

**WEST TISBURY ZONING BOARD OF APPEALS**  
**Minutes for Thursday, February 7, 2019 meeting**  
**2<sup>nd</sup> Floor, West Tisbury Town Hall - @ 5:00 PM-Approved on February 2, 2019**

**PRESENT:** Nancy Cole-Chair, Bob Schwier, Julius Lowe and Tony Higgins (5-6pm)

**Absent:** Larry Schubert, Toni Cohen

**Also Present:** Atty. Doug Sederholm, Leo DeSorcy, John Cain, Christina Cain, Rob Scherer, Jamie Pelletier, Bill Veno, Nick Puner, Julia VanHall, Eric C. Whitman, Martha Hubbell, Julie Sierputoski

**Invoices:** Blatman, Bobrowski & Haverty, LLC (\$800.00) inv. #1989 & (975.00) inv. #1907

Reynolds, Rappaport, Kaplan and Hackney, LLC (147.00) invoice #60940

**Minutes:** No minutes were approved.

**5:00 pm: A hearing on an application from Leo DeSorcy for a Special Permit to allow the extension of a pre-existing, non-conforming use and construction of a 30'x40' structure and green house, for the sale of agricultural products and construction goods and for employee housing under Section 11.1-3 (A) of the Zoning Bylaws. Map 8 Lot 18, 4 State Road, RU district.**

Nancy read the notice. She continued the hearing until February 14, 2019 at 5:00pm. No testimony was heard. Leo signed an agreement to extend the deadline for final action of the board until April 4, 2019.

**5:15 pm: A hearing on an application from Sioux Eagle for a Special Permit for a Home Occupation, (jewelry studio/showroom), under Section 8.5-1 (B) of the Zoning Bylaws and to amend Special Permit Casefile #2005-33, under Section 9.3-3 of the Zoning Bylaws, Map 25 Lot 18.2, 114 Panhandle Rd, RU district.**

Nancy read the hearing notice and the applicant presented her application. Sioux Eagle stated her request to sell her jewelry out of her studio as she is closing her store in Vineyard Haven. She said she would like hours that coincide with the Artisans Festival and the Farmers Market. Wednesday through Saturday, 11:00- 3:00 was suggested as a possibility. Sioux stated that she will have no employees.

*Julius moved and Bob seconded the motion to close the Public Hearing and Open the Board Meeting.*

Signage was discussed and Sioux said that she wasn't sure yet what type of sign she will want. Openings and Special Events were discussed. She said she would like to have permission to hold such events from 12:00-7:00pm once per month as well as.

Sioux asked about trunk shows selling other people's work. The board was in agreement that this type of event would not be allowed due to the Home Occupation Bylaw stipulation that only items produced on the property can be sold.

It was confirmed that mail order may be done from the property.

*A motion was made to approve the application with the following conditions. The vote on the motion was unanimous.*

Conditions:

Hours of Operation are limited to Wednesday – Saturday from 11:00am to 3:00pm.

Special Events may be held once a month from 12:00 to 7:00pm.

Nancy went over the 20 day appeal process and asked Sioux to talk to Joe Tierney about signage.

**5:35 pm: A hearing on an application from South Mountain Company, agent for Tom and Christina Shropshire for a Special Permit for a Ground Mounted Solar Array larger than 1,500 square feet under Section 8.10-4 (A) of the Zoning Bylaws and for a Personal Wireless Service Facility Antenna under Section 8.8-5.3 of the Zoning Bylaws, Map 39 Lot 2.1, 147 Middle Point Rd, RU district.**

Nancy read the hearing notice and John Abrams of South Mountain Company presented the application. The solar array was discussed. John stated that the property is off-grid with all power coming from PVs backed up by battery storage, thereby requiring more square footage for the array than what is allowed by right. He said they need a lot of sky area and want to do as little clearing as possible so the array is positioned in an area that is already somewhat open. It was clarified that there will be no lighting around it and the maximum height will be about 10 feet.

Nancy read correspondence from the Lewis family requesting specific visual and noise screening from their lot. John said that they have spoken with them regarding their requests and changed the location of the Personal Wireless Service Facility (PWSF) accordingly. They have also agreed to put up a sound attenuating barrier if necessary. It was verified that the Lewis property is vacant.

John described the antenna as a telephone pole in the trees and at the top would be an inch and one half mast that would go just past the treetops with an 8 inch antenna on it. He said that it would be barely visible.

It was verified that they would be clearing for both the house and the array. Tony asked about the prospective screening between the property and the Lewis property. John said that the screening options would be decided once according to who purchased and developed the property. The board agreed that an approval could be conditional upon the need for future screening and sound attenuation. Andrew Moore, an abutter reviewed the plans. His concerns regarding screening were addressed. Nancy read correspondence from the Division of Fisheries and Wildlife which states that the project will not adversely affect the Resource Area Habitat. Nancy advised that the applicant would need to comply with all the regulations listed in the bylaw.

Julius moved and Bob seconded the motion 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 20 day appeal process.

**5:55 pm: A hearing on an application from John Cain for a Special Permit to amend a 1982 Special Permit under Section 9.3-3 of the Zoning Bylaws and to allow the construction of five rental cabins (without kitchens) under Section 11.1-3 (A) of the Zoning Bylaws thereby extending and altering a pre-existing, non-conforming use at The Lambert's Cove Inn, Map 7, Lot 99, 90 Manaquayak Rd. West Tisbury, RU District.**

Nancy read the notice and correspondence, (see file). John presented his reaction to some of the correspondence. He made reference to the site visit at which engineer Reid Silva stated that the

septic issues are separate from the zoning issues. John said that discussion of them is premature and that they will take those issues seriously. He said they prefer the requested location for the cabins but that there is some flexibility there. He stated that parking is not an issue. He said that the general store is not really a store but just t-shirts and miscellaneous items. He said that in his opinion, the project would not pose a significant detriment to the neighborhood. He said that he believes that there is documentation stating that “ancillary services” are allowed at the Inn but didn’t recall where he read this. He mentioned the support evidenced in the correspondence and cited their hope to only benefit the community.

Bill Veno from the MV Land Bank wanted to let the board know that they are negotiating with the owner about trails and that they can disregard the correspondence entered into the file at the last meeting.

Nick Puner, a direct abutter stated that the majority of letters in support of the application are not from owners on Manaquayak Rd. He also noted that the road association assessments are not voluntary as suggested by John Caine but are assessed according to estimated use of the road. He commented on the fact that Manaquayak is a non- regulation road that cannot be expanded.

Eric Whitman, a previous member of the ZBA who was involved with all prior Special Permits granted by the ZBA for the benefit of the Inn said that he can’t see how the parking could be adequate. He stated that the 70 seat restaurant and 15 room Inn maximizes the pre-existing non-conforming use of the Inn and that to make any addition would add to the impact, causing substantial detriment to the neighborhood.

Julia VanHall stated her request that the board deny the application. She upheld the fact brought up by Mr. Puner that the road association support was inaccurately represented by the owner. Nancy read a new letter from Julia, (see file). Her letter addressed potential problems with water and septic capacity at the Inn noting light and noise interference as well.

John spoke to the road association dues, stating that he paid more than he was assessed. He also reiterated his opinion that the project does not pose a detrimental effect on the neighborhood.

Julius moved and Bob seconded the motion to close the Public Hearing and Open the Board Meeting.

*A motion was made to deny the Special Permit application. The vote on the motion to deny was unanimous.*

Julius said that the request is an unwarranted expansion of a pre-existing, non-conforming use. Tony commented that the increase and use went above and beyond what should be allowed in a pre-existing, non-conforming business. Nancy cited traffic safety concerns and noise impact especially since the Board of Selectmen already added to the usage by allowing 18 instead of 14 weddings last year. The board agreed that the impact of the project would be substantially more detrimental to the neighborhood.

Nancy went over the 20 day appeal process.

The meeting adjourned at 6:55pm  
Respectfully Submitted, Pam Thors, Board Administrator