

**WEST TISBURY ZONING BOARD
AGENDA TUESDAY MARCH 4, 2008
TOWN HALL 7 PM**

PRESENT: Eric Whitman (Chair), Tucker Hubbell, Tony Higgins, Larry Schubert

ABSENT: Bob Schwier, Nancy Cole, Toni Cohen

ALSO PRESENT for All or Part of the Meeting: Peter Rodegast, Horace Salop, Gary Harcourt, Clark Goff, John Hoff, Bill Hoff, Heather Hoff, Chris Morse, Debbie Magnuson, Sheila Morse, Mike Colaneri, Debby Noble

BUSINESS

- The minutes of Feb. 6 were approved.

HEARINGS

7:15 An application by Peter Rodegast and Nancy Cole for a Special Permit for 19' of setback relief for an accessory structure: To erect a mast and wind turbine to be 113' high and to be 114' from the S bound . Sect 4.3-2 of the Zoning Bylaws requires it to be 133' from a bound. Section 4.2-2D. Map 31, Lot 69.5; 19 Road to Great Neck; RU District. *Correspondence so far: 1) Abutters James, George, John and Connie Athearn, in favor; 2) Abutter Paul Karasik, in favor.*

Peter Rodegast presented his application. Nancy Cole, a ZBA member, was not present. Peter explained he could push the tower back by 19', but that might be more detrimental to the neighborhood, as he is trying to use existing cleared space as much as possible. At the proposed site, there'd be less clearing, and the lower portion of the structure would be screened better; there will be some clearing done. If the pole fell, it would fall within their property. The former Leonard Athearn property is the closest property to the wind turbine site; Athearn heirs own it; the Land Bank has easements on it. There is not a house nearby on it, and it is a mixture of open field and shrub near the bound. Pushing the wind turbine back 19' would be putting it slightly closer to Tiah's Cove Road neighbors. Looking at a Kent Healy drawing, Peter explained it was for calculating wind force. There will be 4 foundations with 5 guy wires attached. Photos were submitted of similar structures.

Abutter Mr. Salop asked if it would be visible from Tiah's Cove Road and a few other questions. Peter showed the siting in relation to the Salops' property, saying he thought it would not be visible, and that the pole and turbine are about ¼ the size of the one at High School. General discussion disclosed that the Rodegasts expect the turbine to provide for their electrical needs, and depending on wind and the price of electricity, the turbine would have payed for itself in 15 to 20 years. He further explained that he had a break on the price and would be doing the construction work himself. Wind turbine installer Gary Harcourt commented on a few structural details, and stated he was there to support the application. The ZBA voted unanimously to support the setback relief as it would not have a material detrimental effect on the neighborhood or Town and because they felt it did not substantially derogate from the intent of Section 4.3-2. The ZBA members were supportive of the alternative energy initiative. It was suggested that Gary Harcourt and other wind energy advocates approach the Planning Board to have the zoning changed to say, for example, a tower must make the setback of the height plus 10 feet.

7:30 PM An application by Heather and John Hoff for a Special Permit for retail sales in connection with agricultural nursery use, including sales of some related products customarily sold by nurseries; Sect. 3.1-1 of Zoning Bylaws; Map 22 Lot 55; 680 State Rd (former Middletown Nursery); RU District. *Correspondence so far: 1) Betty and Bill Haynes, in favor if does not disturb neighborhood*

Correspondence was read aloud. The Haynes wrote in favor of granting the special permit as long as the ZBA kept in mind considerations for the neighborhood setting. Heather and John Hoff, owners of the Indian Hill Road based Oakleaf landscaping, presented their application. They had submitted a written statement of their plans, including a list of nursery related products they propose to sell, and a plan of the existing development on the property. (On file at the ZBA office) Their statement was read aloud. They said they tentatively plan to be open for retail from around March/Easter to Thanksgiving and perhaps some Christmas time selling. They'd be tending plants, working on the place year round. John, referring to the Haynes letter, said he'd listened to his prospective neighbors and wants them to know they will not be disruptive to the community. His landscape company Oakleaf is situated in the Mixed Business District, but there are several residences nearby; they try to be good neighbors.

They would like to be open on Sundays, as that is a busy retail time for garden centers. Vineyard gardens, it was noted, are open on Sundays; VG is located in the MB District it was said, but members agreed that Sundays would be an essential time to be open for them. The former Middletown Nursery was open on Sundays, Heather Gardens is open on Sundays. John and Heather have proposed to be open 7:30 AM to 5:30 PM Monday-Saturday and 9 AM to 5 PM on Sunday. They propose there will be no use of machinery or deliveries before 8 AM or after 5 PM, or on Sundays.

They plan to raise shrubs, trees, plants, flats of plants. They will be growing many plants from seed. The nursery will supply Oakleaf Landscape, but they will be selling to a broader base, the public. It was discussed that the Hoff's would not be selling products or food for pets and other animals. It was discussed that the nursery business would observe the definitions in MGL Ch 40A Section 3, Paragraph 1 concerning agriculture. Asked about vehicles and equipment, John said they'd need a bobcat on site for trees and other lifting and moving, but they would not be a "Mahoneys"...no big bulk sales and need for constant use of the Bobcat. The Bobcat would live on site as would one "Middletown" truck. The vehicles and equipment for the landscaping business, Oakleaf, would remain at their Indian Hill business. They plan to repair and upgrade the existing buildings and greenhouses and the landscaping and parking in general, but at this time do not plan to erect any new structures.

Abutter Clark Goff asked if there would be regular 18-wheeler deliveries. The answer was no, but occasionally there will be a large truck delivery; one a week at the height of the season, and the deliveries would be within business hours. Abutter Mike Colaneri said he supports the Hoff's efforts, the proposal is reasonable; that the place looks nasty now, it's sat empty too long; that the proposal will fit in well with the neighborhood. There was no further testimony from those in attendance. John Hoff added he would encourage the neighbors to come forward should they have issues or questions when they are up and running. Heather said that what they propose is a starting point for them; they don't want to lock themselves in too narrowly; for example they might find they do not want to be open as many hours as they propose now. The Board set conditions and voted unanimously in favor of the application on the grounds that it was a good plan for the neighborhood and Town and would meet the special permit zoning requirements (Section 9.2).

8:00 PM An application by Eleanor Muggleston for a Special Permit to add on to a pre-existing, non-conforming (by setbacks) house: To replace a rear deck with a 16' by 18' one-story sunroom to be 28' from the N lot line. Section 11.1-3 of Zoning Bylaws; Map 37, Lot 28; 178 Vineyard Meadows Farm Rd; RU District. *No Correspondence*

Debbie Nobel, a daughter of Eleanor Muggleston, represented the application. The lot itself is narrow; 100' at the west end and 138' at the east end. The house is sited in the middle of the lot. Required setbacks for additions and additional structures are the now required 50' setback. After brief discussion with the applicant, the Board voted to approve a Special Permit: To replace a deck with a 16' by 18' one-story sunroom type addition, 28' from the N lot line will not have a material detrimental effect upon the neighborhood or Town.

OTHER CORRESPONDENCE

- Superintendent of Schools re proposed wind turbine at WT School: Notification of meeting on March 19 at 7 PM at the WT School, asking for the ZBA's participation. Larry will attend, Julie will write a letter explaining ZBA usually does not do the permitting.
- Citizens Planner....March 15 Conference and workshops
- ConCom....Study for new flood insurance rate maps
- MVC....Final Expedited Permitting Report

The meeting was adjourned at 8:45 PM.

Respectfully submitted, Julie Keefe, Board Admin.