

**TOWN OF WEST TISBURY  
MINUTES APRIL 16, 2008  
TOWN HALL 5 PM**

**PRESENT:** Eric Whitman, Tony Higgins, Bob Schwier, Larry Schubert, Toni Cohen

**ABSENT:** Tucker Hubbell, Nancy Cole

**ALSO PRESENT:** Ben Moore, Chris Scott

**BUSINESS**

The minutes of April 9 were approved.

**HEARINGS**

**7:35 Continuation of an application by Martha's Vineyard Preservation Trust for a Special Permit** for change in use and expansion of a pre-existing, non-conforming use: To reconstruct the former bike rental place at the back of Alleys Store to be used seasonally as additional retail space. Sections 11.1 and 9.3-1C2 of the West Tisbury Zoning Bylaws. Map 32, Lot 58 and Lot 58.2 (the bike shed itself); 1041 State Road; Village Residential District. *Correspondence so far: 1) Abutters Paul and Alexis Garcia asking for a continuation as Town Meeting was continued for a 2<sup>nd</sup> night and they would be unable to attend hearing. 2) Paul and Alexis Garcia; 3) FROM Julie to Garcias; 4) Abutter Carole Gothard.*

*Historic District Committee minutes re their March 10 approval of the replacement structure*

Architect Ben Moore and MV Preservation Trust head Chris Scott joined the Board at the table. Correspondence was read. The Garcias asked that the use be specific, only as a produce stand and said they did not want any additional compressors, ice storage machines or any refrigeration installed. They said the noise of compressors in the summer months are all too audible at present. They also stated they would prefer to have the present structure maintained and renovated rather than have it torn down and a new building put up in its place. Carole Gothard said she didn't think they should be permitted to knock down the existing building and build another in its place; she felt they should repair the building if necessary. She also stated that the use should be restricted to a seasonal farm stand, without any added refrigeration or additional electrical equipment that would add to the noise level.

Eric Whitman asked Chris Scott about the coolers shown on the floor plan of the reconstruction. He said they would be free standing coolers with internal compressors such as are in Alleys Store now. The coolers will be along the north side of the structure so further away from the Gothards and Garcias. They are there because at the end of the day they'll need to refrigerate some of the fruits and vegetables, and they will be selling drinks out of the coolers too. Chris said he was trying to keep Alley's viable; that traditional country stores are struggling. Most, he said, have delis, sell wine and beer, sell lottery tickets and the like to keep going. There is a deed restriction regarding what Alleys and Back Alleys can sell in regard to each other. Front Alleys cannot sell any prepared or fresh baked food, except coffee; they don't sell lottery tickets by choice; "fresh baked" means the boundaries of Martha's Vineyard; no beer and wine sales. They have to make a "clout" in the summer to enable them to stay open through the winter; to keep the sub post office open.

Ben Moore said the shed sits on a partial concrete slab with a couple layers of wood floor built over that. The building is pretty crude and not handicap accessible. They will put in a floating concrete slab and rebuild, in the same footprint and essentially the same building, but a foot higher and

skylights. The current building has a bump-out or alcove that doesn't accommodate people; there are many coats of paint, presumed lead paint. Chris said the Trust doesn't demolish buildings without a lot of deliberation; Engineer Kent Healy will be stating to the Building Inspector that the building is not salvageable. There will not be plumbing in the shed, nor bathrooms at Alley's Store; Chris said the trust was already "big" in the bathroom business since the Grange Hall serves as the Town's main public bathroom. When asked, Chris and Ben explained that the cooler's compressors are interior, under the coolers, and there will not be a reduction of coolers in the main building. In regard to the Garcia and Gothard concerns regarding a new structure, Chris said the demolition and rebuilding will take place very quickly and shouldn't impact Garcia's Deli's business; no prolonged construction. Eric pointed out that Paul Garcia had asked the ZBA to expand his business a few times, and the result had not been detrimental to the neighborhood.

Chris said he'd been told the structure had been used for Alley's Store over the years as housing for a generator, storage, garage for a truck and garden shop. The bike shop had had a good run, but had taken over parking spaces for periods of time. Chris said they plan to use the shed for primarily produce and fruit, but are leaving the application to be broad in order to be able to sell other general store products there should it be necessary; they don't want to restrict themselves too closely, but that is up to the ZBA of course. They plan to sell Morning Glory Farm vegetables. They plan to be open during the summer months every day and weekends in the shoulder season. They can't sell fresh baked goods.

Eric Whitman said he did not have a problem with it; he felt whatever they sell in the Main Store could be sold here. Tony Higgins said he felt that products other than fruits and vegetables should be hardware, garden shop items, less touristy stuff. Chris said they have less hardware now as they can't afford a hardware person which they feel is necessary to help customers and do the ordering. Bob Schwier also was uncomfortable with no restrictions. He would not want the shed to be turned into a gift shop, for example. Chris agreed. Julie pointed out that the application materials submitted and the minutes would reflect what the Trust's intent was and could be reviewed again should the shed's future use be found to be objectionable or having a negative impact. Chris Scott stated that anything sold out of the shed would be consistent with the general merchandise of Alley's Store, with a general store. In response, Bob Schwier said, I trust the Trust. In answer to Larry's question, Chris said there will be a small sign indicating that the shed is part of Alley's Store, not another business.

The Board voted unanimously to grant the Special Permit, that the change in use and reconstruction would not be more detrimental to the neighborhood than the existing shed and bicycle rental use. The use will be seasonal and be open Alley's Store hours. They attached the condition that there must be no outside compressors.

The meeting was adjourned at 6 PM.  
Respectfully submitted, Julie Keefe, Bd. Admin.