

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY FEBRUARY 11, 2010
HOWES HOUSE 5 PM

PRESENT: Eric Whitman, Toni Cohen, Tucker Hubbell, Nancy Cole
ABSENT: Larry Schubert, Bob Schwier, Tony Higgins
ALSO PRESENT: Peter Marzbanian, Reid Silva

HEARING

5 PM An application by Peter Marzbanian on behalf of James Pritchard for a Special Permit to build a 7' by 15' endless pool with surrounding deck. Sect. 3.3-1 of Zoning Bylaws; Map 7 Lot 33; 11 Foster Way; RU District. *No Correspondence*

There will be a railing/fence around the deck. The Board and Peter discussed that the specifications must be approved by the Building Inspector; that it must meet code. The outdoor pool will have a heating system and a solid, insulated cover. There will be no new lights put in; the existing outdoor lights are not overly powerful. The Board voted to grant with conditions as long as the fence/gate system was approved by the Building Inspector.

DISCUSSIONS

- Reid Silva for a possible future Big Sky Tents application at Map 21 Lot 12, the middle lot of 3 one acre lots in the Light Industrial District off Dr Fisher Road, by the dump. Julie gave the Board copies of the Planning Board files regarding this middle lot. Bizarro owns the southerly lot and it was said that Dan Larkosh was in the process of buying the northerly lot. Peter Williams once owned all three, and is selling this middle lot. Reid Silva represented Jim Eddy, owner of Big Sky Tents now located on a leased parcel at the Airport Business Park. They would like to relocate, to buy a piece of property for the business. They came to talk to the Board informally last summer regarding a parcel in the Mixed Business District, but did not pursue the application as they needed a larger building than the 3,500 sq ft allowed in that District. There is no size limit in the LI District. Big Sky has a P&S agreement with Peter Williams in which they have to pay a certain sum each month until closing. This is why the permitting is crucial. If they are not encouraged to pursue a Special Permit, that is if the ZBA informally advises that they wouldn't be able to permit it, they will not go further. The Planning Board normally has the hearings and permitting in the LI District, but if a proposal calls for an over 3,000 sq ft structure, the Zoning Board hears it.

The proposal is to put a 120' by 80' (10,000 sq ft) steel building on the property to be used for the business of storing the business's equipment and trucks. That is, all the tent components, tables and chairs, linen, dinnerware, glasses, etc that people rent from them for events. The ZBA and Reid figured the building would be 25% larger than the Up Island Cronig's building. Reid said Jim Eddy spoke to abutter Dan Larkosh, who has taken a lot of interest in the neighborhood, to tell him what he proposes to do. Evidently, Mr. Larkosh said he could support a plan with the building being 20' from the eastern bound of Pine Hill Road (where the RU zone is) and 30' from Dr. Fisher Road (across from this road is the lot Mr. Larkosh is buying which is

industrial.) Reid showed the plot plan (Plan A), and expressed reservations that such a plan would be best for his client or be approved by the Board and the MVC. He and the Board discussed what they believe is an error in the Zoning Bylaw regarding setbacks in the Light Industrial District.

The Dimensional Table lists 20 foot minimum setbacks for the front, side and rear bounds. There is an asterisk on the rear yard setback stating that a 100' setback with wooded buffer is required if a lot in the Light Industrial District abuts the RU District at its rear bound. There is not an asterisk next to the front yard and side yard setbacks listings in the table. The Board and Reid felt the intent must have been to protect the RU District on any side of a LI parcel; that it didn't make sense to have only a 20 foot separation of an industrial use next to a residence when there is a 50' setback requirement between *residential* lots. It was concluded that it must be an oversight or printing error, however, there are no asterisks attached to the side and front yard setback requirements. The Board felt the intent must have been to have 20' on all sides. When Big Sky puts in an application, Julie is to ask Ron Rappaport for an opinion on what the setbacks should be.

Reid expressed reservations that such a large building along Dr Fisher and Pine Hill Roads would be permitted, as it is rural, woodsy and quiet along the roads. Nancy Cole said the parcel *is* in the Light Industrial District and that is the place for a 10,000 sq ft building. Reid asked what would be reasonable in this area? It's West Tisbury's Light Industrial District, and it's in the woods. Reid showed Plan B which pushes the building over to the side next to Keene's Light Industry business, away from Pine Hill Road. How much trucking will there be was asked? Not much in the winter it was said, and none passing any houses. Reid said they had tried making smaller buildings, two 4,500 sq ft buildings, or an ell, but it did not leave maneuverability room for the trucks, for loading and unloading. Reid reasoned that if the Board approves of the idea of Plan B and gets behind it, perhaps the MVC would support it. They could shingle the front and side.

Nancy Cole reiterated that it is the Light Industrial District. The Board concluded the discussion by telling Reid to tell his client that Plan B has a chance of passing. Plan A is too close to a RU lot, despite a literal reading of the dimensional table. Reid will put in an application; the Board will hold a hearing, and after testimony is concluded, will refer it to the MV Commission as it is new commercial building of over 2,000 sq ft.

- Krienes & Krienes draft wireless bylaw. The Board received copies of the draft edited by Julie, Larry and Tucker.

BUSINESS

- The minutes of January 21 & 28 were approved.

The meeting was adjourned at 6:40.

Respectfully submitted, Julie Keefe, Board Admin.