

WEST TISBURY ZONING BOARD OF APPEALS

Minutes for Tuesday, December 5, 2019 meeting

2nd Floor, West Tisbury Town Hall - @ 5:00 PM

APPROVED ON DECEMBER 12, 2019

PRESENT: Nancy Cole, Larry Schubert, Toni Cohen, Julius Lowe, Deborah Wells and John Rau

ABSENT: N/A

Also Present: See attachment #1

The minutes of the meeting held on November 21, 2019 were approved.

5:15 pm- A Public Hearing on an application from Stoilka Sabeva for a Special Permit for a Garage with Accessory Apartment above under section 4.4-3 (A) of the Zoning Bylaws requiring 20' of front setback relief under Sections 4.2-2 (D) 4 and 11.2-2 of the Zoning Bylaws, Map 17 Lot 96, 216 Oak Ln., RU District.

The notice was read and the applicant presented the application. Stoilka stated that the apartment over the garage will be used by family members who come to help with their children in the summer months. The sf. of the apartment was confirmed to be 800 sf. with the first floor being a garage with storage. It was confirmed that the family is aware that they can never have access to the apartment from the garage. Nancy read the one email correspondence. The letter was questioning the bylaw references used in the Notice. Pam said she had gotten back to this abutter with an explanation. Larry verified with the applicants that they have read the restrictions for accessory apartments and agree to comply with them.

A motion was made and seconded to close the Public Hearing and open the Board Meeting.

A motion was made to approve the Application. The vote on the motion was unanimous.

Nancy went over the twenty day appeal process.

5:35 pm- A Public Hearing on an application for a Special Permit from Joshua Saltmarsh for a Service Business (Boat Maintenance and Storage) under sections 8.5-2 and 3.1-1 of the Zoning Bylaws, Map 16 Lot 146, 143 Old Holmes Hole Rd., (Special Way), RU District.

The notice was read and the applicant presented the application. Josh stated that he went back and tried to address the concerns communicated by abutters at the last meeting. He said he moved the proposed work and storage areas away from the part of the lot abutting the Special Way, (Old Holmes Hole Rd). Nancy asked what exists between this area and the Special Way. Josh stated that they planted evergreen shrubs in front of the gate that used to open onto the Special Way. Nancy asked Josh to go over the business plan. Josh read the new proposal, (see attachment # 2). He said that a lot of the screening mentioned in the proposal had already been done.

John asked how many additional trips on and off the property would occur. Josh said that with 12 boats being stored for the winter, there would be 24 trips in and out. He mentioned that he has a boat rental business that he runs out of Edgartown harbor and the 3 Boston Whalers that he rents would be stored on the property each winter. Larry asked about the lots directly behind the property. He said that having the boat storage on the rear lot line may present a problem if the title to the lots is cleared and that this is something that may need to be addressed. Nancy read the 2 letters of correspondence, one in support and one neutral, (see file). An abutter present voiced his concern about possible airborne contaminants that could be byproducts of sanding the boat bottoms. He suggested another location, mentioning that once you change the use of a property, there is no

going back. He mentioned the noise of the grinding. He also cited possible contamination of the ground water. He stated that his concerns are not personal.

Josh said that he is aware of possible concerns but stated that his operation would present no threat to the environment. He said that as far as noise is concerned, he would mostly be sanding with a palm sander and not grinding. John asked about the containment systems referenced in the Narrative. Josh said he would build a concrete pad (impervious) and follow through with the other systems cited in Appendix A and B in his proposal. Josh said he has been changing boats over to a nontoxic paint for bottom painting.

An abutter in the room mentioned that there is another business, (landscaping) that affects the quiet of the neighborhood. Chuck Wiley mentioned Keene's plant and the vast difference between a large grinder and a small palm sander. Josh said that the palm sander he would be using is quieter than a leaf blower.

Julius asked about approving the plan with the future plans for the systems cited in the application but not installed. It was suggested that the groundwater be tested before the business started up and at a later date to compare levels of contaminants. An abutter asked about groundwater contamination over time. She asked how compliance would be checked into the future. Nancy said that this would be a Board of Health issue. Chuck Wiley said they are happy to test the well.

Larry asked about the Child's maintenance of the road in front of their lot and asked if Josh would maintain his part of the road as well. Josh said that it already is improved. He also added that they put in over \$7,000 worth of plants along the side of the lot abutting the Special Way. Chuck said that there is a condition by the Building Department that they will allow the brush to grow where the trees were removed without permission. One of the abutters voiced concern about the drinking water and suggested a concrete pad for the Boston Whalers pitched to a floor drain. Josh thanked him for the suggestion but said he would be using that outdoor space for finish work.

Larry asked what might happen if the lots behind Josh were cleared for sale. He suggested that Josh plant a few trees over time so that eventually, the boat storage area was screened from the lots behind it. Josh agreed to provide screening if that were to happen. He also suggested that he could put up a fence. Shirley Van der Schueren stated that the lots have been cleared for sale in Land Court.

John suggested that a condition be that "Power washing of boats will be done offsite until water collection systems are installed". Pam asked about the timeframe of putting in the system. Josh said it wouldn't be happening this year.

Nancy said that Josh has listened to neighbors' concerns and made substantial reductions to the application, stating that it is great when applicants are considerate of abutters' concerns. She mentioned that the findings should reflect what is stated in the Narrative. Larry suggested that it be attached to the decision. Nancy suggested that the screening of the lots behind the boat storage area be a finding as well.

Another condition that Nancy suggested is water testing for contaminants prior to the business starting up and then one 2 years later.

A motion was made to close the Public Hearing and open the Board Meeting

A motion was made to Approve the Application with Conditions. The vote on the motion was unanimous.

Nancy went over the twenty day appeal process.

6:15 pm- A Public Hearing on an application for a Special Permit from R&D Studio, agent for Lambert's Cove House LLC for a Pool to be located in the Inland Zone under sections 8.5-4 (C) and 6.1-5 (B) of the Zoning Bylaws, Map 3 Lot 7, 63 Boghouse Way, RU District.

The notice was read and Travis Ritchie, R&D Studio presented the application. He stated that Lamberts Cove House LLC would like to install a pool at the edge of, but not encroaching on the wetlands. Travis verified that the plans were reviewed by the Conservation Commission who determined that the issue is not within their jurisdiction. He pointed out that the house and pool are located between the shore zone and the wetland and that this is the only viable spot to locate it on the site.

Snezana Westby, an abutter, requested a copy of the plan and stated her concerns. Her property is downhill from the pool location and her main concern is that runoff into the bog could affect the health of the bog. She asked that if that part of the lot is disturbed and it caused a problem down the road, what her recourse would be. She also mentioned the fragile nature and size of the road. She voiced her concern for damage to the road due to construction, asking if this was being taken into account. Nancy asked if there is a Road Association. Snezana said that one had never been formed. Travis said they would use silt fencing to protect the area and would not be taking any trees down along the road. Nancy stated that the damage would be done only during construction because once the pool is in, the area would settle. Snezana asked about whether construction could be limited to off season months expressing her concern for her summer rental income. It was verified that there is no bylaw addressing time of year for construction but that this could be a condition of approval.

Larry asked about runoff over the setback line of the wetland. He said that if someone reported a problem, the Conservation Committee may have jurisdiction on the site. Larry reviewed the pool bylaw and restrictions. Travis stated that the pool equipment would be housed in the basement of the main dwelling.

Pam asked if there would be a retaining wall. Travis said there would be, but that total height for the retaining wall and fence would be under 7'.

The condition of the road was discussed.

Two additional conditions were suggested;

- 1) The applicant will repair any damage done to the road during construction.
- 2) Construction of the pool must not take place during June, July or August.

A motion was made to close the Public Hearing and open the Board Meeting.

A motion was made to approve the Application with Conditions. The vote on the motion was unanimous.

6:45 pm- A Public Hearing on an application from Sarah Flanders for a Special Permit for a Home Occupation (Chocolate Workshop) under section 8.5-1 (B) of the Zoning Bylaws, Map 31 Lot 104.1, 20 Blackthorn Rd., RU District.

The notice was read and the Flanders sisters, Sarah and Allison, proprietors of Salt Rock Chocolate Company, presented their application, (see Narrative on file). They said they would be happy to address any concerns of the board and abutters. The location of the property and the access off Edgartown Rd were discussed. Allison verified that she would be living on the property. They stated that they would like to start with one or two employees but may increase production necessitating more. They said they expected to have only one UPS delivery of supplies per week. John asked about correspondence and Pam said that there were a number of emails, all in support of the application. A slight concern about traffic in and out was voiced in one of the letters. Nancy read the 4 abutter correspondences. Larry asked about the commercial kitchen required. Sarah said that they had already spoken at length with Omar Johnson, Board of Health Agent about the regulations.

Larry questioned the fact that Allison will be living on the property but Sarah is the applicant. Pam suggested that Joe may not have a problem. The suggestion was made to amend the application. The board agreed that this is a minor housekeeping issue that could be remedied by amending the application to include Allison as an applicant.

The number of employees allowed was discussed. Larry said that usually, the owners are not counted as employees. Nancy said that they just want them to be aware that there can never be more than 3 employees. Larry asked about whether that means total employees or employees on site at any given time. Allison said that right now it would just be them and one other person.

Nancy suggested that a condition be that the two owners plus up to two other employees be allowed and if that number were to increase, the owner would need to apply for an amendment to the Special Permit.

Nancy noted that the findings should reflect what is specified in the Narrative.

Another finding suggested was that adding retail sales would require an amendment to the Special Permit

A motion was made to close the Public Hearing and open the Board Meeting.

A motion was made to approve the Special Permit with Conditions. The vote on the motion was unanimous.

Informal hearing-Geoffrey Rose, Patient Centric

Geoff stated that he would like to amend the existing Special Permit to utilize additional area in the cultivation facility which was initially designated to be used by the Big Sky Tent Company. He said there would be no changes to the outside of the building. He said that the second application would be to include the cultivation of recreational use marijuana in an area labeled "storage" in the original Special Permit. Nancy asked about the additional grow area for medicinal which was supposed to be limited to 1,000 sf. Geoff stated that the medicinal marijuana canopy area would be remain within the limit. Joe Tierney, Building Inspector stated that the recreational grow area allowed is unlimited. He suggested one application to include both requests. Larry spoke to the canopy size. He said that right now the medicinal marijuana is not utilizing the allowed 1,000 sf. Nancy asked about employees and Geoff replied that he would be fine with the number of parking spaces allowed in the original Special Permit and that the number of employees would remain the same but they would most likely be working more hours.

See Attachments below

The meeting adjourned at 7:30 pm.

Respectfully Submitted,

Pam Thors, Board Administrator

Attachment #1

Sign In Sheet for December 5, 2019 Meeting

Michael R. Stimola
Aubrey Ryan
Shirley Van der Schueren
Tandy Dodge
Jim Bishop
Martha Sullivan
Josh Saltmarsh
Cristina Wiley
Charles Wiley
Sarah Flanders
Allison Flanders
Travis Ritchie
Snezana Westby
Doug Ruskin
Geoffrey Rose

Attachment # 2 below

Project Description for Saltmarsh Special Permit

DATE: 10/10/19
TO: The West Tisbury Zoning Board of Appeals
FROM: Joshua N. Saltmarsh
SUBJECT: Request for Service Permit for Home Based Business

Members of the Board,

I am requesting a permit to operate my boat storage and maintenance business out of my primary residence at 143 Old Homes Hole Road. Please note that significant changes have been made to my plan since my previous application in order to meet the concerns that were presented by my neighbors and the byways committee at the previous hearing.

Description of work:

I am seeking permission to store up to 12 boats on the property. I care for small sailboats, under 25'. I am not a mechanic and do not work on motors. These sailboats do not have motors, and do not carry fuel. The only powerboats on the property would be ones that I personally own.

I work on these boats primarily in the spring (April, May and June) and fall (September, October and November), before and after the boating season. Work hours will be limited to 9am to 5pm on weekdays.

During the winter storage season, I cover and store the boats. The boats are covered in dark tarps or canvas which help them to blend into the wooded surroundings. The tallest boats are 9' tall when covered.

The workshop and storage area would be in and around the existing garage. I also plan on putting a 12'w x 28'l x 12'h temporary building (that I already own) next to the existing garage. This area measures approximately .25 acres including the buildings. This area is more than 225 feet from the nearest neighboring house or any part of the special way.

This area would be accessed using the existing driveway that runs from Old Holmes Hole Road. The boats come and go from the property just once per season. With 12 customer boats stored on the property, there would only be an additional 24 trips per year on the roads.

The proposed workshop and storage area, with additional screening, will make the boats be out of sight from neighboring properties and pedestrians on the special way. Information on the trees used for the proposed screening can be found in example A.

Powerwashing boat bottom paint will be done off site until a wash water catchment system is built. Washwater from power washing boat bottoms is treated as industrial process water. EPA

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