

To the West Tisbury Planning Board,

Thank you for last week's thoughtful hearing regarding the special permit application at 274 Indian Hill Road.

We are writing to clear up some facts regarding the extensive site work undertaken on 274 Indian Hill Road in the summer of 2022. This work was in preparation for the construction of a structure, and therefore in violation of the zoning bylaw.

Title VIII Supplemental Regulation, Section 81 Excavation, Filling, Grading and Clearing
8.1-1 "Excavation, filling, and grading necessary for the construction of a structure for which a Building Permit has been issued shall be permitted, provided that it is full compliance with applicable wetland regulations, does not adversely affect natural drainage or structural safety of buildings or lands, cause erosion, sedimentation, or contamination of groundwater or surface water, or create any noxious condition or hazard to public health or safety."

8.1-5 "No excavation, filling, grading, or clearing in preparation for site development shall be undertaken prior to the grant of any Special Permit, Site Plan, or subdivision approval required for such development."

In June, 2022, when the clearing for the "barn" site began, Rebekah asked Mr. Cottrell why he was cutting down so many trees. His immediate response, via text, was that he was getting ready for his barn (see screenshot below).

That comment led to the email exchange below, in which the Building Inspector indicated that an application had been filed for a foundation for a barn. We do not know the date of that application, but it was pending in June. The tree cutting in June was followed by extensive excavation, filling and grading in July and perhaps into August. No building permit had been issued. 8.1-1 allows for this work "necessary for construction" only when a building permit has been issued. When the application for a special permit was filed in November 2022, the site plan attached to the application was dated March 20, 2022. Thus it is clear that the excavation, filling, grading and clearing in the summer of 2022 was preparing for a structure that Mr. Cottrell planned for the site. This structure required a building permit, and ultimately a special permit. The excavation, filling, grading and clearing violated both 8.1-1 and 8.1.5. Any other reading of the language of these provisions would make them meaningless, as a property owner could wait to file for a special permit until after all the site preparation work is completed.

We also wanted to follow up on agricultural use of the property. While it is possible Mr. Cottrell is raising birds indoors or on another site, none of us have seen or heard any evidence of turkeys, chickens, or other birds being raised on the lot to date. And as you and others have noted, the so called barn is not designed as a barn, with French doors, large deck, many windows and two bathrooms.

Finally we wanted to explain that we cc-ed Jane in our communication with the Conservation Commission because the big house bylaw takes impacts on wetlands as well as respect for the natural environment, etc., into consideration; and because Mr. Cottrell told the Planning Board during your site review that he was adhering to all the wetland protections within the flagged buffer zone, which is not the case. At the Conservation Commission meeting last week, the

Conservation agent reported that only one of the flags could be found during their site visit and the Commission discussed a number of violations.

Thank you again for your due diligence regarding this application.

Sincerely,

Rebekah and Joshua Thomson

Marilyn and Dan O'Connell

Ilaria Rebay and Rick Fehon

Elizabeth Eisenhauer and Paul Caval