home Occupation bylaw and Non-Residential Uses bylaw that follows. The consensus was that these bylaws need to be written in such a way that it makes it clear that Service businesses and other non-residential uses in the RU and VR districts must be accessory to a residence, or at least be clarified.
- The annual Town Report was approved.

6:45 PM PRE-APPLICATION DISCUSSION

Annie Foley....could she apply for Special Permit to have catering prep kitchen at Nip n Tuck kitchen while running farm stand? It was explained to Annie Foley that she could do this only if she were living there and had a special permit for the catering business as a home occupation. Two previous examples were cited. Kara Taylor ran the stand and lived on the property and received a special permit to hang her own artwork in the milk room as a home business gallery. Another applicant, who never did start up her business, received a special permit to make a certain amount of ice cream in the milk room while she ran the farm stand. She would not be living there but would be selling the ice cream there, in containers, in addition to selling to other outlets like restaurants. The ZBA felt it would be a good fit as the building was originally where the farm's dairy products were sold.

It was explained that the catering kitchen could only be a home occupation, if granted by special permit in the Rural and Village Residential Districts. The farm stand had exemptions as agricultural retail and was grandfathered. A Catering business had never been on that property before zoning was adopted; it has no grandfathered rights in connection to the farm stand. The Board were sympathetic to Ms Foley's search for a commercial kitchen. She is a successful caterer who recently lost the kitchen she co-rented at the apartment, due to the other user deciding to leave it. One member erroneously suggested she try an existing catering kitchen in a home in Town, but again, that would go against zoning, as one has to live on the premises to have a home business.

HEARINGS

7:20 An application by Keith Maciel for a Special Permit to build a 30' by 40' barn (An over 676 sq ft accessory structure on an under 3 acre lot needs a special permit.) Sect. 11.2-2 of West

Tisbury Zoning Bylaws. Map 8 Lot 26.5; 8 Beaten Path; RU and Roadside Dist. *No Correspondence*

The Board looked at Keith Maciel's plans. He admitted his barn on the plot plan was not to scale, which might affect the setback numbers he'd submitted. The Board cautioned him to re-measure and make sure he makes his sideline setbacks. The building will be one-story, have a concrete floor, be cedar shingled, have one door on one side and a double door in front. The use he stated would be for working on and storing boats of his own, not a boat restoring home business. The Board voted to grant the special permit stating it was not detrimental to the neighborhood, it met the Roadside height restriction of 24', and was in harmony with the development of barns and garages in the neighborhood and Town.

******OTHER CORRESPONDENCE**

Phone call from Connie Breese on Jan 16.

The meeting was adjourned at 8:20 PM.
Respectfully submitted, Julie Keefe, Board Admin.

Approved on March 11, 2009