

October 9, 2022

Dear West Tisbury zoning board members,

We are writing to add our support to the restaurant of the Lambert's Cove Inn (Woods) for continued outdoor dining. While we are not near-neighbors of the Inn, we live on nearby Longview Rd. Admittedly, we are not significantly impacted by ambient noise at the Inn and its restaurant, but we also believe that, with reasonable limits, the Inn should be permitted to extend dining to its lovely outdoor gardens.

From our perspective, the current owners have so far been good neighbors; in late August they sent representatives to the Longview Roads Association meeting, where traffic in and around the neighborhood, including on Manaquayak Rd., was discussed (among other topics). Our son is an employee of the restaurant and he is having a very good experience there.

We are hoping that the West Tisbury zoning board approves the Inn's request to continue allowing outdoor dining.

Yours sincerely,

Jennifer & Larry Garfield

**NICHOLAS W. PUNER
25 WINTERGREEN LANE
VINEYARD HAVEN, MASS. 02568**

**508-693-3319
NX542@AOL.COM**

21 September 2022

VIA E-MAIL: zba@westtisbury-ma.gov

Zoning Board of Appeals
Town Hall
West Tisbury, MA 02575

Re: Lambert's Cove Inn

Dear Members of the ZBA:

I am a neighbor but not an abutter of the Lambert's Cove Inn. Consequently, I did not receive a notice about the Inn's request to amend its special permit in order to allow outdoor dining to become a permanent option, and learned about it only through the MV Times story. I regret I wasn't at the original hearing on this matter.

As those of you who have been on the Board for awhile are aware, I have opposed the expansion of the Inn, both physically and in terms of events hosted. Tucker and Martha Hubbell have pointed out in their most recent letter to the Board, that the Inn is a non-conforming use in a residential area. Almost all else flows from that. It is not the task of the Board to act to enhance the business of the Inn any more than it is for the Board, by affirmative action, to interfere with the Inn's permitted activities. It is, however, the task of the Board to prevent a non-conforming use to become more non-conforming.

As the Hubbells point out, the Inn was granted a temporary permit for outdoor dining in a time of emergency. This lifeline in a time of national peril should not be extended. It has nothing to do with the bona fides of the new owners and managers: the decision the Board makes, as it well knows, attaches to the property, not to the owners/managers. What the Inn is asking for here, is yet another exercise in mission creep, no matter how it is sliced. Inevitably more light and noise is generated by outdoor dining, even with the proviso that there is no amplified music.

The additional problem is monitoring the overall dining population on any given night. I impute no bad motives to the owners/managers, but unless the Inn were willing to remove the number of indoor dining seats provided for outdoor dining, there is really no way to (trust but) verify how many people are being served.

ZBA/2

21 September 2022

I have been frank in telling the Board that I consider the Inn to be a burden, not a benefit, and I continue to believe that for all the reasons (here not reiterated) that I've put to you in my correspondence over the last several years.

Accordingly, I second what Dan Scherlis and the Hubbells have written to the Board and ask that the Inn's application be denied.

Sincerely,

Nicholas W. Puner

Zoning Board of Appeals

From: Andrew Kaye <andrewrkaye@gmail.com>
Sent: Thursday, October 13, 2022 2:49 PM
To: Pam Thors
Subject: In regards to the Lambert's Cove Inn request to amend their Special Permit

Dear West Tisbury ZBA,

We are direct abutters to the Lambert's Cove Inn and are writing to reiterate our opposition to the request to amend the Inn's special permit to allow for outdoor dining.

Last meeting there were a variety of discussion topics that came up that felt irrelevant to the discussion. The decision should be based on West Tisbury's zoning by-laws.

I would like to reference ARTICLE XI: NON-CONFORMITY OF PRE-EXISTING USES AND STRUCTURES.

As the board undoubtedly knows, but for the reference of others, **11.1-3-A** states "The Zoning Board of Appeals (ZBA) may grant a special permit to allow a non-conforming structure or use to be extended or altered, provided that the ZBA finds that the extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure or use"

This should be the only consideration. So the question at hand becomes "Is the proposed increased usage significantly more detrimental to the neighborhood"?

Usually, when a Special Permit for extended use comes up, we are forced to deal with hypotheticals about the impact of the proposed extended use. In this case, we have direct evidence from the past 3 years (July 2020 - August 2021 permitted and August 2021 - Present unpermitted) of the impact of outdoor dining at the Lambert's Cove Inn.

The neighbors who surround the English Garden have been unanimous in their view that the impact to our small residential neighborhood is both significant and certainly detrimental. We have all been consistent in expressing these concerns over the last 3 years in town meetings, when the matter of outdoor dining has appeared before the Select Board and the ZBA, as well as directly with the town outside those meetings. We have seen significant light and noise pollution and a large increase in vermin including the presence of rats which we had not encountered before. These are not issues that are limited to a couple handfuls of off-season weddings but rather nightly occurrences.

I would like to point out that we have also never objected to any already permitted uses by the Inn from any of the ownership groups. We have tried to be good and understanding neighbors even when prior ownership did not reciprocate. Despite the personal impact to the enjoyment of our own property, we have been supportive of the Inn during the pandemic and did not object to the 2020 and 2021 proposals to allow outdoor dining while highlighting that the decision was not without a negative impact to us. When the Inn first re-introduced outdoor dining without a permit in July, I told Jon Saunders then that despite the impact to us, I would support him for this year in a limited capacity due to the continuing uncertainty around the pandemic, *IF* he went before the Select Board to get a temporary permit to cover 2022. That never happened.

If indoor dining were to represent a significant public health hazard in 2023 and state law was extended to allow for it, we would be open to the Inn using that vehicle again next year. A Special Permit from the ZBA to make outdoor dining at the Inn permanent is uncalled for. It was stated in both Select Board meetings that the allowances for 2020 and 2021 would not set precedent for continuing to allow outdoor dining beyond the Governor's order.

But again, the state of the pandemic should be irrelevant to how the ZBA should make their determination. The question before the ZBA is: "Is the proposed increased usage significantly more detrimental to the neighborhood"? And to that the evidence is clear: the proposed increased usage is significantly more detrimental to the neighborhood.

I would like to briefly address topics or options that came up during the last meeting that seemed to be part of the consideration.

Allowing the Special Permit to be tied to current ownership/management:

Regardless of who owns or manages the property, we have 3 years and hundreds of nights of evidence through two sets of owners that outdoor dining is substantially more detrimental to the neighborhood. Noise is noise. Light pollution is light pollution. Vermin are vermin. These things do not care about ownership.

Allowing a single year Special Permit or a Special Permit with an annual review

I was uncertain if this concept was in response to the pandemic or to give the owners an opportunity to "get it right". If it is due to the pandemic, that should not be a consideration for the ZBA, as the zoning by-law is based upon impact to the neighborhood. If it is that the owners be given a chance to "get it right", that has already been tested for 3 years and 2 sets of owners. Outdoor dining brings inherent problems that cause disruption. I spoke with Jon Saunders twice last year about the issues we had and were having with outdoor dining, but nothing has changed. What has been applied for is an expansion of the number of seats (10-15) that Jon told me they would limit themselves to at the start of the 2022 season.

The Inn requires outdoor dining to be successful:

At no point during the Inn's last for-sale period nor during the Saunders' ownership has outdoor dining been a permitted use. The permit from the Select Board for outdoor dining in 2021 expired over a month prior to the listing and 5 months prior to the sale. The market rate for a property, especially a non-conforming one, reflects the permitted usage. If outdoor dining or other non-permitted uses were allowed, the property would have commanded a higher price. The Inn was sold a mere 9 months ago. It is unreasonable to suggest that the business would be devastated unless new expanded usage were allowed, especially a use which would increase the value of the Inn while devaluing and lessening the enjoyment of the neighboring residential properties. That would be an unreasonable act towards the neighbors.

In addition, outdoor dining across the island and the state has been phased back. State Road Restaurant did not have outdoor dining this season and like many fine dining establishments on island, they were booked up several days to over a week out. Oak Bluffs has rejected and revoked permits for outdoor dining due to the additional noise and strife it brings to neighborhoods both in the downtown commercial area and in more residential neighborhoods outside it. Those are but two examples. The Lambert's Cove Inn exists in a quiet rural residential neighborhood where the introduction of outdoor noise throughout the entire outdoor season is significant.

But regardless, with respect to the zoning by-laws, the financial impact on the Inn of it not being granted expanded use is not and should not be a consideration for the ZBA.

There is only one question, "Is outdoor dining significantly detrimental to the neighborhood?" You have 3 years of evidence and consistent testimonials that it is.

Sincerely,
Andrew and Melissa Kaye
80 Manaquayak Road

Zoning Board of Appeals

From: Tucker Hubbell <tuckhub@gmail.com>
Sent: Thursday, October 13, 2022 9:28 AM
To: Kim Leaird
Subject: Lambert's Cove Inn

Dear Board members,

We would ask that you take the time individually to reread our letter that was presented at the first hearing before taking your vote. We stand by it now and respectfully ask that you deny the application under section 11.3-1A and 9.3-3. Since this is an application to amend a Special Permit, we would also ask that you amend Condition #6 so that it reflects the original intent of the board that the length that amplified music at a wedding or event may be played has a limit of 3 hours total.

Sincerely,

Tucker and Martha Hubbell