

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES June 19, 2014
2ND FLOOR TOWN HALL AT 5:00 PM

PRESENT: Tucker Hubbell, Larry Schubert, Bob Schwier, Nancy Cole, Toni Cohen and Tony Higgins

ABSENT: Julius Lowe

ALSO PRESENT: Geoffrey Thors, John Hoff, Heather Hoff and Clare Harrington

HEARING – 5:10

An application for a hearing from William H. Bennett, Inc., agent for Stephen F. Costa for a special permit to request 10' of setback relief from the north property line. To mount 9.94 kw PV ground-mounted solar arrays, under Section 11.1-3a and Section 4.2-1 of the Zoning Bylaws. Map 22, Lot 29, 29 Old Courthouse Road, RU District.

Tucker opened the hearing. Mr. Geoffrey Thor, the representative from the Bennett Company, reported to the board that he has a letter from Mr. Rouse, a direct abutter, (Map 22 Lot 31) stating that he has no objection to the project.

The footprint of the 39-panel system would be approximately 5 ½ x 65' mounted in a double row. The maximum height will be 6' from grade. Also, the applicant is looking for 40 feet of setback relief from the north side of the property line. The board stated that the project falls within the parameters of the bylaw. Bob moved to close the public hearing at 5:20 pm. Nancy seconded. Voted unanimously to close the public hearing.

Tucker opened the board meeting and called for the vote. Larry moved to approve the application and plan as submitted. Nancy seconded. Tony H. voted yes, in full support of solar arrays, Larry – yes, Nancy- yes, Tony C. –yes, Bob voted yes- referencing 11.1-3A and 4.2-1 of the bylaws, Tucker voted – yes. Tucker explained the 20 day appeal period. Clare will contact Mr. Thor, when the decision has been filed with the Town Clerk.

Discussion

There was a brief discussion regarding a letter dated June 14, 2014, from the Board sent to Counsel regarding zoning regulations.

Hearing – 5:40 PM

A continuation of a hearing for an application from John Hoff of Oakleaf Landscape, Inc., for a special permit for the expansion of a service business larger than 3000 sq. ft. Section 3.1-1 and 4.3-3D of the Zoning Bylaws. Map 16 Lot 77, 70 Indian Hill Road. MB District. Correspondence – June 19, 2014 from Mr. Perzanowski.

Tucker re-opened the hearing. There was a site visit conducted on Wednesday, June 18th at 4:15 pm. Mr. Perzanowski, a direct abutter, was also present. Tucker read into the record a letter from Mr. Perzanowski. Among some of his concerns were the following: number of employees, number of vehicles, noise, lighting and an air compressor which runs at random hours at night.

Regarding Mr. Perzanowski's request to require Oakleaf to release their 94I Form or I-9 Form regarding the number of employees. The board was in agreement that this was not necessary. This is a service business and the employees are not on the property a set number of hours per day.

Tucker asked the applicant, Mr. Hoff, based on the complaints that his neighbor has what he would do to rectify the problems? Mr. Hoff stated to the board he would be willing to do what is needed to accommodate his neighbor.

The board discussed the following conditions.

- 1) Lighting - The light on the south end of the building shall be shielded and pointed downward. It shall be on a switch which will be turned off after business hours. Lighting on the west side of the building will also need to comply with all of the ZBL section 8.6-2. This condition shall be complied with within thirty days after the decision's 20 day appeal period has expired.
- 2) Port- o- Potty- It will be moved to the storage bay area. It shall not be any closer than 20 feet from the property lines. It will be enclosed on three sides by a stockade fence. This condition shall be complied with within thirty days after the decision's 20 day appeal period has expired.
- 3) Compressor - Will be turned off after business hours.
- 4) The three pre-existing hoop tents measuring 14' by 26' used for storage will be moved to at least 10 feet from the lot lines.
- 5) Screening – Shall be mixed evergreens of at least 6' all planted along the south property line to reduce the noise and for esthetic value. All fencing along the south property line shall be maintained.
- 6) Hours – Normal business hours of operation for Oakleaf Landscape
7:30 AM -8:30 PM, six days a week. The only exception of these hours is during a snow event. The loading of one sand truck may begin at 6:00 am. No unloading of trucks after 8:00 PM
- 7) Parking - Existing employee parking area will remain as shown on plan.
- 8) Signage – To be posted to keep noise to a minimum due to the residential neighborhood. The sign will be language specific.
- 9) Within 90 days after the 20 day appeal period has expired, Mr. Hoff will be required to return to the board showing where the pre-existing hoop tents along with the port-a-potty have been relocated as outlined in the conditions listed above.

7:00 PM - Larry made a motion to close the public hearing. Nancy seconded. Vote unanimously to close the public hearing.

Tucker opened the board meeting. Bob made a motion to approve the application with conditions. Nancy seconded. A roll call vote was taken. Bob voted yes under the ZBL 3.1-1 and 4.3-3D. Nancy –yes, Larry-yes, Tony H. - yes and Tucker yes. Tucker explained the twenty day appeal process.

Minutes of May 1, 2014 were approved with corrections.
Minutes of May 29, 2014 were approved with corrections.

Meeting adjourned at 7:25 PM
Respectfully submitted
Clare Harrington

