

WEST TISBURY ZONING BOARD OF APPEALS
MINUTES APRIL 23, 2008
TOWN HALL 7 PM

PRESENT: Chair Eric Whitman, Tucker Hubbell, Bob Schwier, Tony Higgins

ABSENT: Nancy Cole, Toni Cohen, Larry Schubert

ALSO PRESENT for All or Part of the Meeting: Larry Schubert (who was present but not at the table and recused from the Boyle hearing), Gary Harcourt, Alexander Boyle, Elizabeth Roberts, Lenny Bedford, Sally Segal, Linda Voluckas, Greer Boyle, Bob Andrews

BUSINESS

The minutes of April 16 were approved.

HEARINGS

7:15 An application by Great Rock Windpower on behalf of Alexander Boyle for a Special Permit for 33' of setback relief for an accessory structure: To erect a mast and wind turbine to be 93' high and to be 80' from the NW bound which divides the Boyle property from an unbuilt parcel owned by the same family. Sect 4.3-2 of the Zoning Bylaws requires it to be 113' from a bound. Section 4.2-2D. Map 7 Lot 117; 97 Longview Rd; RU District. Also need 5 feet relief on southern bound along Old House Rd. *Correspondence:* 1) *Abutter Chris Osmers, in support;* 2) *Phone conversation with abutter Maureen Edelman on April 22, not against but very worried it will be noisy in the quiet neighborhood, esp. at night; following letter;* 3) *Abutters Marshall and Sally Segal.* 4) *Abutter Gregory Smith; One abutter, Gregory S. Smith, (not near) was not notified (Assessors dept left them off list as an oversight) in the regular mailing. He had been phoned by Julie and Gary Harcourt and been faxed and emailed info 7 days before hearing. ZBA has heard from him in writing and over the phone that he'd been sufficiently notified.*

Correspondence was read, all abutters. Gregory Smith wrote to confirm he has been notified of the application and the upcoming hearing. He added, by phone, could a condition be added that required the turbine owner to replace the turbine when the technology was available to have a quieter turbine. Sally and Marshall Segal asked: What the noise level in decibels would be? What would be the stroboscopic light effects due to sunlight filtering through the revolving blades? other negative consequences, and possibility of locating the mast on the far side of the Boyle property?. Chris Osmers wrote in support, regardless of the structure being part of his deck views. Maureen Edelman's concerns were with noise levels, disturbance of the natural quiet. Mr. Boyle had written a letter to his abutters. Gary Harcourt of Great Rock Wind Power, the agent for the application, wrote a brief: "Our proposed location was dictated by the lots steep topography and the particular constraints it imposes on alternative locations. This location also allows for minimal tree cutting. The proposed wind turbine will not significantly impact the neighborhood. Due to the character and location of the lot and the height of the surrounding trees its visibility will be minimal."

Gary said all setbacks would be made except the bound between the family owned properties. If the tower should fall, it would be on family property. Eric asked that the hearing start with Gary answering abutter questions. Sally Segal said she had gone to look at listen to Gary's own 83' tower at his house in Vineyard Haven. Gary said he measured the noise from his turbine (he brought his own decibel measuring device to the hearing); the decibel reading at 40' from the base was 50 decibels; as close as he could get to the turbine (climbing up near it) it was 105 decibels. A tower he installed for Chilmarker Emily Bramhall had similar readings. Sally Segal said that after her visit, she was quite reassured about noise levels, that that would not be a problem. She said she was also reassured about flickering light. She did see the effect at Gary's house, but finds that this effect will not affect her lot or house very much due to its position to the tower. Gary said the effect would be mostly on the Boyle property. He said it's not flickering light so much as flickering shadow as the turbine blades create

shade under the sun. Gary said he had climbed Chris Osmer's deck with him regarding sight and sound.

Lenny Bedford and Linda Voluckas identified themselves as caretakers for Maureen Edelman, who had written, but wanted them to attend the hearing. He personally did not object, but was here on Maureen's behalf. Lenny noted the steep lot, the high house and now a tower 40' above the house. In response Gary said, it's probably 30' higher, and due to the height, it's less likely the immediate neighbors would see it, and putting a turbine above trees makes it less noisy. For example, Eric said, you noticed the house from Lambert's Cove Road, but not that much close up. Gary said the tower will be behind the house and to the left, between the main and guest houses. Sally Segal said she understood one reason it is where it is, because less trees would need to be taken down. Lenny asked if Gary personally had neighbors complain about turbine noise. Gary said one neighbor had complained at first.

He explained that usually turbines will be noisiest when winds are light and variable, not when it gets windier. The machine to be installed is a single induction generation with constant RPM, therefore less noisy. This type of turbine does not "furl", such as the blades at the High School tower, so quieter. Eric asked how long a turbine will last? Gary: About 20 years, and he did not feel a condition such as suggested by Mr. Smith should be made. This is a very quite mechanism.

Mr. Boyle's daughter, Greer, explained that she and her four siblings own the adjacent property from which the setback relief is sought and they are totally in approval of the project. Their family wants to make an example of a low carbon footprint. Mr Boyle explained his daughter owns the restaurant Atria which had put in a geothermal system through Brian Nelson. He did the same for the new house at Longview. He's hoping they'll have a zero net carbon using house (3200 sq ft including basement). The hearing was closed after no further comments and the Board voted to grant the setback relief unanimously, citing that due to the submittals and testimony, the installation of the wind turbine at this site including the 33' of setback relief will not have a material detrimental affect on the neighborhood or Town. The installation of this turbine is consistent with the intent and provisions of West Tisbury Energy Policy. This application met the review criteria of Section 9.2-2.

7:45 An application by Island Pools & Spas on behalf of Fletcher and Benaree Wiley for a Special Permit for an over 676' accessory structure on an under 3 acre (2.27 acres) lot: An 840 sq ft pool house. Section 11.2-2 of Zoning Bylaws; Map 30 Lot 2.16; 130 Pond Rd; RU District. *No Correspondence:*

No abutters or other interested parties were present. Island Pools & Spas agent, Bob Andrews represented Rossbeck Builders in this application. He said there already is a pool on the property. The pool house is single story and meets all setbacks. It is to be used as a rec room, bathroom, changing room, storage space and place to house the pool's mechanical equipment (which should mitigate any noise from the equipment). The Board of Health and the Building Inspector had been to the site to decide if the building constituted a need for a septic enlargement, and it does, and they will be pursuing the septic upgrade if permitted by the ZBA. The Deep Bottom Pond Association has approved the building of the pool house. The pool is already fenced; a portion of the pool house will become part of the fencing, and the doors will be appropriately alarmed as required. Tony Higgins said it is as big as a guest house, too big he felt for a pool house. However, since many of the other properties in this development have pools and similar if not bigger pool houses, he would not vote against. The hearing was closed, the vote was unanimous to grant, citing the structure would not be more detrimental to the neighborhood.

The meeting was adjourned at 8:30 PM.

Respectfully submitted by Julie Keefe, Board Administrator

