

January 27, 2021

To: Larry Schubert, Chair
West Tisbury Zoning Board of Appeals

Re: Application for Special Permit by Robin Hyde
Map 8, Lot 8.1 – 4a Roberts Way

Thank you for the opportunity to comment on Robin's application to run a home business.

We are the abutters who made a formal complaint to the building inspector about the dramatic increase of heavy-duty truck traffic over the past year. To be clear, we did not request Robin to file for a home business permit as he states in his narrative. It was our understanding he had always had a legal permit.

Simon Bollin & Robin work together and Simon would frequently drive large (noisy) machinery on his road (which runs along the back of our property) between their two properties. Then, the same noisy machines would travel down the driveway (Shadbush Lane) which cuts through our property, hang a left and drive on to Buttonwood Farm Road. It began to feel as though we were living at the Airport Business Park rather than in a residential neighborhood. (Please see map, Attachment 1 for context.)

A year ago we were shocked when we noticed that Robin had substantially modified the area where his property intersects with the Sibley's, Simon and us. Over 300 square feet of vegetation and soil was removed from our property, creating a 24-foot wide apron on to his property; the Sibley/Bollin access was widened from the allowed 15 feet to 32 feet; and road hardener was added to the entire area. All of this was done without asking our permission or alerting us in any way. We assume it was done for the purpose of running his business between his and Simon's properties.

In his narrative, Robin states he "maintains . . . Shadbush Lane that provides [him] access to the neighborhood as a right of way." Neither part of this assertion is true.

We have never asked Robin to maintain Shadbush Lane. It is not part of the Road Association. The Sibley's and Simon have the right to perform very basic maintenance – filling potholes and trimming dead tree limbs that may be hazardous. If they have an arrangement with Robin, that is between them, but none of them are legally permitted to substantially modify the driveway without seeking our authorization and consent. And yet it was done.

It's important for you to understand that Shadbush Lane is entirely on our property — it does not touch the bounds of either Lot 8.1 or Lot 7, as maps often make it appear. We consider it private property for which the Sibley's and Simon have deeded access. Robin insists he has a legal right of way but has not produced any paperwork to prove that. His stated plan is to employ "adverse use" in order to access Shadbush Lane and utilize our land for either business or personal use.

All of this is to say: Robin's application does not state how he plans to access his property. He has a driveway – Roberts Way – and a network of other roads throughout his property, none of which are shown on his site plan. It seems odd that the application process requires a plan by a registered surveyor, but doesn't ask a home business to show their plans for routing traffic.

In addition, the survey submitted has a misleading error: Kayleighs Way is incorrectly identified. The roadway identified as such is actually on our property and is an unnamed "grassy path". We have attached a copy of that plan with corrections pointed out.

We don't object to either Robin or Simon running a reasonable home business from one of their properties. It appears as though Robin has, in fact, been running an illegal home business for all these years, unbeknownst to us. We would like Robin's business to be more carefully limited and monitored.¹

Our goal is that we don't want our property – via Shadbush Lane – used as routine access for commercial activity. If the ZBA chooses to grant this special permit we ask that you:

1. Expressly deny Mr. Hyde the ability to use Shadbush Lane to access his property with utility vehicles;
2. Require Mr. Hyde to repair Shadbush Lane to its previous state at: a) the intersection of our properties and, b) the intersection with Buttonwood Farm Road². We are open to discussing a width greater than the legal limit of 15 feet, but our consent is required.

We understand that due to the location of our property we have a different level of sensitivity than other people in the neighborhood to the amount of disturbance caused by commercial traffic. This is compounded by the fact that for 30 years our Road Association has refused to allow even seasonal speed bumps to be installed on the section of road in front of our house as a safety mechanism to reduce speed and dust.

We don't know if a site visit is necessary, but please take it into consideration as part of your deliberation. Thank you for your attention to all of this.

Sincerely,

Juleann VanBelle & Ken Leuchtenmacher
P.O. Box 632 – 31 Buttonwood Farm Road
West Tisbury

Attachment 1: Map from 1973 showing a portion of the Buttonwood Farm Subdivision

Attachment 2: Copy of Robin Hyde's site plan with corrections

¹ In late May 2020 a hydroseeding truck was observed discharging sludge into a culvert on Robin's property just a bit past our bounds. This was not one of his trucks — though Simon was with them. While the sludge from hydroseeding may be "perfectly safe", I don't believe our neighborhood is the proper location for this activity, especially without full disclosure.

² The frequent turning of trucks pulling trailers has eroded the embankment at the intersection of Shadbush Lane with Buttonwood Farm Road, widening that access to 40 feet (!).