

WEST TISBURY ZONING BOARD OF APPEALS
Minutes for Thursday, February 25, 2021 meeting
Online meeting via ZOOM- @ 5:00 PM

Approved on 3-18-21

Present: Larry Schubert, Deborah Wells, Jeffrey Kaye and Casey Decker

Absent: Julius Lowe, John Rau and Andy Zaikis

Also Present: Pam Thors, Bd. Administrator, Leila Gardner, Paddy Moore, Larry Greenberg, Deborah Shipkin and Jesse Fuller.

The minutes of the February 11th meeting were reviewed and approved with one abstention; Larry Schubert
A rollcall vote was taken with the following resulting votes; L. Schubert-abstained, D. Wells-yes, J. Kaye-yes and C. Decker-yes.

The board discussed quorum and voting requirements. Pam said she would investigate the details and have a review prepared for the next meeting.

Larry stated the process for bills and invoices for Pam's benefit. Pam said that she will forward everything to Bruce from now on.

The letters from the Building Inspector regarding the Caskey and Santangelo properties were reviewed, (see file). The letters from the Planning Board regarding the Gardner and Greenberg/Shipkin applications were read. Both letters refer the applications back to the ZBA with no opinion.

5:15 pm - A Public Hearing on an Application for a Special Permit from Leila Gardner to operate a Service Business (mobile bartending service), from a converted trailer under Section 3.1-1 and 8.5-2 of the Zoning Bylaws on Map 17, Lot 71, 139 Oak Ln., RU District.

The Notice was read and Leila read the narrative. Larry asked for questions from the board.

Deborah said that she is assuming that the host purchases all alcohol that is used including the kegs of beer. Leila confirmed that she does not purchase any alcoholic beverages; providing only the various mixers. She reiterated that she is asking for permission to operate a business from her home in West Tisbury and that the only evidence of the business will be her trailer.

Larry explained the details of the Service Business bylaw. He said that questions about the operation may include verification of the number of trips in and out, noise, smells and other issues that could affect the neighbors.

Leila said that she expects to leave and return to the property only once per day most days and that she would probably service an average of three events per week. She added that due to Town regulations, most parties would end at 10-11 pm.

Jeffrey asked if she has over two vehicles in excess of 10,000 lbs. GVW, (gross vehicle weight). Leila said that she does not and that her trailer weighs only 3,000 lbs.

Paddy commented that her granddaughter has done a great job thinking this through and has done a tremendous amount of work to prepare her business plan.

Pam noted that the Service Business bylaw does not directly address catering but that it is included in the definition section of the bylaw as an example of an allowable, "Service Business".

Larry moved and Jeffrey seconded a motion to close the public hearing and open the board meeting.

A motion was made and seconded to approve the application

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Kaye-yes and C. Decker-yes.

Larry went over the twenty day appeal process

5:35 pm - A Public Hearing on an Application for a Special Permit from Laurence P. Greenberg and Deborah A. Shipkin to construct a 31' x 16' in-ground swimming pool under Section 8.5-4 (C) of the Zoning Bylaws on Map 30, Lot 2.28, 170 Pond Rd., RU District, WHICH IS LOCATED WITHIN THE SPECIAL WAYS ZONE OF THE ROADS DISTRICT.

The notice was read. Larry noted that the pool request seems to be very straightforward.

Pam noted that the pool equipment enclosure which is indicated on the plan to be 45' from the lot line is allowable under Section 4.2-2 (D). She said that because the structure is under 120sf and less than 16' in height, it qualifies as one the one and only structure that may encroach on the setback without seeking relief under the setback bylaw.

Larry verified that the fence is inside the property line, as shown on the site plan, noting that it is allowed to be on the property line by right if the applicant decided to locate it there.

Larry asked about the reference to the property's location in the Special Ways Zone of the Roads District. Pam said that she included the reference in the Hearing Notice but that the Special Way, (Scrubby Neck Farm Rd.) is not shown on the site plan. She explained that Reid Silva from Vineyard Land Surveying and Engineering was going to try to update the plan to show the location of the Special Way and get it to her before the meeting but had not been able to do so. Pam said that she had checked with Jane Rossi, Planning Board administrator who said she thought that the Special Way is quite at least 30' or so from the proposed fence.

Larry said that the update plan may be a condition of approval. He then went over the "boiler plate" pool conditions that will be part of their decision.

Pam said she will add a reference to Section 4.2-2 (D) and the size and height of the pool equipment enclosure as a finding in the decision.

Larry moved and Jeffrey seconded a motion to close the public hearing and open the board meeting.

An agreed upon condition of approval was stated as follows: applicant will submit an updated Site Plan, showing the location of the pool fence and the location of the Special Way, to the board prior to the issuance of a building permit.

Larry moved and Deborah seconded a motion to approve the application with conditions.

A rollcall vote was taken with the following resulting votes; L. Schubert-yes, D. Wells-yes, J. Kaye-yes and C. Decker-yes.

Larry went over the twenty day appeal process.

Pam read the memo to the board from Newell Isbell Shinn. Newell, who is a member of the Island Builders Association, was asked what the average weight of a contractor's vehicle is, specifically one that does not have a home business. He said that the average truck driven by these contractors on the Island is less than 20,000 lbs. Gross Vehicle Weight, (GVW). He cited the example of the ISUZU NPR which weighs slightly over 15,000 lbs. GVW This is a figure that the board may use to amend the Home Occupations and Service Business bylaws which allow a Special Permit holder to keep two vehicles under 10,000 GVW on their residential property for their home business use.

Deborah stated that she had asked the question regarding vehicle weight as well as numbers of vehicles allowed; wondering if two is a realistic number of vehicles to allow.

Larry said that if you go 20,000 lbs. GVW, anything under that would not count. He cited Brissette Electric which has two larger vehicles and a fleet of 5 or 6 vans for his business. He said that the number depends on what the board allows.

The Meeting adjourned at 6:30 pm.

Respectfully Submitted, Pam Thors-Board Administrator