

## Zoning Board of Appeals

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**From:** J B <jb43333@yahoo.com>  
**Sent:** Monday, February 27, 2023 9:40 AM  
**To:** Zoning Board of Appeals  
**Subject:** Re: Submission of abutter request for denial  
**Attachments:** IMG\_3363.jpeg; IMG\_3364.jpeg; IMG\_3365.jpeg

To the Zoning Board-

The below photos show the large extent of the logging operation at 193 Otis Bassett Road of Mr. Hamilton. We strenuously object to his application for a Special Permit.

Jonathan and Martine Baker (direct abutters to the applicant)  
190 Otis Bassett Rd.

Due to Mr. Hamilton suggesting that his poor judgment over the past two years regarding the noise, dust and degradation of quality of life, unbearable noise that prevents us from enjoying our outdoor living and threatens our health (tinnitus , etc.) as well as the loss of property value created by these actions in our neighborhood, should not be rewarded by granting him the right to continue unsupervised and unresponsive to our complaint going forward.

He and his employee chose to ignore our repeated request to stop the unlicensed improper use of the access road and lot he carved into the property, the enormous pile of logs, which he sent through an industrial size splitter and shredder, transported in his commercial delivery dump truck up and down the mile long street, and the impact and unsightliness of his orange 10 ton bucket truck parked on

the street on association property.

We have video evidence of his employee in the noisy act of splitting and shredding. They responded to our request to cease by quoting, incorrectly, as evidently they didn't feel the need to read the zoning rules, that they had the right to make noise from 7:00 AM to 7:00 PM, Monday through Saturday.

This is not the first time an occupant of the adjacent lot had been abusing residential zoning and was forced by the town to cease running a lumber yard and log sawing operation in this neighborhood. We were very surprised to be facing the identical situation arise within weeks of their departure from our neighborhood by the new owner next door. But we are prepared to again defend our rights, having learned from our previous experience.

Their repeated ignorance of regulations, lack of concern for abutters and neighbors rights and objections, impact on quality of life, property values, renter and buyer negative view of being adjacent to a noisy, dirty logging operation all add up to recognition that our demand be enforced that this operation be moved to an industrial zoned site.

Narrative as submitted with online application #MM-23-

23559, Jan. 17, 2023

Wyatt Hamilton 193 Otis Bassett Rd. May 17 Lot 48

John Keene Excavation no longer accept logs on Tuesday and Thursday so I would like to be able to bring the wood back to my house in order to not get back logged on jobs and split it for firewood.

HE WOULD USE THE PRIVATE ROAD TO TRANSPORT SEVERAL TONS OF LOGS INTO AND OUT OF THE PROPERTY, CREATING NOISE, DUST AND DEGRADATION OF THE ROAD. WE ARE AGAINST THIS PROVISION.

The wood will be cut on job sites prior to bringing back to the house. That way the only thing happening at my property will be splitting the wood, loading the split wood into a truck once it seasons and bringing it to customers homes.

WE DO NOT BELIEVE THE WOOD WILL CONSISTENTLY BE PROCESSED AT HIS CUSTOMER'S PROPERTY AND OBJECT TO BECOMING THE ENFORCEMENT AGENT.

Firewood would be split on some rain days/snow days during the week Monday-Friday during the months of December-March between the hours of 8am-3:30pm.

THE APPLICANT HAS EXHIBITED IGNORANCE AND

DISREGARD OF EXISTING REGULATIONS REGARDING NOISE, DUST, AND QUALITY OF LIFE FOR TWO YEARS. WE DO NOT BELIEVE THIS BEHAVIOR SHOULD BE REWARDED BY ALLOWING UNLIMITED UNVERIFIABLE ACCESS GOING FORWARD.

When I cannot get in to properties because of the rain or snow are the days when I would like to split firewood.

SEE ABOVE

I believe it is also important to note that I did split firewood at my house during the winter of 2021/2022. I did not know at the time I needed a Special Permit to do so.

WE HAVE VIDEO PROOF OF HIS EMPLOYEE, MR. PACHECO, SPLITTING LOGS FOR HOURS LAST SUMMER AND ACCUSING US OF BEING “NON RESIDENTS OF THE NEIGHBORHOOD AND THE ISLAND”, DESPITE OUR 22 YEAR OWNERSHIP OF OUR PROPERTY, TO CLAIM THE RIGHT TO RUN A LOGGING OPERATION IN A RESIDENTIAL ZONE.

Of the wood I split and sold more than half of the wood was donated around the island. My wife works at the hospital with stroke, Parkinson’s, dementia, and TBI injury patients

as she is a nuero PT. Seeing how a lot of her patients were in need of firewood to heat their homes for the winter I donated the wood to them.

**WE HAVE NO WAY OF KNOWING THIS, AND DOES NOT IMPACT THE ZONING RESTRICTIONS OF A RESIDENTIAL ZONE. WE CHERISH OUR ISLAND HOME AND ALSO VOLUNTEER WITH ISLAND ORGANIZATIONS.**







[Sent from Yahoo Mail for iPad](#)

On Monday, February 27, 2023, 8:48 AM, Zoning Board of Appeals <[zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)> wrote:

Good morning,

Please feel free to submit/email written comments. You can email the photos and they both will be shared at the hearing on Thursday. Unfortunately, the board meets in person only. Let me know if you have additional questions.

Kim Leaird, West Tisbury Zoning Board Administrator

-----Original Message-----

From: Jonathan Baker <[jb43333@yahoo.com](mailto:jb43333@yahoo.com)>

Sent: Saturday, February 25, 2023 7:04 AM

To: [zba@westtisbury-ma.gov](mailto:zba@westtisbury-ma.gov)

Subject: Submission of abutter request for denial

Ms./Sir:

How may I submit our request for denial of a special permit at the ZBA meeting on March 2 remotely? We will be off island but have issues to be raised with the Board. We have a written response and photographs to include.

Thank you,  
Jonathan Baker  
190 Otis Bassett Rd.  
Email: [jb43333@yahoo.com](mailto:jb43333@yahoo.com)  
617-838-2274



To the West Tisbury Zoning Board:

I am writing as a home owner on Otis Bassett Road West Tisbury. I am also a member of the road association board.

I am writing in opposition to the application:

Hamilton: Map 17, Lot 48, 190 Otis Bassett Road, Application for a Home Occupation to split wood on his property.

My reasons for opposition to this proposal are as follows:

It violates the highlighted portions of the zoning laws that I have attached below, it is already underway without the required permit, it is almost identical to a permit requested by Carl Sobel which was denied and finally the state of Otis Bassett Road is deplorable and in my opinion, this situation is due to a large uptick in use particularly due to large trucks. If one resident is permitted to use their side yard as a substitute for when Keene's is closed then we will have no choice but to extend the same Privileges to all residents. What is the point of being a residential district if the restrictions are ignored. Finally the suggestion that it would only go on two days a week but more if snow or rain slowed the production does not sound like a minimal amount of work is going to be done on the property. Frankly there is already work that goes on weekends and more than two days a week.

I do not wish to cause Mr Hamilton difficulty but if wishes to create a logging wood cutting business he should rent a space that is zoned for such a purpose and not try to do it down a fragile dirt road in a quiet residential neighborhood. I have highlighted the violations as I see them in the zoning bylaws below.

Thank you for attention to my concerns,  
Kate DeVane

## **SECTION 8.5 REGULATIONS FOR SPECIFIC USES AND ACCESSORY USES**

### **8.5-1 Home Occupations**

- A. Home Occupations Permitted by Right  
A home occupation shall be permitted by right and no permit shall be required if its impacts are indistinguishable from those of a single-family residence, provided that:
1. It has no non-resident employees.
  2. No sign is posted.
  3. It generates no additional traffic.
  4. It requires no additional parking.
  5. It is clearly secondary to the use of the premises for dwelling purposes.
  6. No retail sales are conducted.

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Non-residential uses allowed in the RU and VR Districts and referenced to this section on the Use Table shall comply with following standards:

- A. There shall be no evidence of the use through persistent or excessive sound, vibration or odor at the boundaries of the premises.
- B. Buildings housing the use and exterior storage of materials or equipment shall be screened from off-premises view by vegetation, grade or location.
- C. Parking for the use shall be located off-street and screened as in Subsection 8.5-2(B) above, unless the Zoning Board of Appeals agrees to reasonable modifications.
- D. No more than two vehicles in excess of 10,000 pounds GVW shall be regularly parked on the premises.

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West Tisbury Zoning Bylaw

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- E. Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from agricultural or residential development considering volume, type and hours, unless the Zoning Board of Appeals agrees that reasonable modifications are justified by the size and location of the lot.
- F. The use must not cause or contribute to any erosion of land or increase surface water drainage from the lot.
- G. The use shall not create hazards, unacceptable disturbances, unacceptable injury to the neighborhood, or unsightliness visible from any public way or neighboring property.

B. Home Occupations by Special Permit

Home occupations that do not comply with Subsection 8.5-1(A) shall be allowed by Special Permit if, in the opinion of the ZBA, they satisfy the following requirements:

1. The occupation is clearly secondary to the use of the premises for dwelling purposes.
2. There is no exterior change which alters the agricultural or residential appearance of existing structures. Any new structure for the occupation conforms in appearance to the agricultural or residential character of the neighborhood.
3. No items are offered for retail sale unless produced on the premises, except for minor accessories customarily sold with the principal product or service provided.
4. No more than three persons are employed in any occupation or combination of occupations on the premises, unless the Zoning Board of Appeals agrees to reasonable modifications.
5. There shall be no evidence of the occupation through persistent or excessive sound, vibration or odor at the boundaries of the premises.
6. Any exterior storage of materials or equipment shall be screened from off-premises view by vegetation, grade or location, unless the Zoning Board of Appeals agrees to reasonable modifications.
7. Parking for the business or occupation shall be located off-street and screened as in f above, unless the Zoning Board of Appeals agrees to reasonable modifications.
8. Not more than two vehicles requiring registration as taxis, buses, and not more than two vehicles in excess of 10,000 pounds GVW shall be regularly parked on the premises.
9. Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from agricultural or residential development considering volume, type and hours, unless the Zoning Board of Appeals agrees that reasonable modifications are justified by the size and location of the lot.
10. Such use shall not cause or contribute to any erosion of land or increase surface water drainage from the lot.
11. The occupation shall not create hazards, unacceptable disturbances, unacceptable injury to the neighborhood, or unsightliness visible from any public way or neighboring property.

## Zoning Board of Appeals

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**From:** Elle Lash <elashmv@gmail.com>  
**Sent:** Monday, February 27, 2023 4:37 PM  
**To:** Pam Thors  
**Subject:** 193 Otis Bassett Rd Hamilton hearing

Dear West Tisbury ZBA,

I was surprised and dismayed that despite numerous abutters and neighbors expressing their objection to the precious application by the Sobels years ago to operate a lumber mill in a residential neighborhood that now our neighbors at 193 Otis Bassett are requesting a similar adjustment to zoning by-laws to allow them to split and process wood beyond their personal use. This would be **clearly in conflict with many aspects of the stated West Tisbury by-laws for what is necessary to allow a special permit, see section 9.1-2 C and F**. As a town, we are fortunate to have such detailed and well-articulated zoning by-laws. A special permit has clear parameters and restrictions defined by the town.

I'm writing to you as a concerned West Tisbury resident living on Otis Bassett Road.

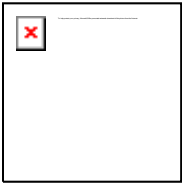
I have strong objections to this proposed change as an almost abutter and dues paying member of the Otis Bassett Road Association.

1. Noise. We moved to West Tisbury for the quiet peaceful and rural nature of the town and the excellent school for our children. My understanding of the West Tisbury Zoning By-laws as they apply to Special Permits in section 9.1-2 (F) is that proposed permit sites and proposals shall "not result in excessive noise". Processing and splitting firewood for more than personal use will most definitely result in excessive noise through out the day.
2. Road Maintenance and Safety. Our road association works diligently to maintain Otis Bassett Road as a safe, and navigable residential road. I pay yearly dues to allow sporadic grading and filling, and even with fairly regular effort the road is pocked with potholes and has drainage issues. Increased use by customers and delivery vehicles especially trucks will increase stress and wear and tear on the road. If the road cannot handle the stress of basic residential car traffic what will happen with increased use and how will the cost be allocated? Also, many school aged children and adult residents enjoy walking and biking on the road, increased traffic, especially delivery trucks and business traffic will detract from the safety and enjoyment of the residents, especially the young children on the road. West Tisbury Zoning By-laws as they apply to Special Permits in section 9.1-2 (C) clearly states that special permit proposals and site plans shall "not impair pedestrian safety or otherwise overload existing roads".
3. As a real estate professional and West Tisbury property owner, I also feel it's important to note that a wood splitting business - due to the noise, traffic, and general disruption - will change the character of the road and abutting roads and decrease property values. These are quiet residential neighborhood and much of their market appeal relates to the peace and tranquility of the area as a residential not commercial neighborhood.
4. Finally, to grant an exception for this special permit sets a dangerous precedent to allow residential neighborhoods to actually become business or commercial areas. This is why we have zoning. We have chosen to live in a residential area not in a business district. Please uphold the town zoning bylaws as written.

Thank you for your consideration of my letter and concerns.

Sincerely,

Elissa Lash



**ELLE LASH** | Broker

**Tea Lane Associates**

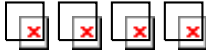
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## Zoning Board of Appeals

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**From:** Nancy Salon <njsalon@gmail.com>  
**Sent:** Tuesday, February 28, 2023 12:49 PM  
**To:** zba@westtisbury-ma.gov  
**Subject:** 193 Otis Bassett Road

To whom it may concern-

I am writing in opposition to the Special Permit that Wyatt Hamilton has applied for. My concern is not only the noise level but the wear of our already bumpy dirt road along with the amount of children who live and play on the road. Also there are several people who are frequently walking up and down the road. I'm worried that having these trucks going up and down the road can only cause issues. Remembering that this is not a commercial area I don't understand how this could even happen.

Thanks for hearing my concerns

Nancy Salon  
121 Otis Bassett Road

To the West Tisbury Zoning Board of Appeals:

I am writing as a homeowner at 70 Otis Bassett Road West Tisbury. I am also a member of the road association board.

I am writing to express my opposition to the application:

Hamilton: Map 17, Lot 48, 193 Otis Bassett Road, Application for a Home Occupation to split wood on his property.

Allowing a commercial operation to operate within a residential zoned neighborhood violates many of the provisions as set out in the town regulations for a home business.

The noise generated from such an operation would create a large burden on the surrounding neighbors and create a precedent for operating a commercial business within a residential zone.

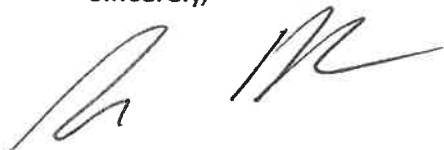
Our road is a private dirt road, equally owned by all owners of the road that already faces many challenges. Adding truck traffic not only is potentially damaging to the fragile road but also creates noise pollution and a potential danger to the neighborhood. The equipment of trucks, trailers, chippers and logs being hauled up and down the road creates these issues or further exasperates the existing condition. The road is used by walkers, bikes, children and other residents.

The application speaks of log splitting, but what has been observed being moved into that property would require the use of more equipment to create and properly size the logs for splitting. I am also hard pressed to believe that there would be a limit to this operation.

The type of noise created by this equipment certainly travels outside of the boundaries of the property and impacts the entire area.

There is a reason zoning is in place to dedicate space for commercial use that can be regulated accordingly and a residential neighborhood should not be subject to the issues that this would create.

Sincerely,



(Mike Houghton)