

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES TUESDAY NOVEMBER 23, 2010
2ND FLOOR TOWN HALL AT 5 PM**

PRESENT: Tucker Hubbell, Eric Whitman, Nancy Cole, Larry Schubert

ABSENT: Tony Higgins, Bob Schwier, Toni Cohen

ALSO PRESENT: Ernie Mendenhall, John Powers, Bruce McNelly, Richard Leonard

OLD BUSINESS

- The minutes of October 21, 2010 were approved.

- **Approval of MV Savings Bank landscape and parking plans.**

One of the ZBA conditions for approval of the 2009 Special Permit for the Bank's new building was that a final, more detailed landscaping and screening plan, with parking, trash and lighting, be submitted before a Certificate of Occupancy can be issued. The Bank need their C of O in order to open for business, but had not yet submitted a final plan, one that it had been agreed that interested abutters would take part in formulating, and then approving. The Martha's Vineyard Commission had asked for a final plan, too. A letter from Paul Foley, DRI Coordinator for the Martha's Vineyard Commission regarding a Land Use Planning Committee meeting with the Bank was read. Essentially, the LUPC approved the landscaping plan and granted a C of O for 6 months "in order to give the applicants time to move the house, adjust the screening plan, and plant in the spring." Ernie Mendenhall had told Bruce MacNelly they needed to get approval by the ZBA and MVC for their final landscaping plan in order to get a C of O.

COO Richard Leonard and Architect Bruce Macnelly explained they'd been hindered in developing plans for, and looking at, the terrain to the rear of the bank because the ranch house they had donated to Habitat remained on the rear of the bank building site, and in fact was still there, for reasons due to the lengthy permitting process of securing the site the building would be moved to. They are speaking with the movers to set a date to get the house off the property. They'd like, however, for a foundation to be in before they move the house. The men showed the Board the "final" plans, pointing out the various features. One idea may be to jog the fence a little closer to the parking, which would give greater screening for those to the rear. An existing berm may be the best place to put the screening. A hollow in back is problematic. They have talked with their neighbor Tea Lane Associates regarding their concerns that they will need screening between the properties.

Tucker stated that the condition asks for the plans, not that they be implemented before a C of O. He asked, however, why the 11th hour response? Both ZBA and MVC held "urgent" meetings for them. They knew they wanted to be open for business, but had not checked the conditions, not made the rounds with the neighbors to go over landscaping needs. Richard Leonard apologized, saying they had lost track, he hadn't communicated well.

John Powers said that the presentation given to the LUPC (he attended) last night was very different that that which Bruce MacNelly was presenting to the ZBA. He said it's not a finished

product; he's not in favor of the way it was done. Screening has been taken away. He can see headlights in the parking lot from his house. He felt they had put up with a lot by having the divided ranch house abutting there for so long. He asked why Bruce's assistant had presented to the MVC and not Bruce. The reply was that his assistant was the one most acquainted with the site. John Powers said that Linda Sibley had noticed that the screening trees were deciduous. Bruce said there was a mixture of shad, pine, beech and oak. The shad is for accent, not screening. The cedars and fence will make up the bulk of the screening at the back of the lot. (John Powers house is at the rear of the Bank lot.) John said he wanted a fair shake, but wasn't getting it. They had been promised by Richard and Bruce that they would be contacted to walk the property together and to decide where and what screening should be and other details affecting neighbors to the rear. John said he is concerned that the parking lot lighting will be too bright.

Nancy Cole suggested that the Bank get together with the neighbors, walk the property, make the changes to the final plan and come back. Tucker and the rest of the Board agreed. December 9th at 5 was chosen as the time. Nancy said they should follow through at this time on the condition, not at some future time. The Bank agreed. Ernie Mendenhall at this point said he had given the Bank a provisional C of O good until December 19.

After Bruce and Richard departed, John Powers updated the ZBA on his talks with the DEP and Mr. Kudish. The DEP wanted the Board of Health to borrow their sound measuring equipment in order to assess noise at Keene's, though that Board doubted the noise of December would be the same of August. However, John said, Mr. Kudish left a message saying he was no longer pursuing his complaint.

The meeting was adjourned at 6:30.
Respectfully submitted, Julie Keefe Board Admin.