

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY APRIL 22, 2010
2ND FLOOR TOWN HALL AT 5

PRESENT: Tucker Hubbell (Chair), Eric Whitman, Larry Schubert, Nancy Cole

ABSENT: Bob Schwier, Tony Higgins, Toni Cohen

ALSO PRESENT for All or Part of the Meeting: Josh Delman, Bill Haynes, Betty Haynes, Mike Colanari, Mark Weiner, Michiko Weiner, Wenonah Madison, Dan Sauer, Paul Garcia, Robert Gothard, Mary Kenworth, Jackson Kenworth

BUSINESS

- Minutes of April 8 were approved as corrected.
- Robert Schwier was nominated, seconded and unanimously voted to be the Vice-Chair.

HEARINGS

5:10 PM An application by Joshua Delman of Centerline Communications LLC on behalf of T-Mobile Northeast LLC for a Special Permit #2 under Section 8.8-2(A)(2) to co-locate on the 75' flag-pole style monopole AT&T has been permitted to build at the MV airport:

To install 3 panel antennas and TMA's mounted inside the monopole; to install an antenna on a proposed ice bridge running from the flagpole to the ground equipment to be housed in a proposed 15' by 15' shed, The location is Map 28, Lot 1, off Amelia's Way off Airport Rd, Cell Tower Site 2; Light Industrial District. *Correspondence: 1) Report from Dave Maxson of Broadcast Signal Lab*

Josh Delman submitted various color photos of the site presented by Benjamin Caron, many of which were taken at the crane test performed by AT&T. The Board had previously met with Josh at a pre-application conference and had reviewed the submitted materials. It was discussed that certain waivers had been given to the applicant at the pre-application discussion on March 11, as AT&T had already provided much of the site and design requirements. Josh was told that the new cell tower bylaw regulations would apply to their special permit. All other previous conditions on the AT&T cell tower would also apply. Josh didn't think AT&T had a building permit yet. He conjectured it would take 4 to 6 weeks to construct. Citing that the TMobile installation followed the requirements of the approved AT&T tower, the Board voted unanimously to grant the Special Permit #2.

5:40 PM An application by Glenn Provost on behalf of Jackson and Mary Kenworth to amend a Special Permit granted in 2008 for their State Road restaurant:

To have 9 additional parking spaces to be approved as part of their parking and landscaping plan. Sect. 9.3-3 of Zoning Bylaws; Map 22 Lot 54; 688 State Rd; RU District. *Correspondence: 1) Abutters Kathleen and Volker Kaempfert, in favor as the parking spots were not close to their house.*

The applicants presented a site plan with the newly created parking spots shown in blue marker. Six spots, numbers 8-12 and 33, they admitted had been used by the restaurant, mostly for staff.

The three others, numbers 13, 37 and 38 were created at sites where there was room for the spots and safe access. Tucker asked if the additional space near the handicap parking would affect their access. No, they will relocate shrubbery to make room. Larry asked if they had taken up John Hough's offer to use his Middletown Nursery parking lot. The Kenworths said they had used it once at New Year's, but it wasn't ideal. The parking lot is not lit, the equipment, goods and plants for sale are all out in the open. Their gate ideally should be shut at night. Parking is a problem as people try to park at the neighbors and other places. Bill Haynes has allowed that people may park along one side of a drive he owns running parallel to the restaurant. The Bananas Gallery has offered evening parking at their lot across the road.

Bill Haynes said they need nine new spaces, not just three. Last summer people were parking all over the place. The Restaurant has a legal right to use the road to pass and the Haynes let people, mostly employees, use one side for parking, but people parked on both sides which blocked the road. There's a fireman living down that drive and it's serious if he can't get out. Jackson said they would put up signs prohibiting parking on one side; signs saying Fire Lane. People weren't sure if it was allowable to post it as a fire lane.

Bill Haynes said signs won't work, you'll need to put up posts so people can't park. Mike Colanari said more parking on site is good, and towing cars would work, too. It was said that a cars will be towed sign would have to be put up first. The neighbors said cars park on the sidewalk. Mike said if you take so many bookings, you're going to have parking problems. Mary and Jackson said it was hard to tell by booking numbers: A party of eight sometimes arrives in one vehicle, another time, in eight vehicles. Mark Weiner said more parking was needed, and made a crude remark about how signs won't stop people from parking where they shouldn't.

Mike Colaneri said the burden is on the restaurant to provide parking. The maitre'd must check. The place needs extra parking, signs and, he added, twice, the corkage fee is too high. The Board reprimanded him.

Eric Whitman suggested that the employees use the off-site parking places. The Kenworths said that the employee parking places were not good ones for customers to use. Each person making a reservation is told of the Bananas parking, is asked to carpool if possible and told where not to park. Bill said success means you have to put in a more commercial parking lot. Between the applicants and the Board, it was decided that 2 more spaces could be created at a turnaround toward the back of the lot. Tucker reminded everyone that the buffer was planted there for screening for the house Bill owns on that back lot. There would however, be room to add two more spaces. It was agreed to add 24A and B. One more possible spot was added next to spot 38. Tucker reminded all that it was not the ZBA's job to redesign the parking and landscaping. They've been allowed 6 new spaces in addition to the 6 already created but not on the original plan. If they have to come back to the ZBA, so be it. They will have tried. Nancy Cole said that if the problem persists, the abutters could speak to Ernie Mendenhall, and the Restaurant must be more vigilant.

It was further said it would be a mistake for patrons to park at spots 11 and 12 (employee parking). The Board voted unanimously to amend the parking plan to add the 6 already used and 6 newly created spots to the approved parking and landscaping plan. Jackson and Mary Kenworth and the Haynes agreed to work together to put up posts and signs along the driveway running alongside the restaurant property.

6:00 PM Continuation from April 8 of an application by Daniel Sauer and Wenonah Madison of 7A Foods to amend, alter and extend a special permit granted in 1993 in regard to the running of “Back Alley’s”: To continue to serve as a food counter keeping the same permitted hours, and to prepare value added food products, to have a take-away food program, to have a take-out and ice cream window and to be able to give sustainable food cooking classes at some time in the future. Sections 11.1-3 and 9.3-3 of Zoning Bylaws; Map 32 Lot 58.1; 1045 State Rd; Village Residential Dist. *Correspondence: 1) Wampanoag Tribe (permission for applicants to apply to ZBA); 2) Abutters Alexis and Paul Garcia; 3) Abutter Robert Gothard*

Correspondence was read. The 2 abutters were mostly concerned with the noise they expected would be created with the proposed take-out window. The window would be at the front of the building to the left of the door as you face it. The Garcia’s house is close to the building. They also questioned the 9 o’clock closing, as, although it had been granted to Paul Garcia (former proprietor) by the ZBA to be open til 9, Paul said he never did stay open that late after all.

Wenonah and Dan said they were working with John (Powers) and the Board of Health. They would want the window to stay open until 9. They will clean up the outside and around the benches each day. The window will be facing the road, not the Garcia’s property. Paul talked of the work they put into the business; having to get rid of skunks, rats and raccoons. He said you can try all you want but you can’t control people. Cars drive up, music is blaring, headlights on, doors slamming, people discussing what to order outside the window. He would like the applicants to use the interior space, not have a window. He said people are not aware or considerate and the situation would be unmanageable.

Larry asked why they wanted the window. The answer was because they could operate with less staff, pare down, not have the full kitchen open. They would sell just certain items and they would be pre-made, and ice cream. With the whole place open, people will want what’s on the full menu. Larry suggested they make it limited on the inside after a certain hour, as the neighbors in attendance are saying a window would be troublesome to them. Wenonah said ideally they would put the window on the other side of the building, away from the Garcias and Gothards, but there is no water there, no sink. It would be a big expense.

Tucker said he’d been thinking since the last hearing two weeks ago about how a window would make an impact...the cars, people standing in the lines. That is not to say that the same won’t happen with interior ordering. He feels the window should not go so late, to 6 or 7 maybe, or don’t do window and stay open until 9. The Business District pretty much closes down at 7, including Fella’s. The window would create an added noise factor. Nancy suggested granting the window on a provisional basis. It was discussed this was not the best solution due to the expense and work to make and set up the window.

Wenonah suggested they could revisit this issue at a future time. It won’t make or break it. People, however, will eat and congregate outside anyway. Paul said it was his experience that there was little business after 7. Wenonah and Dan talked of some of the things John Powers was discussing with them and then the hearing was concluded. The Board voted unanimously to grant the Special Permit, with the former conditions in place, but denied the addition of a take-out window at this time. The Board told the applicants they were very supportive of their business.

OTHER CORRESPONDENCE

The Board discussed a letter sent to the Planning Board by JC Murphy regarding what he sees as serious zoning violations in the Pine Lane neighborhood. The Board had discussed this area

before particularly in regard to phone calls and visits from some of the residents and letters sent by residents regarding other hearings in this neighborhood. . While sympathetic, the Board again maintained that they are not the Zoning enforcer. It was understood that the Planning Board will respond to Mr. Murphy asking him to seek enforcement from the Zoning and Building Inspector.

The meeting was adjourned at 7 PM.

Respectfully submitted, Julie Keefe, Board Admin.