

**WEST TISBURY ZONING BOARD OF APPEALS
MINUTES THURSDAY MAY 12, 2011
2ND FLOOR TOWN HALL AT 5 PM**

PRESENT: Tucker Hubbell (Chair), Eric Whitman, Nancy Cole, Tony Higgins

ABSENT: Toni Cohen, Bob Schwier, Larry Schubert (recused)

ALSO PRESENT: Libby Fielder, David Fielder, Gary Harcourt, Dilly Douglas DeBlase, Connie Breese, Prudy Fisher

BUSINESS

- The minutes of May 5, 2011 were approved.

HEARINGS

5:00 Continuation of an application by David and Elizabeth Fielder for a Special Permit to erect a 116' wind turbine to supply power to their property. Sect. 8.9 of Zoning Bylaws. Map 21 Lot 13, 74 Dr. Fisher Rd; RU District; 11.9 acres. Previous *Correspondence: 1) Mary Gold; New Correspondence: 1) Diana Douglas DeBlase*

Dilly DeBlase's letter was read. She asked that the Board deny the permit, citing noise and aesthetic concerns and the fact that the turbine would be for one family and might be a detriment to many.

Tucker said that 3 of the 4 members had been to Melissa Manter's house on a site visit. Melissa had walked them from her house to the turbine site. He reckoned it was about 1000' distant, but there was no doubt she would see it from her hilltop house as the turbine will be above the tree line. Gary Harcourt said that Dan Larkosh and Mary Gold had visited Richard Andre's wind turbine, the same 5 kw unit that the Fielders propose. (Mary Gold came to the ZBA office after her visit to say she withdraws her former objections: That the turbine was not noisy or a nuisance. Mariah Moody in a phone conversation with the office said she too had visited the Andre's and didn't find it noisy). Gary explained to Dilly, who had not attended the first hearing, that the 5 kw turbine is very different from the large Falmouth turbines she had alluded to in her letter; the small turbine spins faster and does not produce the flickering and shading like the mega turbines. Gary and Board members told Dilly that she is so far away from the Fielder turbine site, she will have no evidence of it. (Per the new West Tisbury wind energy systems bylaw, abutters within 1000' of the applicants' property lines are notified. Normally, according to State law, abutters within 300' are notified.)

Dilly said she was concerned that the turbine was for just one house; that they'll be popping up everywhere. She supported Melissa Manter's stance that her great view would now be blighted, that it might be a source of agitation to her. The turbine is not big enough to service more than one property Gary said. Tucker said that because of the setback requirements, not everyone has the room to put one up. Dilly said she'd experienced constant noise and sleep disruption while staying at her father's nearby the Jarrell turbine. Gary and others agreed that the Jarrell turbine had been problematic and has been worked on and replaced. Speaking of Mariah Moody's fear of lightning strikes on turbines, the Board said she should contact the Building Inspector if this is a current problem near her property. The Fielder turbine will be well grounded.

Dilly asked if a turbine could be shut down at night? Essentially, yes. These turbines shut themselves down during a hurricane. Dilly asked how much it cost to put up a turbine. David Fielder replied it is a substantial cost. They do get a federal tax credit. He said he has joined the Island Power Project. He agrees there are or should be, better, more cooperative solutions than for there to be a turbine benefiting one property, but his family is trying to do the best they can with what's available. It's the right thing to do at this stage. They had been unaware that Missy Manter's house sits atop a hill: They'd been sure the neighbors couldn't see it. Tucker added that we do all benefit from people creating alternative energy sources. Dilly said she could support a solar installation. According to a Harvard study, Gary said, a turbine is more efficient. The hearing was closed.

The Board voted unanimously to approve the special permit with conditions. Tucker said the application met the requirements and spirit of the Bylaw. He is sympathetic to Melissa and doesn't want to diminish her feelings, but one person not liking to look at a turbine he feels is not reason enough to deny it. The other three members agreed with Tucker. Eric added he too had consideration for Melissa's feelings, but that if one person can stop a turbine being put up due to seeing it, we shouldn't even have a wind tower bylaw.

5:45 Continuation of an application by Vineyard Tennis Center, Workout and Spa for a Special Permit for a 20' by 3' banner type sign to be located on the southern exterior of the building: A sign of a size and height varying from the requirements of Section 8.4-6 of Zoning Bylaw and requiring a Special Permit; 24 Airport Rd; Map 28 Lot 1.2; Light Industrial Dist.
Correspondence: 1) Deb Potter, Martha's Vineyard Airport, asking ZBA to continue until Airport has permitted it; 2) Copy of letter from Deb Potter to Connie McHugh; 3) Planning Board; 4) Copy of letter to Tennis Center from Airport re denying their application to them for their sign

The hearing was continued, as Ms. McHugh, in a phone conversation, said she wants to re-think ideas for the sign, as the Airport Commission has turned down her request for this style and size sign.

QUESTION from Prudy Fisher: Can they serve soft ice cream at the farm stand? Prudy said she would like to have a soft serve ice cream machine at the Fisher farm stand, serving vanilla, chocolate and a mixture of the two. She added that her grandfather had had a similar machine at the stand in the past. Tucker said that in any case, she would need to talk with the Agricultural Preservation Restriction people at the State, in this case Chris Chisolm, to make sure it would be a compatible use with the APR. Also to talk with the Board of Health. His feeling was that if cows on the farm produced the milk, it would be OK with him. Prudy said the milk cows are no longer on the farm; they are at mermaid farm but the dairy products for the ice cream would come from these cows. They need to extensively fix the barn before they can keep and milk cows, she said. In a previous application by Karen Colombo to sell ice cream at the stand, the Board heard testimony that pony rides and ice cream cones would make the stand a busy destination place. Ms. Colombo decided not to run the stand in the end, as there were Board of Health issues she couldn't overcome as a renter. The Board suggested that Prudy get the place up and running this season and come back at a future time to re-discuss the issue. The Zoning Board is the permit granting authority for agricultural retail use. Earlier in the year it was agreed that the Fisher farm stand was pre-existing non-conforming and not in need of Special Permitting.

The meeting was adjourned at 6:15. Submitted by Julie Keefe, Admin.

