

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES JANUARY 7, 2009
HOWES HOUSE 7 PM**

PRESENT: Eric Whitman, Bob Schwier, Toni Cohen, Tony Higgins

ABSENT: Larry Schubert, Nancy Cole, Tucker Hubbell

ALSO PRESENT: Chris Alley, Jim Eddy

BUSINESS

- The minutes of December 17 were approved.
- Re Planning Board question about Jarrell's Yoga Barn: further discuss. After reading the minutes and decision re the Jarrell's yoga/massage home occupation, the Board did not see that they were in violation of the Special Permit by advertising a roster of 10 therapists, as the terms were that only 3 people at a time could be working at the "Barn". There is nothing at this time to indicate that this is not the case. Toni Cohen said there are 2 treatment rooms and 1 yoga room in the barn. The Board didn't see need for any action and suggested patience to see if the place became busy beyond their permit rights.
- Re Planning Board letter re Connie Breese Vet practice in Village Residential District: further discuss. Julie reported that Ernie Mendenhall and John Powers had recently visited and talked with Connie Breese. They reported she told them that she does treat animals on the premises, but does not operate. There did not appear to be an operating room. She does give shots and does have proper sharps disposal. She said she doesn't encourage a regular practice on the site; does hold office hours there, and that she primarily sees animals where they live. After discussion, it was decided that Eric would talk with Ernie and John. The Board did not have evidence that the apparent, current treating of animals on site was detrimental, but according to testimony at the time from owner Nancy Dole and from Connie, the space would be for office work only, not to treat animals on site on a regular basis. A Vet practice can be allowed by Special Permit in all districts except the Village Residential according to the use table in the zoning bylaw.
- The job description for the ZBA administrator, written by a consulting firm for the Personnel Board, was reviewed and approved as amended by Julie. The Board added they did not think the language citing an associate degree in business as one of the requisites for the job was pertinent. (In later conversation with Maria, the language was modified that a college degree was preferable, but an associate's degree together with certain experience was acceptable.) The Board asked that the new title the consultants gave the job, "Zoning Administrator" be replaced with Zoning Board Administrator, as the former title is actually what Zoning Officer Ernie Mendenhall does according to MGL Ch 40A.

HEARINGS

An application by Reid Silva on behalf of Lynne Whipple for a Special Permit for a 20' by 44' pool with associated patio, pool equipment and 4' high fencing. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 59 Tiasquam Rd; Map 32 Lot 6; RU Dist. *No Correspondence*

Reid described the property as one owned by Jim and Wendy LeRoux, owned in her name, and a property they are hoping to sell. It's on a downhill slope, about 350' from the Tiasquam. Pool equipment would be actually below ground on the outer perimeter of the stone patio, located in the middle of this 6+ acre property. Fencing would be the commonly used black mesh on wooden posts, code approved. ZBA explained that lighting regulations must be met and that there would be boiler plate conditions attached to the Special Permit. Citing that the application was straight forward and met the requirements, the Special Permit with conditions was granted. No one was present for or wrote re this application

DISCUSSION

Reid Silva and Jim Eddy...re potential application for a tent rental company at Map 16 Lot 104, 22 Cournoyer Rd, .92 acre, Mixed Business District. Jim explained he owned Big Sky, a tent and party rental company. He currently leases a building at the airport; he'd like to leave there and buy a property for his business. This Cournoyer owned lot is on the market. He and Reid have discussed flow rate for his business with the Board of Health and feel they could work something out, but now realize the size of building needed might not be allowed in this district. He would like a building of maximally 14,000 sq ft and they came to talk to the ZBA to see if there is any other way to increase the size in the MB district other than putting in 2 affordable apartments. (Which if you did, you could have up to 5,300 sq ft in floor area for the business use). He'd put in apartments, but would still like to get bigger. He asked, can you have more than one 3,500 sq ft building (the maximum without added apartments)? The answer was no. He asked, if section 9.2-2C meant you could have more floor area if you accommodated it in smaller buildings. The answer was no; that referred to buildings of 3,000-3,500 sq ft.

Jim explained that they rent tents, chairs, tables, dance floors, linens, dishes, glasses, etc, all you'd need for an event, so they need the large space. They wash all the plates, linens, etc, and because their septic flow would be limited, would have to give up that function should they be located on this site.

OTHER CORRESPONDENCE

- Letters out: To Ernie, Bd Hlth, Pl Bd, Selectmen re yoga barn and Connie Breese vet practice. (see Dec 17 minutes for content)
- Planning Board...Notice regarding hearings and changes in bylaw re wind towers and new section for Wind Towers and Language for proposed new provision for swimming pools in Zoning Bylaw

The meeting was adjourned at 8:25 PM.

Respectfully submitted by Julie Keefe, Board Administrator