

Dear Members of the West Tisbury Select Board:

We are writing to request an opportunity to appear before the Select Board to discuss the ongoing zoning and other violations at 274 Indian Hill Road.

We have been communicating with Inspector of Buildings and Zoning Inspector Joseph K. Tierney, Jr. ("Building Inspector"), with copies to relevant West Tisbury town boards and commissions (including the Planning Board and the Conservation Commission), via email for well over a year. Attached are the two most recent written complaints of zoning violations dated February 2 and April 28, 2023 and the related email communications with the Building Inspector. We have not received a written notice of actions or a refusal to act on these violations from the Building Inspector as required by Massachusetts General Laws, Chapter 40A, Section 7:

"The inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning ordinance or by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. If the officer or board charged with enforcement of zoning ordinances or by-laws is requested in writing to enforce such ordinances or by-laws against any person allegedly in violation of the same and such officer or board declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request." (Emphasis added.)

All of the specific violations detailed in prior emails persist, and our efforts to seek enforcement of the bylaws have been unsuccessful.

The conditions at this property and the continued activity and alterations--including major site preparation prior to an issuance of a special permit or building permit, half-completed and/or illegally completed building projects, storage of construction equipment and other violations of zoning laws, and illegal activity in wetlands and buffer zones--are an affront to the many island residents who regularly pass by it on Indian Hill Road by car, foot or bicycle and to the abutters to this property.

There is a continuing pattern of doing preparatory work, then asking permission, and when permission is denied, leaving the previously unauthorized work in place. For example, when the Planning Board considered and denied a special permit for a large "barn" structure, a major concern was the unauthorized site preparation which involved major excavation and tree cutting. When the Planning Board allowed the property owner to withdraw his application for a special permit, no order was issued by the Planning Board or the Building Inspector requiring needed remediation. Evidence from the improper site preparation work (piles of large tree trunks, huge mounds of dirt and damaged stone fences) is highly visible from the road and within the 20 feet of the road, designated a Major Road. We understand that the property owner still intends to build a "barn" structure on the property. We ask that the Town refrain from issuing any building permits for this property until these many zoning violations have been thoroughly addressed.

We call your attention to comments made to the Planning Board by two former members of the Preserve West Tisbury District Subcommittee in connection with the special permit application for 274 Indian Hill Road: "With the density of buildings, roads and hardscape at the Indian Hill Rd end of the property it is now more characteristic of a suburban development" [than] "representative of a character that the town values and has worked hard to maintain. . . [T]his property now feels discordant with the existing,

historical character of this part of the town, and is not representative of the vision of a rural, agricultural community, in a place that is the very heart of that example.” (Copy of letter attached.)

We encourage the members of the Select Board to do a site visit, or if that is not possible, at least drive or walk by the property to see the current conditions. We write as neighbors, but believe that our concerns are shared by many residents of West Tisbury who value Indian Hill Road.

Please schedule a time for us to meet with the Select Board to discuss these concerns as soon as practical.

Sincerely,  
Marilyn and Dan O’Connell  
Rebekah and Joshua Thomson  
Elizabeth Eisenhauer and Paul Caval  
Ilaria Rebay and Rick Fehon  
Cassie Murray and William Plapinger  
Bea Phear

(Attachments)

cc: Joseph K. Tierney, Jr., Inspector of Buildings, Zoning Inspector