

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY, May 10, 2018
2nd Floor, West Tisbury Town Hall - @ 5:00 PM
Approved on May 24, 2018

PRESENT: Nancy Cole (Chairman), Larry Schubert (Vice-Chairman), Tony Higgins, Toni Cohen, Julius Lowe and Bob Schwier.

Also Present: See File-attendance sheet.

Minutes:

The minutes of May 3, 2018 were approved by the board on May 10, 2018.

Hearing:

5:15 pm - A hearing on an application from Robert Amado, for 18' of setback relief from the north property line and 28 feet from the south property line, for the construction of a residence, under 4.3-3D of the zoning bylaws. Map 17 Lot 211, 134 Old County Road, RU district.

Nancy opened the hearing. Correspondence: *Email dated April 19, 2018, from Harriet Bernstein opposing the application. Email dated April 18, 2018 from Nina Harris (Map 17 -Lots 214, 215, 3.2, 3.47, 3.48), opposing any setback relief. Ms. Shelia Fane, Map 17 Lot 10, requested copy of narrative and plot plan.* Mr. Amado told the board he has a purchase and sales agreement with the owner to purchase the property. The property is a pre-existing non-conforming buildable lot, approximately half of acre in size. Robert and his wife would like to build a 1,232 sq. ft. single story, two bedroom house. The applicant has approval for all permitting required from the Board of Health. The applicant is requesting setback relief. The proposed dwelling (as shown on the plan) will be located 32' from the north property line with 18' of relief and 24' from the south property line with 26' of relief requested (from the bulkhead). Mr. Amado had a copy of an easement which was signed by Mr. Harris, allowing access to the property. Nancy asked for public comment. Ms. Nina Harris, introduced herself, she is the daughter of the late Mr. Jonathan Harris. Ms. Harris told the board that her mother did not sign the easement. Ms. Harris explained that she is the Executrix of her father's estate; she would not sign the easement, she explained it could have a negative effect if she should choose to sell her property. Nancy explained that the setback relief requested is not from her property line. With no further comments from the audience, Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. The board told Mr. Amado that if they should approve the special permit a revised site plan showing the driveway being located entirely on the property prior to a building permit being issued. Further, the board told Mr. Amado he would have to apply to the Planning Board for a curb-cut off Old County Road. After a brief discussion the board agreed that the setback relief requested would be no more detrimental to the neighborhood. Larry moved to approve the application under 4.3-3 of the zoning bylaws with the findings listed above. Julius seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

5:45 pm – A hearing on an application from Rosemarie Willett (North Tisbury Farm & Market), for a special permit to run a seasonal farm stand under zoning bylaws 11.1-3 and 3.1, of the use table; Map 22 Lot 47, 632 State Road.

Nancy opened the hearing; Correspondence: Frank Ferro- Lot 22 Map 44, inquire on the application and had no objections. Nancy Dole – Map 22 Lot 12, was in support of Ms. Willett operating the farm stand.

Rosemarie Willett, is applying to operate "Hillside Farm", in a similar fashion that Ms. Kinser (owner) had approval from the Zoning Board in special permit issued in 2017. The farm stand would primarily sell agricultural produce and related agricultural goods and products, as detailed in Ms. Willett's narrative dated March 20, 2018.

Ms. Willett and Mr. Skydell, had a operated the farm stand in 2007 (Fiddlehead Farm), when a special permit was granted by the WT Zoning Board (SP2007-12). Ms. Willett, made reference to this permit, she would focus on selling what we grow on site and other local growers and producers. In addition to the core product line consisting of fresh produce, fruit, herbs and flowers, she referred to her narrative. She would be selling farm produced cheese, cured meats, packed food items (example: vinegars and oils), baked goods, packed drinks, ice cream and products associated with a farm stand. There will not be any change in the structure or parking area. Ms. Willett told the board she is considering in the future for the construction of a lath (or shade) house. She would not be preparing food on the site, and has spoken with the Board of Health regarding the permitting for a “coffee bar”. The days and hours of operation are: Monday – Saturday: 8:00 am to 7:00 pm, and Sunday 10:00 am – 5:00 pm, she will have four employees. Julius moved to close the public hearing and open the board meeting. Larry seconded, the vote was unanimous. A brief history of the property was given; the building itself was a business and commercial establishment before the adoption of zoning in 1972. In addition to primarily being a “stand” for farm’s produces, it had a variety of uses and sold a variety of products pre and post zoning. The board was in agreement that Ms. Willett, when she ran the “farm stand” in 2007, was an asset to the neighborhood. Larry moved to approved the application for a special permit under 11.1-3, 3.1 (use table) and 9.2.2 (review criteria). Julius seconded, the vote was unanimous. Nancy explained the twenty day appeal period.

New Business/Old Business:

Correspondence: Dated 5/9/2018 - Attorney Perry on behalf of his client, Michael Smith, filed an action in Land Court naming the Zoning Board of Appeals including the Building/Zoning inspector. To seeking judicial review of a decision of the Zoning Board of Appeals, denying the plaintiff’s application for a special permit regarding vacant land on Longview Road located in West Tisbury, Ma. Copies of the complaints were given to the board member. Clare will contact Jen in the Selectman’s office, to see if legal counsel could represent both the Building/Zoning Dept. and the Zoning Board of Appeals.

With no further business, the meeting adjourned at 6:40 pm.

Respectfully submitted,

Clare A. Harrington
Administrator/ZBA