

WEST TISBURY ZONING BOARD OF APPEALS
AGENDA THURSDAY SEPTEMBER 9, 2010
2ND FLOOR TOWN HALL AT 5 PM

PRESENT: Tucker Hubbell (Chairman), Eric Whitman, Bob Schwier, Tony Higgins, Larry Schubert

ABSENT: Nancy Cole, Toni Cohen

ALSO PRESENT: Alix Small, Ginny Jones

DISCUSSION

5 PM Alix Small's wool shop on Tiah's Cove Rd.

Chairman Tucker Hubbell emphasized that this was a meeting of the Board on this subject, not a public hearing. He recapped: Ernie Mendenhall (Zoning Inspector) had had a complaint that Alix's home occupation of selling primarily her knitted goods and patterns was in fact a retail yarn and accessories shop selling primarily commercially produced goods. Ernie visited the shop and then asked Tucker to visit with him. It appeared to be a retail commercial shop to Tucker and Ernie; Tucker brought this info to the Board on August 19, and it was decided to make a site visit together on September 8 and further discuss the situation with Alix on September 9. Tucker, Larry, Eric, Bob and Tony visited the shop on New Lane on the 8th.

Tucker said that the shop had been substantially changed since he and Ernie had visited in July. There was now a table for knitters to gather around, a number of garments for sale knitted by Alix and greatly reduced inventory of yarn, books and accessories not produced on the premises. In all respects this home business seems to comply with the home occupation bylaw, Section 8.5-1, except for Section 3: "No items are offered for retail sale unless produced on the premises, except for minor accessories customarily sold with the principle product or service provided." He used as an example someone granted a special permit to sell furniture made on the premises. That person would **not** be allowed to stock wood, glue, tools, and other materials necessary for the making of furniture to be sold to the public as well. When he first visited the shop there was extremely little knitted goods for sale, and lots of varieties of yarn and other knitting accessories on sale.

Alix explained that when she opened in November she received a number of orders that occupied her time to fill, leaving little time to make inventory for the shop. She said if it looks like a retail shop she doesn't want it, as it is her home. She has started to look at commercial properties. Rents are high. Larry asked the Board who made the complaint to Ernie Mendenhall? Alix identified Ginny Jones as being the one and suggested the board ask her about it as she was there. Ginny said people asked the Planning Board why there are a number of illegal businesses in Town and why some people could have a business selling commercial stuff such as Alix and others could not? People were very concerned, she said, why they could buy buttons, needles, books, patterns, etc there. Also, there are no wool bearing animals on the property as she was led to believe. Alix explained that the animals on her New Lane property were attacked by dogs and subsequently she sent them to Vermont to live. Again, she hasn't had the time to shear and process their wool, but plans to. She explained that the Heath Hen closed and there's no yarn on the island, so she sought to fill the need by stocking yarns.

Alix said she now has only samples of yarns on display, the rest of her inventory is not on the shop floor. Tucker agreed it was very different from the visit in July. She was given time to make changes to the store and she's done that; the Board does not want to see her out of business. Larry pointed out that the 95% number Alix used to state what percentage of her stock would be made by her was an arbitrary number, not one contained in the Bylaw; that she should not be held to that just because she stated that. She hopes to be able to spin wool from her animals now in Vermont. Tony Higgins pointed out that Alix's business could spin yarn from any animals at her place, not just those that she owns; that it's making a product on the premises to sell, a value added product. He had no problem with the sale of accessories like hand made knitting needles and buttons. Alix agreed, saying that the woman who works for her is a very good spinner.

Alix repeated that the yarns in her shop are now samples only for people to choose what they wanted for a commissioned knit product from her. Ginny Jones said that wasn't necessary; that there are sample books she could display or she should have the samples in small pieces only. Eric Whitman asked Ginny what kind of permit Clarissa Allen has in Chilmark for selling the variety of things she sells besides knitted goods? He said there is way more retail than knitted goods. (Ginny works at Clarissa's Allen Farm store.) She replied Clarissa tries to sell her own stuff as much as possible. Eric asked her how David Douglas was able to sell a large variety of commercial goods at his "feed store"? Since this was actually Chilmark's business, the Board did not pursue this.

Alix said her neighbours all support her business as it was. Tucker appreciated this, but said the ZBA can only work within their zoning bylaws. Alix asked, where are all these people who've complained? She has 320 supporters signed into her guest list. Ginny said two of her neighbors have illegal businesses and one neighbor doesn't support her, to which Alix pointed out the neighbor herself doesn't live there. (Ginny Jones is a neighbor) Tucker said she was not being singled out, not to take it personally. Ginny said the home occupation restrictions are meant to make sure there are no businesses selling commercial products in the RU district. The Board felt that Alix's business was a very quiet, small and nice one, but that too much commercial stuff for sale had put it on the radar. Bob asked if Alix could make the business work without the commercial yarns? She said she never made a profit in the first place, now who knows. She said these are lean times and commercial space is very expensive to rent; she is a designer and would like to have a commercial space. Alix said she will petition to have some of the strictures for home businesses changed. Ginny said that by that reasoning she herself would be able to open, say, a video store. The Board will write a letter to Ernie Mendenhall outlining that Alix's business seems to be compliant now and in what ways it should remain so.

State Road Restaurant

The Board considered a letter written by Bill and Betty Haynes to the Selectmen re complaints about State Road restaurant. The letter was also signed by the Glass Works proprietors and 3 other names not legible or known to the ZBA members. The ZBA has previously responded to a fan noise complaint and found the noise not to be obtrusive over the ambient noise, granted more parking to the restaurant, and spoke to the owner re the vent cleaning incident. The board further talked about possible ways to address the neighbors' issues should the restaurant be proved non-compliant. Bob Schwier will bring a copy of the complaint letter to the restaurant as it seems no other entity has. The Board will write a letter to the Haynes letting them know they are addressing their letter.

The minutes of August 19 were approved.

Pine Lane

The Board got copies of enforcement letters from Ernie Mendenhall to some of the Pine Lane properties that address some of JC Murphy's concerns. Letters and photos from JC Murphy Discussion followed.

John Keene's

The ZBA discussed a letter of complaint from neighbor Henry Kudish to the Board of Health regarding John Keen's business. The ZBA office gave copies of pertinent documents to John Powers of the Board of Health to give to Mr. Kudish, and made the ZBA files available to him. John Powers has been responding to Mr. Kudish's issues.

The meeting was adjourned at 6:50 PM

Respectfully submitted,

Julie Keefe, Board Admin.