

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY MARCH 11, 2009
TOWN HALL AT 4:30 PM**

PRESENT: Eric Whitman (Chair), Tucker Hubbell, Bob Schwier, Nancy Cole

ABSENT: Larry Schubert, Tony Higgins, Toni Cohen

ALSO PRESENT for all or Part of the Meeting: Josh Delman, Glenn Hearn, Dan Larkosh, Michael Barclay, Abbey Bailey, John Guadagno, Jim Eddy, Connie Breese, John Pavlik, William Coogan, Mariah Moody, Cynthia Aguilar, Reid Silva

DISCUSSION

4:30 Pre-application discussion with Josh Delman of TMobile to co-locate on Airport AT&T tower (Light Industrial District 2):

Josh Delman introduced himself as an independent contractor/engineer working on behalf of TMobil. AT&T has the top 2 spots; TMobile would be at 55 feet. Their antennas would be enclosed in the monopole. They would match the specifications granted to AT&T. Their equipment shed would be cedar shingled. Josh asked for a waiver regarding having to wait 30 days from the date of a pre-application discussion before an application may be put in. The Board granted it. They granted wavers from submitting photo-simulations and other requirements that AT&T had submitted already under their Special Permit #1 application. Co-locating concerns only what is added to the original application.

He was asked if they would share a generator with AT&T. No, TMobile will use battery backup. They have three units of batteries, each of which is good for up to 6 to 9 hours which means about 24 hours of backup, presuming the electricity is back on by then. If not, generators are typically brought on site temporarily. The Board said testing (noise and RF) would be done before and after for incremental, cumulative affects from added air conditioners, generators, expanding power.

Josh said the need for more power is driven by the huge rise in the need for data transmission. It's not just cell phones any more, but all the data transmission, email, etc, in appliances such as iphones. He said cell phones used to be mostly used in cars, now 70% of use is in homes. There is great call to put distributed antenna systems in buildings, in elevators, to enhance service. DAS is more prevalent. Some communities like a DAS, others would rather have fewer, higher towers. He said TMobile did have a letter of interest to locate on the American Tower Corporation proposed DAS, and want to co-locate at the airport as well. The discussion was concluded. An application for a Special Permit #2 will be forthcoming.

BUSINESS

- The minutes of February 11 were approved.

HEARINGS

5:20 PM An application by Michael Barclay on behalf of James and Amanda Moffat for a Special Permit for a 20' by 50' in-ground pool with associated 520 sq ft pool house, fence and equipment. Sects. 3.1-1, 8.5-4 of Zoning Bylaw; 90 Tisbury Lane West; Map 23 Lot 6; 9.2 ac.; RU Dist. *No Correspondence*

The Board looked at the following submitted by architect Michael Barclay: 1) Moffat Site Plan, February 18, 2010; 2) Moffat Pool and Pool House Feb 18, 2010; 3) Moffat Pool and Pool House, Site Sections Feb 18, 2010; 4) Pool House Plan, Elevations and Sections Feb 18, 2010; 5) Plan of Land overlaid on Aerial Photo, February 16, 2010. Michael stated that there would be only lights in the pool and perhaps down-lighting for safety. No lights in the pool house or floods of any kind. The fence is designed to meet building code. The pool equipment will be out of view. It and the pool make setbacks. The pool was granted a special permit unanimously, with the usual conditions specific to pools.

5:40 PM An application by Reid Silva on behalf of Big Sky Tents for a Special Permit for a 9,600 sq ft structure for the business use of renting equipment for weddings, parties and other functions. Sects. 3.1-1 and 9.2-2 of the Zoning Bylaw; 90 Dr Fisher Rd; Map 21 Lot 12; 1 ac.; Light Industrial District. Must be referred to MVC. *Correspondence so far: 1) Abutter William Coogan; 2) Constance Breese and John Pavlik; 3) Atty Ron Rappaport. On file in ZBA office*

Correspondence was read. Constance Breese and John Pavlik, who live on Pine Hill Road down the street from the lot in question, and abutter William Coogan wrote of many concerns regarding the project. Connie and John also wrote that the subdivision of the 3 acre Williams lot into 3 lots should have gone to the MV Commission when the Planning Board were hearing it. Atty Rappaport commented on a question put forth to him regarding a possible error in the zoning bylaw regarding setbacks in this district. The Board looked at the site plan and statement submitted by the applicant previously, and at a rough building floor plan of interior space use submitted that night. Reid Silva opened by saying he hoped the Board and the abutters wouldn't confuse what his client wants to do with what the owner of the parcel, Peter Williams, has done on the lot previously.

The building would be 80' by 120' and 33' high. They would shingle the 2 sides that face Pine Hill and Dr Fisher Road. Applicant Jim Eddy estimated there would be about 20 trips a day in and out, mostly in the AM. Reid Silva described the proposed business use as light industrial, storage, seasonal and relatively light in activity in relation to other possible light industrial uses. It's not a night time business, either. But rather, morning, afternoon, early evening. Big Sky Tents is located at the Airport now.

The company uses 4 to 5 box trucks; there are 14-15 employees. They provide, and store, all manner of things needed for events: lighting, electricity (?) tents, floors, dance floors, tables, chairs, umbrellas, table settings, etc, and this dictates why they need a large building. Reid described the proposed building and use as a much less industrial and adverse site than such as the neighboring Keene excavation, full of loaders, excavators and dump trucks, other equipment and towering piles of fill and mulch. Jim Eddy plans to purchase it, not lease, if he gets permitting.

Jim said they would not be bringing trash from an event back to the site. As for cleaning, that will continue to be done at the leased property at the airport. He plans to keep on at the airport. Tents are spot cleaned on site and sent off island for big cleanings. Dishes and equipment will be washed at the airport building. The trucks will be parked on the east lot line. The loading dock would be at the east end of the building. There will be one drive. The floor of the building will be at the height of the trucks for loading. The area would be graded down. They will do screening. Height was discussed. Four pitch, so the the building is high. Twelve foot door. The eaves break at 23'. The peak at

33'...10' of rise. A 3' panel of opaque fiberglass. Eric asked why so high? Jim said things are stored vertically; since the building is one floor, the extra headroom is for growth, storage.

Jim said the business starts in May and is done by the end of October. Five months of activity; probably busier on weekends. They start at 8 AM. They do not use diesel trucks. They don't do late night breakdowns. Eric asked if the building was trussed? Reid said, more like an arena, not a long truss. Eric said, I'm still hung up on the height; figuring how to make it shorter. He suggested the doors be 10' instead of 12'. At this point Reid said it was good to have this meeting with the town; that Jim Eddy wants to have his business approved of by the town and neighborhood. They will work on getting the building lower. Asked for elevations of the building, Reid said they don't have them at this stage, as they are waiting for a consensus on the project before they develop them.

Eric asked abutter Dan Larkosh if he'd like to speak. Dan produced Plan B. Dan said he was the closest neighbor and has no objection to the project or the height. He said the biggest objection to living next to a light industrial use is not visual, but rather sound. For example he can feel the vibrations coming from the Bizarro lot. (next to proposed Big Sky lot). He does take exception to the location of the drive as it's on property he just purchased. He'd propose an access on the John Keene side of the lot, (he'd give an easement), and put the building on the east side of the lot, next to Pine Hill Road and a residential lot.

He said that the zoning bylaw is clear and unambiguous on the point of setbacks in the Light Industrial District. He bought his lot on that interpretation, that only the rear of an industrial lot next to residential lot has to have a setback of 100'. The front of this lot, according to the bylaw, would be on Pine Hill Road. He suggested that the entry be changed to one off Dr. Fisher Rd, and put the building 20' from Pine Hill Road. Monte Bizarro has said he would use a Dr Fisher Rd entryway. This would save Pine Hill Road from traffic from Big Sky and Bizarro. The building would serve as a buffer zone from noise and activity on the industrial lots. A literal interpretation of the present setback requirements would result in a plan to screen commercial activity from the neighbors; the large building and Keene's mountainous piles would block sound.

Pine Hill Road resident Connie Breese said you cannot screen a building that big. Dan said, it is out of scale, but would still be more consistent with residences than say a parking lot. Abutter Bill Coogan looked at the new configurations and said it worked well with him. However, he didn't want a 28' high metal wall facing his lot (his property is next to the Bizarro lot). He would want that wall shingled as well. He would want conditions also that would limit hours and no diesel trucks. The night sky is beautiful at his place; he wants to protect this from light pollution. Tucker spoke of insurers demanding lights on, and mentioned Cronig's had compromised to keep lights down. Jim Eddy said he would not need lights at night. Bill Coogan wanted restrictions on water use. He was reassured that the Board of Health regulated and permitted that.

Back to the size of the building, Eric said that Mr. Kenney's barn and enclosed riding ring, that Eric built, is 80' by 200'. It has 4 dormers and does not look industrial; perhaps the Eddys could make their building look more like a barn. Connie Breese objected to the size. There's nothing out there in that neighborhood she said and that's how they like it. Eric suggested she go take a look at the Kenney barn. She said that there had been no notification of the plan to make the old Norton (now Williams) property wholly light industrial (it had previously been part residential and part industrial). She and her husband bought their property in 2005. She said she had been talking to the Fielders who own the land along Pine Hill Road that faces the 3 industrial lots. They had not been notified about a zoning change; Mr. Norton had not been notified. She said there had been no maps available when they bought their land and that no one could find any evidence that the industrial district line had

been moved. It was suggested that perhaps it had been overlooked during the purchase, but she denied this. The ZBA thought the change had been made as part of the rewrite of the entire zoning bylaw by the Planning Board in 2000. They looked at the old zoning bylaw of May, 2000, the date the bylaw was rewritten and approved at Town Meeting: The map in it shows the zoning district reconfigured to include the whole of the old Norton lot. The Fielders lot is approx 11 acres. They had been notified of the hearing, but apart from an email asking for information to be faxed, had not corresponded with the ZBA office.

The Board and William Coogan and Dan Larkosh agreed that Plan B, Dan Larkosh's plan was the better plan. Connie Breese and John Pavlik did not oppose the revision. Eric said a site visit was in order. The building should be re-staked. The applicants were asked for a revised site plan and elevations for the building. They agreed. Agreements and easements between the 3 former lots should not be worked out by the ZBA, but should be legally binding. A site visit was set for March 17 at 4:30 and the hearing continued at 5 PM that same day (at the Howes House).

Eric Whitman: Eric announced he would like to step down as Chair. He would like to remain on the Board as an Alternate. Today marks his 30th anniversary of being a member of the ZBA. The Board will act on this at the next meeting, as there is a continued hearing set for March 17.

The meeting was adjourned at 7 PM.

Respectfully submitted

Julie Keefe Bd. Admin.