

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, January 28, 2021 meeting
Online meeting via ZOOM- @ 5:00 PM

Approved at the meeting held on February 11, 2021

Present: Larry Schubert, Deborah Wells, John Rau, Andy Zaikis and Casey Decker
Also Present: Pam Thors, Bd. Administrator, Robin Hyde and David Foster

Larry opened the meeting at 5:00 pm. The minutes of the January 14th meeting were reviewed and approved with one abstention, (Casey Decker)

The board briefly reviewed the notes on potential bylaw updates. There was a discussion of pool houses and whether they should be specifically addressed in the bylaws.

Larry noted that as the town bylaw stands, pool houses are categorized as accessory structures which often contain the pool equipment. If the applicant is not asking for setback, height or size relief, they are permitted by right. It was agreed that pool houses do not need to appear in the pool bylaw and only need to be presented as part of the application for a pool to show where the pool equipment will be located.

John said that they should only be looking at pool houses as accessory structures totally separate from the pool bylaw.

5:15 pm - A Public Hearing was held 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.

The hearing notice and narrative were read. Larry asked Robin to explain the nature of the business. Robin said that he has plowing and grading equipment which attach to his 2 bobcats and 2 trucks over 10,000 GVW. He said he does not store any materials there except for a pile of sand and some gravel to use in maintaining Buttonwood Farm Rd.

Larry asked if the barn and the existing vegetation screen the vehicles well. Robert stated that he has planted evergreens over the years to effectively screen his property from all of his neighbors. He added that the VanBelle property is not visible from the barn or his house.

Andy asked where the dump trucks are kept. Robin said that they are parked by the garage unless he is using one; in which case it would be parked near his house. He went on to explain that the house is at one end of his lot and the garage at the other end. He said that Robert's Way is the "Right of Way", (ROW), running through his property.

A plan submitted by Juleann VanBelle, the abutter who registered a complaint with the Building Inspector about the business operation, was reviewed. Larry asked Robin if it is a fair representation of the various roadways in the neighborhood. Robin said that it is. Robin said that one of the issues brought up by Juleann is that he uses the ancient travelled way that other property owners use as well.

Robin explained that his business has decreased in size and that now he is mostly doing work on his own property. He said that when Juleann registered her complaint with the Building Department, he rented a property to store two of his trucks.

The 5 letters in support of the application and 1 letter in opposition to the application were read. Larry noted that the last paragraph in the letter from the Kronsteins is not relevant to the application.

The letter from Juleann was reread and taken into consideration point by point.

It was clarified that the Sibley/Bollin ROW runs from Shadbush Lane to Buttonwood Farm Rd to State Rd. Robin stated that he uses this same route during the summer season.

Juleann's letter states that Simon Bollin and Robin work together and drive their large vehicles along this route.

Robin said that Simon's ROW is over Shadbush Lane and that his use of it has nothing to do with Robin.

Juleann stated in her letter that Robin had taken soil and vegetation from the intersection of their driveway and Shadbush Lane. Robin explained that he had filled and repaired a very large pothole in this location. He further stated that he does not drive his equipment on the smaller roads in the area because they are so narrow.

In her letter Juleann requests that the board prohibit as a condition of his Special Permit, his use of Shadbush Lane for his utility vehicles.

John asked Robin if he had a ROW over Shadbush Lane. Robin said that he has a "prescriptive use easement" over the road. He said he sent a legal opinion drafted by his lawyer to her describing this easement, noting that Juleann does not have the legal facts straight. He said he also maintains Shadbush Lane.

Deborah asked Robin for clarification on his business operation, specifically if the actual work happens on the property and if it generates more traffic on the various roads. He said that it does not. Larry added that probably traffic volume is more than what you would see on a strictly residential property due to the work vehicles travelling on and off the property.

Andy asked Robin if he is there to get a Special Permit for a business that he has been running for many years and that will most probably decrease in volume as the years go by. Robin said that this is the case.

Larry clarified that the board heard from 5 neighbors in support of the project and from 1 neighbor in opposition to the project.

John said that as far as complaints about the use of Shadbush Lane go, this type of issue is not within the purview of the board.

J. Rau moved and C. Decker seconded a motion to approve the application.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Rau-yes, A. Zaikis-yes.

Larry went over the 20 day appeal process.

The review of the notes on potential bylaw updates continued. The board agreed to table the discussions until next year when they would reconsider the weight of trucks (GVW) allowed by Special Permit in Sections 8.5-1 Home Occupations and 8.5-2 Service Businesses, noting that the number of vehicles over 10,000 GVW should remain at 2. They will also revisit adding to the Personal Wireless Service Facilities (PWSF) bylaw Section 8.8 to include legislation enacted on February 22, 2012 "collocation by right (Section 6409(a) which mandates that state and local governments approve any "Eligible Facilities Request".

The Meeting adjourned at 7:00 pm.

Respectfully Submitted, Pam Thors-Board Administrator