

**WEST TISBURY ZONING BOARD OF APPEALS**  
**MINUTES MARCH 4, 2009**  
**HOWES HOUSE 6:45 PM**

**PRESENT:** Eric Whitman, Tucker Hubbell, Bob Schwier

**ABSENT:** Larry Schubert, Tony Higgins, Toni Cohen, Nancy Cole

**ALSO PRESENT:** Glenn Provost, Mary Kenworth, Jackson Kenworth, Mathew Sudarski

**6:45 PM**

**DISCUSSION**

Mary and Jackson Kenworth and Glenn Provost met with the Board regarding the layout of their State Road restaurant's basement and the shed on the property. They presented a plan of the basement's different storage areas. Board members had been shown where the different storage areas would be at a site meeting there in December, 08, and had informally approved them then pending the submission of the plan. Ernie Mendenhall, Building Inspector, will be given a copy.

Glenn explained that the dark line on the plan indicates locked up storage. They have broken up the storage space into different areas for different kinds of storage. This wasn't shown on the plans Ernie had, and he had wanted the ZBA to have a floor plan denoting the different areas. Glenn said it's storage and a bathroom down there; break it up and it's still storage.

Regarding the shed on the property, they had been permitted by the ZBA to relocate and expand the shed to be an office for the restaurant. They are not going to develop the shed as an office at this time, but would still like to move it to the new approved footprint as otherwise it will interfere with the approved parking plan. They explained that the Board of Health told them that the intended office would be counted as a detached bedroom on the property so in order for them to permit it, they would have to lose a bedroom from the house on the property and make changes to a sleeping loft area in the house. Tucker recalled how it had seemed a good compromise to allow the development of the shed into an office since square footage limitations didn't leave room for an office in the main building.

Glenn said having the office would cause no increase in septic flow on the property; it is an integral part of a restaurant to have an office. He said it is not part of the house. Mary, Jackson and Glenn further explained the Board of Health would allow the office if a) they make the house bedroom changes as above or b) remove 15 seats from the restaurant. Glenn said there will be 60 seats and a 3 bedroom house on the property, the office will not change the flow. Mary said the process took quite some time; at this point they are not sure what is the best way to proceed. Tucker asked if they could use part of the house as an office? The house will be rented out, so no. Glenn said there obviously is concern that if they were to pay bills etc in the restaurant's basement, they will be using more floor area than they are allowed. He thought one option might be to not have an employee bathroom in the basement and use that space for the office. He added it would be awkward for the employees to use the upstairs diner's bathrooms.

**BUSINESS**

- Minutes of January 28 were not reviewed at this time.

- Update on '07 Gibby case: From Michael Goldsmith: The appeal by Fisher was never formally withdrawn as Atty George Davis wanted to wait out the 2 years on the Special Permit before doing so. The Gibbys chose to not build the addition. Instead they added on to their house in a place that wouldn't affect the neighboring pigs. The court has called for Pre-Trial conference, as it's turn finally came up, and Michael is persuading George to withdraw it at the pre-trial date as the Gibby's are not going to build that addition and the 2 year period is almost up.
- Joan Smith property... Ernie Mendenhall reported to Julie that Frank Flanders, builder, said ZBA said he could build a new camp for Joan Smith rather than just move one. Julie has no recollection and nothing in files. He did come back to a ZBA meeting to ask if an ell could be moved and was told yes. He did come to office to say something about being in a flood zone and trying to work it out with Ernie. Members had no recollection of a post-hearing meeting with Frank except regarding the ell placement.

## HEARING

**7:20 PM An application by Mathew Sudarsky for a Special Permit** for an 18' by 36' pool with associated pool equipment and 4' high fencing. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 119 Charles Neck Way; Map 29 Lot 66; RU Dist. *Correspondence: William and Joan Roddy, in favor.*

The hearing was continued to the following Wednesday at 7 due to an unexpected lack of voting quorum.

## OTHER CORRESPONDENCE

- **IN:** Planning Board hearing March 9 at 8  
MVC Notice of hearing March 19 at 8  
Copy of letter from Connie Breese to Plan Bd, sent to you  
Reply from Nancy Dole to ZBA letter to Connie Breese, attached
- **OUT:** Reply to Connie Breese, sent to you

Correspondence from Nancy Dole and Connie Breese was discussed. The members present said that from the information they had originally received, they had concluded it was an office use. They agreed with Connie's description on page 2 in her February 18 letter: "I am a veterinary professional with an office. I do not operate a "clinic" as defined by the American Veterinary Medical Association (Guidelines for Naming Facilities). The AVMA defines an office as "a veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of animals". I do not house or board animals. Animals do not stay overnight. Much of my work takes place on farms or in homes."

The meeting was adjourned at 8:15 PM.

Respectfully submitted, Julie Keefe Board Admin

Approved on March 11, 2009

