

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY AUGUST 19, 2010
2ND FLOOR TOWN HALL AT 4:45 PM**

PRESENT: Tucker Hubbell (Chair), Bob Schwier, Tony Higgins, Larry Schubert

ABSENT: Toni Cohen, Nancy Cole, Eric Whitman

ALSO PRESENT for All or Part of the Meeting: Alix Small, Donna Bouchard, Janet Fredericks, Cris Jones, Chris Alley, Hartley Hoskins, Chris Hourachi, Jim Sharp

DISCUSSION

4:45 PM Alix Small's wool shop on Tiah's Cove Rd. Tucker and Ernie Mendenhall went on a site visit around July 19 due to a letter from Ginny Jones of the Planning Board saying that the shop did not comply with being a home occupation. This was the at least second request from her to see if the shop was in compliance. Tucker said that while it was a beautiful store, it was way beyond what the Zoning Board permitted and what Ms. Small submitted she was going to do. He and Ernie had talked to Ms Small's assistant who was working in the shop at the time. Tucker described the shot as selling primarily commercial yarns and other knitting materials with a small table with Ms. Small's knitted work on it.

Alix Small said she would explain how it is not a store. She is giving knitting lessons and taking commissions to knit items for people. She does have a lot of commercial yarns for sale; she has not had enough time to her own spinning as she'd hoped to. She has a job working at the vineyard Haven yacht Club. People choose from among the yarns for sale. When she opened in November she had knitted hats and other garments for sale. Tucker repeated that the vast majority of things for sale are commercial and not produced on the premises. Alix Small said that if you are a teacher you provide a service. She is providing the accessories in support of a service. She said there is little traffic, unlike the Yoga Barn which has a parking lot full of cars. The Heathhen is closing she said, and there would be more need for her store. Tucker said, but it's a commercial retail store, not a home business. It doesn't matter that the customers will need her. She is in the Rural District, not a commercial/ business district.

Alix said she believed her business was rural, was a rural occupation. A lot of people will be disappointed if she is forced to close. Tucker said she certainly would not have to close if she would only operate according to the home occupation bylaw and the granted Special permit and operate as she said she would in her submission letter. Alix said she could put the yarn away and not sell it. The Board said that would be a start. Alix said she was not making any money at the business. It's more a large community of people getting together at her shop and knitting and learning to knit. They make things and donate them to charity. She conceded that it was the general public buying the yarns and other stuff in the store, not just people being taught to knit.

Tucker said she was selling things way beyond what the Special Permit allowed, and it is commercial product. Alix again mentioned that if the yoga barn could practice as it does, she was entitled to operate as she does. Cris Jones attended in support of Alix's business as it is, as

Alix is teaching her to knit and it means a lot to her. The ZBA felt they should make a site visit, set for September 8 at 4 PM and would meet to discuss the situation the next night at 5.

HEARINGS

5 PM An application by Janet Fredericks on behalf of Woods Hole Oceanographic Institute for a Special Permit for existing point to point radio/antennas and associated equipment located on the State owned Fire Tower. This wireless system is used for transmitting data for the Martha's Vineyard Coastal Observatory. Sect. 8.8 of Zoning Bylaws. Map 12 Lot 51, 51 Fire Tower Rd. RU District.

Janet Fredericks and Hartley Hoskins of WHOI, manager of the Martha's Vineyard Coastal Observatory, and Computer and Information Services, respectively, represented the application. The Board had been in contact with them regarding their radio/receivers located on the Fire Tower without a Special Permit and Janet had sent the Board information and photos regarding the installations. It became known that the equipment had been installed during meetings regarding the fiber network company Open Cape's plans, including possibly supplanting WHOI's equipment at the tower. Janet explained WHOI's mission at the Coastal Observatory and how the equipment greatly enhanced the transmission of data. Harley Hoskins talked at length of Open Cape's development and how they had a relationship with them. He and Janet said they had no commitment to Open Cape. The Board voted unanimously to grant the Special Permit with conditions for this Tier 2 (mounted on an existing structure) installation. The following findings and conditions were established:

- 1) On June 24, 2010, the ZBA granted waivers from certain application filing requirements under Section 8.8 as per letter of June 28, 2010 from the Zoning Board to Janet Fredericks, Martha's Vineyard Coastal Observatory Manager.
- 2) The installations provide a greatly enhanced ability to transmit data from WHOI's shore lab.
- 3) The visual impact from all vantage points is quite low as provided by photographs submitted in the application. The equipment is housed in cabinets. The installations have been approved by the Commonwealth of Massachusetts.
- 4) The installations meet the location, siting, design and safety standards of Section 8.8-9 of the Zoning Bylaw.
- 5) This application met the Review Criteria of Sections 9.2-2

The Conditions are:

- 1) Any changes, additions, and modifications to the radio/antennas and associated equipment installed at the Fire Tower must be approved by the Zoning Board of Appeals.

5:20 PM An application by Jim Sharp for a Special Permit for a home occupation of making and selling wooden lawn furniture. Sect. 8.5-1 of Zoning Bylaws. Map 31 Lot 29, 613 Edgartown Rd; RU District.

Jim Sharp has been making furniture at his residence for several years. This summer he started displaying and selling lawn furniture in front of his house along the Edgartown Road. He was informed that he needed a home occupation special permit to do so and complied with an application to the ZBA. He explained he had room for about 4 cars in his drive and a nearby parking area with room for about 6 to 8 cars, although his business did not need that

amount of parking. Basically, he said, people drive by, take down the posted phone number, call him and come back to buy furniture. He has been displaying 2 to 3 chairs and the occasional table this summer. His shop is in a 10' by 32' porch on the house and he does not use that as a display room. He said he does not have a backlog of inventory, just makes them as needed. He's not looking to significantly enlarge this business on the premises of have a showroom. He does not sell any accessory items with the furniture.

The Board advised him that they would take out the word "lawn" in front of furniture so that if he should make an item that wasn't strictly lawn furniture, he would not be out of compliance with the Special Permit. The Board set the following conditions and then granted the Special Permit as it met the home occupation requirements.

5:40 PM An application by Chris Alley on behalf of Bagehot Backs LLC for a Special Permit for a 1,680 sq ft (21' by 80') in-ground pool with associated 270 sq ft pool house, partially covered 418 sq ft pergola and associated fence and equipment. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 55 Oyster Watcha Rd; Map 38 Lot 8; RU Dist.

Chris Alley of Schofield, Barbini & Hoehn presented the application. He began by saying that although the plan was correct and to scale he had mis-stated the dimensions: The pool is actually 21' by 80', not 19.5' by 60'. The lot is at the end of Oyster Watcha Rd and is 15 acres. The lot has designated landscaping areas overseen by State Regs and the Conservation Commission due to wetlands. The pool will be 101' from the nearest property line. The house has not been built yet. The 4' high stone wall terrace and buildings will become part of the required enclosure; also self latching gates; all conforming to building code. There's an automatic cover so according to code they don't need to alarm any doors. The equipment will be in the basement of the pool house which makes setbacks. . There was no correspondence and no one present for the hearing. The Board granted the Special Permit with the usual pool conditions.

OLD BUSINESS

- Pine Lane: Neighbors complaints and how can ZBA help Ernie with this.
- Big Sky Tents cont. to Sept 16 at MVC

NEW BUSINESS

- Minutes of July 15 were approved
- Ruddock (229 Pond Rd) appeal of BI's refusal of building permit: Geoghan Coogan has withdrawn application submitted on July 12, not published in paper at time of withdrawal so hearing does not have to be opened or former withdrawal.

OTHER CORRESPONDENCE

- Letter from Geoghan Coogan re withdraw Ruddock appeal
- Permit Extension Act
- New documents retention schedule issued by State
- Letters and photos from JC Murphy re Pine Lane

The meeting was adjourned at 7 PM.

Respectfully submitted, Julie Keefe, Board Admin.

