

## West Tisbury Zoning Board of Appeals

Minutes – May 7, 2015

2<sup>nd</sup> Floor, Town Hall

**PRESENT:** Roger Hubbell (Chairman), Nancy Cole, Bob Schwier, Larry Schubert, Tony Higgins

**ABSENT:** Toni Cohen, Julius Lowe

**ALSO PRESENT:** John Abrams, Bronwen Buckley Sonneborn, Jesse Sonneborn, Jarret Brissette, Paul Brissette, Ryan Bushey. (See attached attendance sheet)

### Hearing

#### 5:00 PM

**A continuation of a hearing from April 30, 2015, from South Mountain Co., agent for Jarret Brissette, to construct a structure that shall enclose a 1,944 sq. ft. electrical contract service business, a 768 sq. ft. owner-occupied one bedroom apartment served by a one-car garage. This falls under zoning bylaws: 3.1-1 and 8.5-2, Map 11: Lot 57.2, 368 State Road, in the RU District.**

Tucker opened the hearing. Correspondence/Phone: Clare (board administrator) reported a phone call from Mr. Peter Fisher in support of the application. A message was left on the ZBA's phone on Thursday 5/7/15 at 4:45 PM, from a Peter Huntington (M 11 L 58.3) in support of the application. Also two letters from Christine Fisher and Frances F. Copeland in support of the application. Tucker reported that the Board went on a site visit of the property Wednesday, May 6, 2015.

Mr. Ryan Bushey, agent from South Mountain Company, read a narrative dated 5/5/15 including the proposed Schematic Landscape Plan conditions regarding the application: 1) 50 foot "no cut" border along the east property line. 2) Plant screening of eight evergreen trees between the proposed structures and the Goodell's house. 3) To construct an 8' fence along the east side of the cleared area to the south of the shop and apartment. 4) The number of vehicles to be limited to ten and four trailers. 5) Vehicles and trailers to be parked in the location shown on the plan. 6) All business related materials and supplies to be screened from the neighbors by fence or vegetation. Two other points were clarified from the previous meeting. Mr. Brissette anticipates 15 round trips or less per day. Also, the distance from Jarret's curb cut to his abutter's is approximately 500 feet, not 700 feet.

The board discussed the noise that could emanate from the parking area for the employees. It was pointed out that it should be kept at a minimum. Bob asked why the oversized vehicle and trailer parking area is different than the employee parking. Jarret said he has a specific traffic pattern in mind for the vehicles to enter and exit safely. A question regarding the anticipated cutting of trees would take place; Jarrett explained that in the parking area for the work vehicles that it may require additional cutting. The Natural Heritage did put limitations on clear cutting on the application. Tucker asked about potential growth and explained to Jarret that any changes would need to be reviewed and approved by the ZBA.

Tucker explained that he consulted with counsel because this was such an unusual application in respect to how the board would be looking at the application; as to whether it was a 7 acre or 3.5 acre. The application presented shows a total of 7 acres. A discussion ensued regarding the Zoning bylaws as it relates to subdividing the seven acre parcel in the future, including what could be potentially built on the property in terms of subordinate dwellings. In all likelihood the applicant would need to return to the ZBA for approval to make the shop an accessory structure if another dwelling was built in the future. The board was in agreement that the application in front of them is on a total of 7 acres, if it is sub-divided in the future he would need to come back to the ZBA regarding the business and the apartment.

The general consensus from the audience was the traffic, noise and the potential growth of the business. Ms. Sonnerborn was concerned about the view between her house and where the road runs along the Fisher property (through the field) and asked what the board could do about this. The board felt that some screening could be imposed along the road. The board was in agreement that this would be addressed in their deliberations. The board explained the definition of a service business and the ZBA's role in placing specific restrictions on a business, specifically when it may be in a residential area.

The board reviewed the hours with Jarrett; he explained that the business would operate from 7:00 to 3:30 five days a week, Saturday may vary slightly. Jarrett went on to explain that all employees meet in the morning to discuss the day's work. The storage of materials will be screened from view. The question of noise was raised when the employees come and go to and from the business. The board may suggest signage be posted to advise employees to keep the noise to a minimum. Jarrett stated that he would be happy to work with his neighbors in any way possible. The board was in agreement that they understand the neighbor's concerns and the ZBA has the authority to alleviate some of the concerns they have raised. The board reviewed the lighting restriction as outlined under the bylaw of 8.6 (outdoor lighting). The board asked about the completion date. The concern is it may be tied to the occupancy permit because the business cannot operate out of the site unless the proprietor has moved onto the premises. That may become a condition for the occupancy permit. Larry returned to the parking area for the employees, and suggested some screening in that area. The discussion returned to the gross weight of the vehicles and how the building inspector may interpret dump trucks and the bucket truck. The screening/fence for the employee parking area would be completed before the occupancy permit is issued.

Tucker invited further comments from the audience before asking for a motion to close the public hearing. With no further comments from the public, Nancy moved to close the public hearing. Larry seconded the motion, the vote was unanimous. With the board meeting opened the following conditions were discussed:

- 1) A screening plan: Six to eight, four feet or higher evergreens screening along the east side of the entrance road.
- 2) Fencing along the employees parking area along the northeast side said fencing must be constructed prior to a CO being issued.
- 3) Hours Monday thru Friday: 6:30 am to 4:30 pm. Saturday 7:30 am to 4:30 pm.

- 4) Signage: A sign is to be posted stating the following: **Residential District – Please respect our residential neighbors by lowering your voice and keeping noise to a minimum.** The sign will be language specific.
- 5) Conditions 1 thru 6 as outlined in the narrative dated May 5, 2015 (see attached).
- 6) All lighting will comply with section 8.6 of the Zoning Bylaws.
- 7) The lot without the service business will be sufficient in size as to meet the requirements of the planning board, in order to keep sufficient land on the service business lot to comply with the planning board requirements.
- 8) The service business cannot open until the applicant is in residence.

Nancy moved to accept this application with the aforementioned conditions. The motion was seconded by Bob, the vote was unanimous. Tucker explained the twenty day appeal period.

**Correspondence:**

Violation Letter – dated 5/1/15 to Clarence Barnes from the Building/Zoning Inspector. The letter is informational only; no action is required from the ZBA at this time.

**Old Business:**

The minutes of March 19, 2015, to be amended as follows – “The Board approved a change in the application to a less intensified use under 11.2-2 (accessory structure on non-conforming lots)”.

Nancy moved to amend the minutes of March 19, 2015, which was seconded by Bob. The vote was unanimous.

Meeting adjourned 7:30 PM

Respectfully submitted,

Clare A. Harrington

Board Administrator.

