

Zoning Board of Appeals

From: Elliot Kronstein <ekronstein@comcast.net>
Sent: Tuesday, January 19, 2021 12:15 PM
To: ZBA@westtisbury-ma.gov
Subject: Regarding Robin Hyde and Special Permit

To: The Zoning Board of Appeals, West Tisbury, MA

From: Elliot Kronstein, 60 Buttonwood Farm Road, West Tisbury, MA 02575
5086270343

Dear Sirs,

My wife, May Baldwin and I have owned our house on the above stated road for 36 years. During that time we have known Robin Hyde well as both a neighbor and in his roles as an excavator, road maintenance professional and a neighbor.

He is a respectful, kind and considerate person beyond a doubt. Robin is one of those people who would give a person in need the shirt off his back. I have never seen him do anything that one could label as insensitive or harsh. For the past 35 years Robin has maintained Buttonwood Farm Road charging the road association a fraction of what he might out of decency and consideration.

No one on this road can imagine any possible or plausible reason for the abutter filing a complaint. Robin is always willing to listen and find a common path to a solution. I in fact believe he has offered to do just that.

The abutter who has filed this complain has shown repeated episodes of erratic behavior over the past 3 years that have alarmed all of her neighbors that have lead to calls to the police department when individuals have felt threatened.

Respectfully,

Elliot Kronstein

Box 12
West Tisbury, Massachusetts 02575

Monday the 18th
January, 2021

The Zoning Board of Appeals
Town of West Tisbury
West Tisbury, Massachusetts 02575

By e-mail attachment: ZBA@westtisbury-ma.gov

Re: Robin Hyde Hearing Scheduled for January 28th

Members of the Board:

I write regarding the Special Permit Hearing (Thursday, January 28th) regarding Robert W. ("Robin") Hyde's property on "Roberts Way" off Buttonwood Farm Road in West Tisbury.

Robin talked to me several days ago, saying the hearing was upcoming. (I may have received a written notice, but I do not recall having received one, and don't see one in the "mail pile"). What I have to say in this letter thus comes from what I know from living in the neighborhood for forty years, and from what I have recently been told.

Robin said to me he was told that he would have had to begin the business before any zoning went into effect in West Tisbury (March 1, 1972 according to the headnotes to the bylaw) in order to have a "grandfathered" right to have the business. I am aware that as a matter of law that is not true, at least it is not the common understanding from General Laws chapter 40A section 6 and relevant court decisions. (40A-6 reads: a zoning ordinance or by-law shall not apply to structures or uses lawfully in existence or lawfully begun ... before the first publication of notice of the public hearing on such ordinance or by-law required by section five...) As I am sure all of the members of the Board know, the statute is understood to mean that the mere existence of the zoning bylaw cannot cause a particular regulation that would prohibit or require a special permit for a given use to apply to uses "lawfully in existence or lawfully begun...." prior.

Robin bought the property in question on January 21, 1977 by a deed at Book 342 Page 307 from Wendy Harriman Pelletier, and then and thereafter has engaged in a home business from the property doing landscaping, contracting, and general "dirtworks."

A quick reading of the W. Tis zoning by law headnote would suggest that the requirement for a special permit for a home business such as Robin's dates to about November 18, 1997 – twenty years after Robin's enterprise was "lawfully in existence or lawfully begun..."

Details can always be squabbled about, but my information is that Robin has never not had trucks, bobcat(s), attachments, etc. and used them out of that site. As will be further noted below, the size and scope of the business is less now than it has been and isn't increasing.

Technically I have a State Road address, but I more or less live in Robin's neighborhood and share Buttonwood Farm Road. (We have some eastern pasture land that is at 100 Buttonwood Farm Road.) Robin is a neighborhood asset. He has been for the entire time I have been there. I know this for many reasons. Among them, I get the privilege of fixing a road that leads out to State Road parallel to

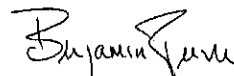
Buttonwood Farm Road. For forty-some years Robin has done the maintenance work on Buttonwood Farm Road, gravel, fill, running a blade and crowning, cutting fallen limbs and trees, plowing in the winter, all the time doing good work at a fair price to all the people who live along the road -- who formed a (kind of serviceable-but-not-quite-done-right) road "association" that has an annual meeting and votes officers and collects money -- and has held together basically because Robin's attention to doing actual work on the road has made it much more worthwhile for everybody to play along and get along rather than to contest, squabble or splinter.

Robin is also a basic, good person, who will act reasonably just because it is reasonable to do so, and who does not need to be "cuffed" by regulatory actions. It is not to be said that making him get a special permit will make him "reform" or "pay attention" in some way that he now does not.

Robin is also almost 70 years old. He has indicated to me, for reasons sufficient having to do with age and health, that he's not likely to be in business for more than another year, that he is going to reduce the scope of his affairs -- he has to. His business from now until he can't do what he does, and stops, is going to be less than it was from 1977 to 1997. Any claim that he has extended its scope, or proposes to extend its scope to a permit-requiring level is the opposite of the truth.

I write respectfully to request that the claim regarding a permit requirement be withdrawn or denied and that the hearing be thereupon adjourned. Failing that, I would request he be given a permit that in substance says he can continue to do what he has been doing for as long as he needs to, to be able to stop.

Yours,

A handwritten signature in cursive script that reads "Benjamin Reeve". The signature is written in dark ink and is positioned above the printed name.

Benjamin Reeve

Zoning Board of Appeals

From: Steven Katz <stevekatzchiro@gmail.com>
Sent: Saturday, January 16, 2021 10:02 PM
To: zba@westtisbury-ma.gov
Subject: Robin Hyde public hearing

Larry Schubert,

My name is Steven Katz and my wife is Iris Gold. We are writing to you because we have a conflict that makes joining the zoom meeting on the 28th an impossibility. At 46 Buttonwood Farm Rd. we are abutters to the abutters of Robin Hyde. At the outset we wish to explicitly and enthusiastically express our respect and admiration for our good neighbor, Robin Hyde. I wish all our neighbors were as helpful and caring for our neighborhood and road as he is. Over the years Robin has not only helped us with grading and drainage projects but has been most generous in assisting us moving large piles of materials and debris and in plowing our roads when winter storms block access to our driveway and home as well as our guest house. Moreover, our little country road, which he solely maintains, has improved every year for at least the last 15 years due to his professional expertise at grading.

My understanding is that Robin has long since put his excavation business to rest and has significantly scaled back his overall operations. We spend four months or more on the Vineyard every summer season and have never felt his business in any way negatively affects us or our neighborhood. In fact, we find Robin, whether in his pickup or on a grading machine, to be quite conscious of the rules of the road our association has established. As for him continuing in a caretaking capacity, something he has done all 24 years that we have been on BFR, I can hardly imagine how anyone could possibly object to such an innocuous pursuit.

To summarize, please know that we fully support our good neighbor, Robin Hyde, in his application for a special permit to operate a caretaking and maintenance service business at his home (Map 8, Lot 8.1).

Sincerely,

Steven Katz and Iris Gold

Zoning Board of Appeals

From: Foster, David R. <drfoster@fas.harvard.edu>
Sent: Saturday, January 23, 2021 4:06 PM
To: ZBA@westtisbury-ma.gov
Subject: Public Hearing Application for Special Permit from Robin Hyde

Re: January 28, 2021 ZBA Meeting. 5:15 pm: A Public Hearing will be held online via ZOOM on an Application for a Special Permit from Robert Hyde, a.k.a. Robin Hyde to operate a caretaking and maintenance Service Business under Sections 8.5-2 and 3.1-1 of the Zoning Bylaws on Map 8, Lot 8.1, Roberts Way, RU District.

Dear West Tisbury ZBA,

We are writing to provide neighboring perspective and to support fully the application by Robin Hyde to operate a caretaking and maintenance service business out of his barn on Roberts Way.

Ten years ago, we purchased the house that Robin built and lived in with his family at the end of Roberts Way. We are now full-time residents who plan to spend the rest of our lives on this location. Given that Robin now lives in and proposes to operate his business from the other half of his original property, we are among his closest neighbors and are positioned to look over his entire property, including the barn where he locates his equipment. Thus, we have a very good perspective on the range of his activities within the neighborhood.

One of the most delightful aspects of West Tisbury in general, and this wonderful part of town, is that it continues to be a real community, with many fulltime residents who work on the land and in the landscape. Above our house is the field owned by Matthew and Martha Stackpole, which is mowed regularly and supports an occasional horse or goat. Adjacent them is the Merry Farm, no longer working in the traditional sense, but with fields that are regularly mowed and many buildings and fencerows that require regular brush cutting. Beyond that are the expansive fields of the old Norton Farm, aka Three-field Farm, owned by Kappy Sterling and Ben Reeve, protected by MVLB, and expansively farmed by Allen Healy and Krishana Collins. That place is a cacophony of noise and activity from machine, animals, and people that regularly fills our backyard bedrooms: cows bellowing, sheep blaaing, tractors plowing, mowing and harvesting, the bandsaw milling, and trucks, workers, and owners coming and going. Closer in lies the Solviva Farm where one never knows what may be happening, but which always add color, background noise and interesting activities to our woods and walks. In our own backyard, we regularly pull out our chainsaws and drive our truck through the woods to generate the firewood that is stacked around our property and keep our days and evenings warm. Every neighbor does the same and we are all kept entertained by the guinea fowl and chickens that run the road and roosters on the property beyond Robin that enliven our morning hours. These noises and activities are as much a part of our landscape as is the distant echoes from the ferries departing Vineyard Haven, the foghorns bellowing on a misty morning on Vineyard Sound, or the tinklepinks that alert us to spring. The West Tisbury countryside is delightfully alive with nature and people.

Through the time that we have owned our house and lived here, we have appreciated and much more entertained than bothered in any way by the business that Robin conducts from his barn. His equipment is diverse, his friends are diverse, his activities benefit many, including nearly everyone on the road, and he is as considerate in the conduct operation and as willing to offer his help, as anyone that we have known. From all evidence, Robin is scaling back his work hours and daily activity. We have never been bothered by his business in anyway and therefore we fully endorse his application to operate from this wonderfully lively neighborhood.

If you should be looking for aggravating disturbance, please turn your attention to the endless droning of the leaf blowers and landscaping equipment that are employed across an increasing number of landscapes in town. Now those are a nuisance.

Thank you for all of your work and consideration in this manner.

David Foster
Ava Foster

David Foster, Senior Conservationist
Harvard Forest, Harvard University
<http://harvardforest.fas.harvard.edu/>
<http://www.wildlandsandwoodlands.org/>

Zoning Board of Appeals

From: Donald Sibley <dhsibley@gmail.com>
Sent: Tuesday, January 26, 2021 1:52 PM
To: zba@westtisbury-ma.gov
Subject: Special Permit Application by Robin Hyde

We are abutters to Robin Hyde's barn. Our house is approximately 400 feet from the barn and it is very visible from our house. Robin has operated his caretaking and maintenance service from the barn for many years. At no time has this operation caused any disturbance for us, and he has been a good neighbor. We are supportive of his application for a special permit.

Donald and Linda Sibley
31 Shadbush Lane
West Tisbury, Ma 02568

Zoning Board of Appeals

From: Juleann VanBelle <juleann@vineyard.net>
Sent: Wednesday, January 20, 2021 9:12 AM
To: Zoning Board of Appeals
Subject: Re: Hyde application

Thanks for sending this to me directly, Pam. I appreciate having all the information.

Juleann

On Jan 19, 2021, at 3:58 PM, Zoning Board of Appeals <zba@westtisbury-ma.gov> wrote:

Hi Julieann, Attached please find the documents related to the Hyde application for Special Permit to operate a service business. Please let me know if I can be of further assistance. I will email the agenda and link to the zoom meeting shortly. Thank you, Pam

Pam Thors
Board Administrator
Zoning Board of Appeals
Town of West Tisbury
PO Box 278
West Tisbury, MA 02575-0278
508-696-0107 Phone
508-696-0103 FAX
zba@westtisbury-ma.gov

This message is transmitted to you by the Town of West Tisbury, Mass. Please be advised that emails to and from a municipal office in Mass. may be considered public record. However, if you are not the designated recipient of this message, please destroy it and notify the sender of the error by return e-mail or by calling 508-696-0107.

<Hyde-application,narrative, notice.pdf><Hyde-site plan.pdf>