

Zoning Board Meeting
February 28, 2017

Members Present: Jerry Sturm, Charity Donnan, Mark Connolly, Dustin Geiger (alternate)

Others: Carl Peter, Mike Davis (United Wind)(mdavis@unitedwind.com), Joe McIlroy

7:00 pm – Mark Connolly called the meeting to order.

Jerry Sturm moved to approve the December minutes, Mark Connolly seconded, all in favor, carried.

Yes – 3 No – 0

Charity Donnan moved to appoint Mark Connolly as Chairman, Jerry Sturm seconded, all in favor, carried.

Yes – 3 No – 0

Discussion regarding application for variance for fence around wind turbine at York Animal Hospital.

Mr. Peter said that the other three towers in town are way off the road with a 6 ft. fence around each. It doesn't matter what kind of a fence as long as it's a secure 6 ft. fence.

Mr. Geiger stated that this one is the most dangerous with the rotary blades.

7:30 p.m. Chairman Connolly called the public hearing to order for a variance for the wind tower at York Animal Hospital.

Mr. Davis said they don't have fences around any other of their 50 towers and it's not necessary if they remove the pegs and it would also cost the hospital more. He said the towers were doing well and they could watch their progress.

Mr. Connolly asked why the company applied for the variance instead of the owner because the owner didn't know anything about the variance. Mr. Davis said because the owner of the property was leasing the turbine and didn't own it. Mr. Connolly said there are a lot of safety issues and the town is liable if someone climbs the tower and falls. He does not see any hardship to allow the variance and we have to satisfy the regulations of the town zoning.

Mr. Geiger said it's one of the 4 towers in York and the most dangerous and the other three are fenced.

Mr. Connolly said that the town lawyer advised us that this was not the proper venue to apply for this and recommends that this go back to the owners to apply to the planning board for an amended site plan, but it needs to come from the owner (which can be written).

Mr. McIlroy said that if the planning board decides on a fence than the owner will have to apply for a variance.

Mr. Peter asked if the other wind towers were close to buildings. Mr. Davis said the farthest out was 500 ft. Mr. Peter said probably the zoning laws were different.

Mr. Sturm said he was surprised that the hospital didn't want a fence from the beginning because of liability issues.

7:45 p.m. Jerry Sturm moved to close the public hearing, Charity Donnan seconded, all in favor, carried.

Yes – 3 No - 0

Mr. Connolly informed Mr. Davis that Ms. Falkner would notify him by email of their decision.

Mark Connolly moved that, based on advice from the Town Attorney, we not entertain this area variance at this time. We further recommend that should the owner not want to erect a fence, the owner must apply to the Town Planning Board for an amended site plan so that the Planning Board can review any potential impacts associated with not having a fence. Charity Donnan seconded, all in favor, carried.

Yes – 3 No - 0

At 8:15 p.m. Charity Donnan moved to adjourn, Jerry Sturm seconded, all in favor, carried.

Yes – 3 No - 0

Respectfully submitted,
Donna K. Falkner