

WEST TISBURY PLANNING BOARD MINUTES March 26, 2018 5:30 PM

PRESENT: Ginny Jones, Leah Smith, Susan Silva, Bea Phear, Matthew Merry, Henry Geller

ALSO PRESENT: Geoff Rose, David Steere, Tucker Hubbell, Vincent Maciel, Heather Maciel, Jane Rossi.

Ginny opened the meeting at 5:30 pm.

Public Hearing on the following zoning bylaw amendments for the 2018 Annual Town Meeting:

●Recreational Marijuana sales restricted to the Mixed Business District.

Ginny opened the public hearing and read the hearing notice. Bea asked Geoff Rose if he was planning to speak on the recreational marijuana proposed bylaw, and he said he did not plan to. There was no public comment.

Bea said she would speak on Town Meeting floor on the Warrant Article.

●Electrical and Portable Generator zoning requirements.

Ginny read the proposed bylaw amendment. David Steere said that the proposed language sounded dangerous. He explained that there is a generator at the library that runs at 800 rpm's. Most of them run higher. He said that moving the generator closer to the house isn't going to make it less noisy. He also pointed out that a fence will not muffle the sound; it will cause it to echo. He explained that the easiest way to place a generator is near the electric meter and they are usually located near the end of the driveway or close to the road. It is expensive to have to trench to bury a line and it tears up the yard. Henry said that apart from the visual issue, there is a decibel level issue and there is a tool that can measure the decibel level. Leah pointed out that they had this discussion when discussing the noise of wind turbines. David said the town would have to bring in a specialist to determine decibel levels. Matt said the board shouldn't get ahead of itself. He said that during a snow storm, if the power goes out, the windows are closed so nobody is going to be disturbed by the noise of a generator. They test run once a week for a brief period of time which is not disruptive. Henry stated that if there is a complaint, Joe could have a gauge that monitors the noise. Bea stated that Henry should have spoken up sooner about his issues with generators. Henry stated that he had. Leah pointed out that swimming pool equipment has to be contained to curtail noise. In fact, it has to be inside of a structure. David pointed out that a gas generator cannot be contained. Tucker said that they had just installed a generator at Polly Hill. He said that the bylaw, the way it is written is not going to work. Generators are not considered structures so they don't require setback relief. David said a generator is emergency equipment

Bea moved to pull the article and to bring it back next year. Leah seconded the motion and the vote was unanimous.

Jane was asked to inform Tara, Joe, Jen and Dan Waters that the article will be pulled.

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●NFPA 1 Chapter 38, Fire code reference to the state.

Leah stated that the reason Joe Tierney has requested the article was to remain in compliance with the state code. It is similar to the swimming pool regulations. Rather than amending the zoning bylaw every time the codes change, this article allows the board to not have to regularly revise the bylaw.

●Cargo Container zoning bylaw.

The board determined that the numbering of the Warrant Article didn't make sense. Jane was asked to check with Joe.

Leah moved and Susan seconded the motion to approve the articles for the 2018 Annual Town Meeting. The vote was unanimous.

Bea made a motion to close the public hearing and Leah seconded the motion. All were in favor

●Site Plan Review application from Tucker Hubbell on behalf of Vincent and Heather Maciel to add storage containers and potential structures on Lot 3 of Assessors Map 21, Lot 6.1, 24 Huseby Mountain Road:

Ginny informed the Maciel's that the board has received their proposal. Vincent stated that he and Heather had asked Tucker to help them with the permitting process. He said that Tucker had spoken with Joe (B&Z Inspector) and Joe charges a \$25.00 fee for each storage container. Tucker said they don't have a problem with that but they would like the Planning Board to take a good look at what they are proposing.

Tucker said that the Lagoon Legacy subdivision plan was approved over a year ago. When the plan for the Maciel's proposal was reviewed, Joe said that only one storage container had been approved as was reflected in the July 31, 2017 minutes. Tucker pointed out that the two large structures that are on the original plan would have to have been approved by the ZBA because of their size. He also pointed out that the minutes of the meeting on July 31, 2017 stated that Lot 3 on the plan would have two businesses that would each occupy 125 square feet. The minutes should have read 125 "feet squared", or +/- 15,000 square feet.

Now they are back with a revised plan that is dated March 23, 2018. Lot 3 will house the Maciel business. It will have two storage containers that will be situated to accommodate a roof to protect equipment from the elements. They will have six parking spaces and a modular office. The buffer zone will be used as a plant nursery. All structures will be within the building envelope.

Lot 4 is rented to two companies and they each occupy half of the lot where up to 7 storage containers will be placed within the building envelope. Each container will be labeled and inventoried, including the Maciel containers. A list of items to be stored on the property is attached hereto. At the moment each business has one container. Rather than having to come back each time they need additional containers, they felt it best to apply once and ask for the maximum they would ultimately need.

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Vinny said they have to list everything that is stored in each container. Tucker said each container will be labeled and inventories. He said that much of the property is screened.

Bea stated that containers are useful and she has no problem with the plan. Tucker stated that unlike a house, containers can be moved. Bea confirmed that the “up to 7” containers will be placed within the envelope at the discretion of the applicant.

Tucker mentioned that he had a conversation with Joe about the MVC’s DRI checklist and a particular reference that containers were to be referred to the MVC. Matt said that the board has sent referrals back to the board regarding storage containers. Ginny said this application does not trigger a referral.

Bea made a motion to approve the plan and Susan seconded the motion. The vote was unanimous.

Ginny said the board would draft a letter to Joe and will “cc” it to Tucker and the Maciel’s

The board stated that the minutes of the July 31, 2017 meeting should be amended.

Bea moved and Leah seconded the motion. The vote was unanimous. It was pointed out that the Maciel’s own the storage containers.

CORRESPONDENCE:

- Wetlands Preservation, Inc.:

Jane explained that the letter was based on a review of the DeBloise property. A buyer is in the process of purchasing a large portion of the land and Natural Heritage is conducting a review,

- Aquinnah Bylaw Amendment public hearing notice.

MINUTES:

Leah moved and Bea seconded the motion to approve the March 19, 2018 minutes. The vote was unanimous.

Meeting Adjourned at 6:40 pm

Respectfully submitted,

Jane Rossi, Administrator