



Edgartown Planning Board

P.O. Box 5130, 70 Main Street, Edgartown, MA 02539

Tel: (508) 627-6170 Fax: (508) 627-6173

planningboard@edgartown-ma.us

NOTICE OF PUBLIC MEETING / AGENDA Tuesday, January 8, 2019 at 5:30 PM

Edgartown, Mass
Town Clerk's Office

Dec 20 2018
Rec'd for Record
AT 10 H 55 M A

SITE VISITS

SCHEDULED BUSINESS

- 5:30 PM PUBLIC HEARING – MV 223 UPPER MAIN STREET LLC (PHILIP MILLER, AGENT)**
SP – Modification to condition #9 of Special Permit from February 7, 2017, to allow commercial, retail, office, or residential use in the basement.
- 5:45 PM PUBLIC HEARING – 40 PEASES POINT WAY NORTH – SP**
SP – Swimming Pool (Coastal District)
- 5:45 PM PUBLIC HEARING – 40 PEASES POINT WAY NORTH – SP**
SP – Addition / Modification to Pre-Existing Non-Conforming Structure (Coastal District)
- 6:00 PM PUBLIC HEARING – REPETITIVE PETITION (20D-147)**
Request for Consent for a Repetitive Petition, Anthony and Susan Giordano, 62 South Summer Street
- 6:15 PM PUBLIC HEARING – EDNO MILLER AND PAULO RODRIQUEZ - SP (15 MIN)**
Full-service Buffet-style restaurant, 236 Edgartown-VH Road (20D-147)

OTHER BUSINESS:

ZONING BYLAW CHANGES (5 MIN)

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

ITEMS FOR REVIEW / SIGNATURE

MINUTES -- REVIEW / APPROVAL (2 MIN)

December 4, 2019

December 18, 2019

PAYROLL

Period January 8, 2019

DECISIONS

UPCOMING MEETINGS

January 15, January 29 (tentative) March 5, March 12 (tentative), March 19



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PLANNING BOARD

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE: 1/8/2019

Name (Please print legibly!)

Street Address

Agenda Item

| Name (Please print legibly!) | Street Address | Agenda Item |
|------------------------------|-------------------------------|----------------------|
| PETER FLETCHER | 62 SOUTH Summer ST | 62 SOUTH Summer ST |
| PHIL MILLER | 301 EDG RD VA | 223 UPPER MAIN EDG |
| Chuck Hibbett | 27 MARINERS WY | 236 Edgartown Rd |
| MJ LOOK | 68 PINNACREST | |
| TAY Summy | 7 DORY CIRCLE | |
| Russell Summy | 7 Dory Circle | |
| Dennis Seavey | 51 Chase Rd Edg | |
| Robert Spier | 61 Seabrook Rd Edg | |
| Pauzo Rodriguez | | |
| Giselle Rodriguez | | |
| Emily Serio | 31 N. Summer St Edg. | |
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Edgartown Planning Board Minutes

Tuesday, January 8, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, January 8, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

CALL TO ORDER

The meeting was called to order at 5:30 PM.

Call of Roll:

Present: Sam Sherman, Michael McCourt, Scott Morgan, Lucy Morrison, James Cisek (Planning Board Alternate).

Absent: Fred Mascolo

Also Present:

Douglas Finn, Planning Board Assistant

A quorum was declared.

The board reserved the right to address unscheduled agenda items out of order as needed, or for the convenience of the applicants.

SITE VISITS

Site visits were scheduled as follows:

- 9:15 AM - 40 Pease Point North – Schaeffer / Sasha Robinson-White - CONFIRMED
- 9:30 AM - 223 Upper Main St. – Miller / Miller Starbuck - CONFIRMED
- 9:50 AM – 236 Edgartown VH Road – Edno Miller / Paulo Rodriguez – CONFIRMED

No deliberation was conducted.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING – MV 223 UPPER MAIN STREET LLC (20A-95)(PHILIP MILLER, AGENT)

On Tuesday, January 8, 2019 at 5:30 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Philip Miller, Principal, Miller Starbuck Construction Services, Inc., on behalf of MV 223 Upper Main Street LLC, Owner, for a special permit to build out the basement area for a showroom and manager office, and an apartment; total area approximately 1050 sf, and to include one kitchen, one full bath, one ½ bath, an open area, a study / office, and a bedroom.

The property is located at 223 Upper Main Street, Assr. Pcl. 20A-95.

Copies of the application were made available in the Planning Office for public review.

Present for the Applicant: Philip Miller, Miller Starbuck Construction Services.

The public hearing was declared open at 5:31 PM.

Presentation

Mr. Miller presented some history of the building, and touched on some of the difficulties encountered with the construction process.

Mr. Miller stated that he had considered what might be the best use of the space; as a contractor on the island, Mr. Miller observed a need for a flooring business. Over the past 18 months, Mr. Miller enlisted Stonewood Products in Harwich, and also contacted a flooring contractor with a local residence. After viewing his showroom in upstate New York, Mr. Miller stated that a showroom was an essential component to a flooring contractor. Mr. Miller estimated that 1,000 square feet of retail / showroom space was necessary.

Mr. Miller stated that a similar business on Nantucket had been successful, and that a flooring contractor on the island would be successful. Two necessary components would be (1) housing for a manager of the retail showroom, and (2) additional space for a retail showroom.

Mr. Miller stated his opinion that the proposed use is in keeping with the original intent of the plan, and a local installer of architectural wood flooring and carpeting would benefit the island.

Comments:

Mr. Finn stated that, through conversations with the Building Inspector, use of the basement for retail space would require installation of an elevator.

Question: Does this need to be referred to the MV Commission? Answer: yes. McCourt: Not if we decide to deny the application now.

Question: Can the conditions of the original special permit be changed at will? Mr. Finn advised that the original special permit conditions can be changed by the approval of the Planning Board.

There was some discussion related to the additional bedroom, and whether wastewater commission approval was necessary.

Morgan: Aside from the current applicant, the construction process was a contentious and very public process; if the Board approved a change in the conditions so quickly after completion, there might be public backlash.

Mr. Miller described himself as 'significant player' in the reapplication process. The original proposal included use of the basement for other than storage. When the project was started, the plan for construction did not match the plan as approved – which is where the trouble started. Mr. Miller stated his belief that the intent was to get the building finished, and then go back and get the details worked out.

Mr. McCourt: we can't go back to the original plan – we have to work from the plan that was approved, and that matches the structure as built.

Mr. Miller: An elevator from the main floor to the basement is 'simple enough' to install.

Question: why was the elevator not installed initially? Mr. Miller: The expense – with the other cost overruns, there wasn't the money to do it.

Mr. Sherman: An elevator was part of the plan, and called for in the conditions. Mr. Miller: The building, without the elevator, meets ADA compliance.

Mr. Cisek: So there's no internal elevator? Mr. Miller: No elevator. The equipment room, and the shaft with the pit, is ready for the installation, but there is no elevator constructed.

Mr. Sherman asked for a motion.

Mr. Cisek: There seem to be a number of unanswered questions.

Mr. McCourt: An elevator was supposed to be part of the original plan. Why plan for it if it wasn't necessary? Mr. Miller: Convenience.

Mr. Miller: The elevator was designed for convenient access to the second and third floor. No commercial use was ever planned for the second or third floor.

McCourt: Will there be a show-room in the basement? Mr. Miller: I need to store samples.

McCourt: If there is a commercial space downstairs, an elevator will be necessary.

Mr. Miller: If we are unable to use the basement for retail, we can store samples in the basement, and bring them upstairs as necessary.

Mr. Miller described how the basement could be used to support the retail use, without being open to the public.

Mr. McCourt: So, customers would not be going downstairs? Mr. Miller: We would use the downstairs for a business office, storage of samples, and a residential apartment for staff.

Mr. Sherman asked for opinions from the board.

Mr. Morgan: I'm prepared to vote.

Mr. McCourt: I understand the conditions that make this necessary. I also understand the concerns.

Mr. Cisek: I believe it should go to the MV Commission. Without the elevator, the basement can't be used (for retail purposes).

It was MOVED by McCourt, SECONDED by Morrison

To refer the application to the MV Commission as a Discretionary Referral, under section 1.1 of the DRI Checklist, and to continue the public hearing to March 5, 2019, 6:00 PM.

VOTED: 5, 0, 0.

The public hearing was declared continued at 5:58 PM.

5:45 PM PUBLIC HEARING – 40 PEASES POINT WAY NORTH (20D-71.12) – SP

On Tuesday, January 8, 2019 at 5:45 PM, the Edgartown Planning Board will hold a public hearing in the Town Hall, Main Street, on the request of Sasha Robinson-White, RW Design, on behalf of David J Schaefer, Owner, for a special permit, under Section 5.1.D.2 of the zoning bylaw to add a new pool and pool shed to the property at 40 Pease's Point North, as well as pool fencing as shown on the site plan to meet or exceed code.

The property is located at 40 Pease Point Way, Assr. Pcl. 20D-71.12.

Copies of the application are available in the Planning Office for public review.

5:45 PM PUBLIC HEARING – 40 PEASES POINT WAY NORTH (20D-71.12) – SP

On Tuesday, January 8, 2019 at 5:45 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Sasha Robinson-White, RW Design, on behalf of David J Schaefer, Owner, for a special permit, under Section 10.1.G.2.b of the zoning bylaw to demolish portions of an existing non-conforming structure, and construct additions to the structure; additions

will all conform to zoning requirements.

The property is located at 40 Pease's Point North, Assr. Pcl. 20D-71.12.

Copies of the application were made available in the Planning Office for public review.

The Chair declared that the public hearings for both applications would be held concurrently.

Present for the Applicant: Sasha Robinson-White, RW Design

The public hearing was declared open at 5:59 PM.

Presentation

Mr. Robinson-White described the project stating that the intent is to preserve the main house as best as possible, while providing a sensible addition. Mr. R-W further described the proposal for the pool, and pool house.

Mr. Sherman described a previous professional relationship with an abutter; the board believed it did not represent a conflict of interest; the applicant agreed.

A letter from Ms. Valerie Hart was read into the record (included as part of these minutes).

Mr. R-W responded to the comments:

The plan does call for a fence along the north edge of the property. Mr. R-W also described the location of the pool equipment shed as being the only viable option for a location.

Mr. Cisek: A pool on a small lot is a significant detraction to the neighbors.

Ms. Morrison: I would agree. How integral is the pool to the overall project?

Mr. R-W: I am not sure, but can check.

Mr. Sherman: We can approve the renovations to the house, even if we do not agree with the location to the pool.

Mr. McCourt: This is a very small lot, and very small for a pool.

Mr. R-W: This is Edgartown, and there are a number of small lots that have pools.

Mr. McCourt: The topography would seem to suggest that the slope of the north line of the pool should be worked out, prior to approval.

Mr. Morgan: I agree – the neighbor's concerns should be satisfied, and we look for that in every case we consider.

Mr. R-W: I would be ok with 'backtracking' on the pool proposal, and moving forward on the rest of the project.

Mr. Sherman: I am also concerned with the grade, drainage, and where the water runoff will go if this project goes forward.

Mr. R-W: Can neighbor be asked to take drainage or runoff from a given property?

Mr. Sherman: I don't believe so – it would create a difficult situation.

Mr. R-W: I would ask for a continuance on the pool.

Mr. Sherman: Even if you deal with the issues related to drainage, and visibility, the pool may still be too large for the property.

After further discussion, the applicant requested to withdraw the application for the pool without prejudice.

It was MOVED by Morrison, SECONDED by Cisek

To allow the applicant to withdraw the application for a special permit for a swimming pool without prejudice.

VOTED: 5, 0, 0.

The board moved to discussion related to the house.

Mr. Morgan: The plan looks very good.

Ms. Morrision: The plan for renovations takes what was somewhat haphazard collection of additions, and leaves a structure with nice details and fits the neighborhood.

Mr. McCourt: The neighbor seems to have a problem with the house overseeing her property?

Mr. Finn reported that Ms. Hart's concerns were specific to the swimming pool.

It was MOVED to close the public hearing, and approve the application for the structure as Proposed.

The public hearing was closed at 6:15 PM.

Vote:

There being no further business, it was MOVED by Morgan, SECONDED by Cisek

To approve the application for a special permit, under Section 10.1.G.2.b of the zoning bylaw to demolish portions of an existing non-conforming structure, and construct additions to the structure, with the following conditions:

STANDARD CONDITIONS:

- *This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Planning Board and Building Inspector.*
- *The construction shall conform to the application considered by the Planning Board, including all plans and documents submitted in support of same, and approved by the Planning Board.*
- *This special permit shall run with the land.*
- *Outdoor lighting shall be limited to that required by the building code and shall be down-lit only and fully shielded when viewed from the top and sides. Mercury vapor lighting and "bug zappers" are prohibited.*
- *Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.*

- *Construction activities must commence no later than one year after the Special Permit is issued.*
- *No outside construction activity will take place earlier than 7:30 AM or later than 5:30 PM, or on Sunday, or from June 15 through September 15.*

VOTED: 5, 0, 0.

6:00 PM PUBLIC HEARING – REPETITIVE PETITION (20D-147)

On Tuesday, January 8, 2019 at 6:00 PM, the Edgartown Planning Board will held a public hearing in the Town Hall, Main Street, on the request of Patrick Ahearn, Patrick Ahearn Architects, on behalf of Anthony Giordano and Susanna Giordano, Owners, under MGL Chapter 40A, Section 16, to request consent for a repetitive petition.

The property is located at 62 South Summer St., Assr. Pcl. 20D-147.

Copies of the application were made available in the Planning Office for public review.

Present for the Applicant: Mr. Peter Fletcher, Patrick Ahearn Architects.

The public hearing was declared open at 6:19 PM.

Mr. Fletcher described the original proposal, as denied by the ZBA. The revised proposal removes the pool and cabana from the project, and replacing the one-car garage with a two-story carriage house (a detached bedroom on the second floor); the covered porch will be closer to the front of the house, helping to shield the neighbors from any additional noise.

Lot coverage has been reduced by 390 square feet.

Morrison: The driveway appears to stop. How does a car get to the garage? Response: It won't; the carriage house will be for off-season storage of vehicles only.

McCourt: The reduction in square footage? 490 square footage, down from 880 square feet.

The site plans (original, and revised) were reviewed. Mr. Fletcher provided elevations of the new proposed structures.

Mr. Finn reminded the board that the Zoning Board of Appeals denied the original request, as it did not comply with the provisions of 11.9 (f), and stated the following reasons:

1. *It is not in harmony with the general purpose and intent of the bylaw. At 4792 sq. ft. the lot is among the smallest in the village, less than half the size of a conforming lot. Although all the setbacks have been met the board finds that the proposed developments are more than the overall size of the lot can support.*
2. *Based on the comments of the immediate neighbor to the north, the board finds that the proposal would have a negative impact on the neighborhood.*
3. *Although the proposed pool cabana - by being less than 400 sq. ft. - meets the dimensional requirements for a detached bedroom, it also includes extra plumbing fixtures and appliances not permitted in a detached bedroom and more commonly seen in a guest house, such as a washer and dryer, ice maker, and refrigerator. A lot area of 15,000 sq. ft. is required for a guest house.*

A letter¹ from Mr. Thomas H. MacCowatt was read into the record.

Mr. Anthony Giordano spoke in his own behalf. Mr. Giordano stated that the neighbors to the immediate south agreed with the original proposal, and the revised proposal, and that he has tried to meet the concerns of the neighbors.

Mr. Giordano asked the Planning Board for the opportunity to go back to the ZBA for another opportunity to seek approval.

Mr. Sherman: The garage was moved further away from the setback. However, the garage was increased in size, and a second floor has been added. It is important for us to recognize, in this case, that the density of structures, and the arrangement of structures on the lot, are up to the ZBA to determine; our job is just to determine if the proposed changes help to address the concerns outlined by the ZBA in their original denial.

Morrison: There are significant reductions in lot coverage. However, the lot is very small; the addition of a second floor onto the garage seems to be an increase of massing of the building.

Mr. Fletcher: The lot coverage is the significant concern, at least from my interpretation of the ZBA decision.

Mr. Cisek: Adding the second floor to the garage seems to be swapping one proposal for another.

Mr. Giordano: I feel as though we are being penalized for the covered patio, as the patio exists now. If it was purely a square footage question, we would give up the covered patio.

Mr. McCourt: it's not our job to negotiate a successful plan – that's up to the ZBA. And, the ZBA may review this revised plan, and reject it.

Mr. Morgan: I don't think that the covered patio should be sacrificed. The applicant has made significant changes to the plan, and they should not be penalized for their effort.

Mr. Sherman: The adjustments to the plan are significant, but the garage, with the second floor bedroom, adds back some square footage.

Mr. Giordano described the first floor of the garage as 'non-habitable'.

Findings

The Planning Board generally concluded that

- The revised proposal represents a significant change to the original proposal, and
- The removal of the pool and pool cabana from the proposal represents a significant effort to address the concerns raised by the ZBA in their denial of the original proposal.

Vote:

It was MOVED by Morgan, SECONDED by McCourt

To close the public hearing, and that the request for a repetitive petition is approved, there being specific and material changes in the conditions upon which the previous unfavorable action was based, which are further described in the record of proceedings of this meeting.

¹ See Exhibit A, letter from MacCowatt, dated January 8, 2019.

6:15 PM PUBLIC HEARING – EDNO MILLER AND PAULO RODRIQUEZ - SP (21-10.6)

On Tuesday, January 8, 2019 at 6:15 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Edno Carlos Miller and Paulo C. Rodrigues, Owners, for a special permit, under 3.2.B.5.e of the Edgartown Zoning Bylaws of the zoning bylaw to operate a year-round buffet-style restaurant.

The property is located at 236 Edgartown-VH Road, Unit 3, Assr. Pcl. 21-10.6.

Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Mr. Edno Miller.

The public hearing was opened at 6:47 PM.

Presentation

Mr. Miller presented the Planning Board with a revised plan.

Mr. Darren Reubens (architect / designer) stated that the plans had been revised in order to satisfy some concerns that were previously raised.

The existing accessible bathroom would remain. The kitchen would extend further into the space. The seating would be reduced to 31 seats. The revisions make the kitchen more usable, and maintain accessibility.

A second door allows a second means of egress out of the building, and facilitates trash disposal. The amount of seating permitted by the square footage is greater than what is being proposed.

Mr. Finn read portions of a memo to file, addressing concerns relayed to the office by the Board of Health.

Chuck Hibbard, Dory Lane: I reviewed the documents, as in the file. I'm looking for more details. Is there a legitimate business plan? Is this sustainable? Will this be a detriment to the neighborhood? Parking is a concern, trash is a big concern. Unpleasant odors are a concern. Is there a business plan? Will the business be continually beneficial to the neighborhood in terms of health and safety?

Mr. Hibbard: I am confused as to the application: What is a "Whole Restaurant"?

Mr. Sherman: I believe that refers to the restaurant offering both "sit-down" and "take-out" service, as opposed to just "sit-down" service, or just "take-out" service.

Mr. Hibbard: On the application, the owner of the property needs to be involved. Is there a letter from the owner?

Mr. Sherman: As a tenant of a space, the applicant may ask to use the space; however, changes to the common areas, or the structure itself, would require owner approval.

Ms. Jay Swartz: A restaurant in a residential area will have an impact on the adjacent residential area. Where will the refrigeration be? Where will the exhaust be vented?

Ms. M.J. Look : Will this be no-takeout? Or eat-in? Have you been down any of the side roads at lunch time? Parking is going to be an issue. Will there only be one bathroom?

Mr. Sherman: Two bathrooms are available.

Ms. M.J. Look: will there be a bar? Mr. Miller: No.

Ms. M.J. Look: Hours? Response: 11 AM to 11 PM.

Mr. Hibbard: The current use doesn't generate any business, nor does it create traffic. If the existing space is going to be takeout, then it's going to create significant traffic in the area.

Ms. Gleyzeille Rodrigues: The food establishment currently has 11 AM to 11 PM. The Applicant could modify its hours to open later – 4 PM to 11 PM, for example.

Ms. Swartz: To be open to 11 PM is not acceptable.

Ms. Swartz: The exhaust fans, air conditioning, etc., would be operated late night.

Ms. M J Look: Even if closing is at 11 PM, there will be activity on site after 11 PM.

Mr. Swartz: Where will employees park? Mr. Reuben: The expectation is that the employees would use the park and ride lot (the public lot).

Mr. Reuben: we understand the concerns of the neighbors. That's the nature of the business district. If business can't be done there, where would they go to do the business? If we don't do it, someone else would come up with another idea for that area. The area is zoned for the use.

Ms. Morrison: For the dark-wood residents: What kinds of experiences have you had with Edgartown Meat and Fish? They have early hours...

Ms. Swartz: There is constant activity; there is no formal loading / unloading area, so trucks stop and unload wherever they can; trucks are parked in front of the location, sometimes blocking traffic in the parking lot. This proposal is similar in nature to "Sophias"; there will be large delivery trucks, and there will be landscaping trucks coming in to buy, and it will generate significant activity in the parking lot.

Mr. Hibbard: Edgartown Meat and Fish is a reasonable neighbor, they do a good job. The grill / baking smell is significant and undesirable at times. The current application is expected to have a great deal of fried food, which will generate significant ventilation and scrubbing equipment, which will generate airflow, odors and noise. The space will likely see some other business, but I hope it is of proper scope and scale to the space.

Mr. Sherman asked for commentary from the board.

Mr. Morgan: The business can be very successful – it's a great plan. However, this seems to be the wrong space for it. A business owner can't control what is driven up to the business parking lot. The existing businesses in that area already generate a significant amount of traffic. The existing uses in the square would pay for the impact of larger vehicles and lunch / dinner traffic. Ventilation and exhaust fans will generate impacts that would overwhelm what seems to be an already overwhelmed location. In no way would I discourage the proposal for a restaurant; but this seems to be the wrong location.

Mr. McCourt: The issue for that area is parking, and we are already short on parking in that area. We have to try to abide by the amount of parking that the Zoning Bylaw requires.

Mr. Sherman: There will be a lot more traffic than could be handled with the eleven spaces mandated by the Zoning Bylaw.

Mr. Cisek: Parking is a big issue – there is a significant lack of parking as it stands – even in the winter, the lot is mostly full.

Mr. Reuben: There is little to no parking in Edgartown now. If Edgartown limited businesses based on parking, there would be no business in Edgartown. I understand that if you feel that it is the wrong location; but parking should not be the only factor considered.

Mr. Sherman: In this situation, as a board, we have an opportunity to not make the situation worse.

Ms. Morrison: What else is available? Where else could we advise the applicant to go? What other rental spaces are available?

Mr. Sherman: I would like to continue this public hearing to a later date; I would like the applicant to address the issues of the neighbors regarding ventilation, trash handling, and deliveries. I would like to see this be worked out in an equitable and fair way, one that can work to everyone's satisfaction.

Mr. Morgan: Additionally: Give a hard look at whether you want to give up your opportunity to sell lunches, just to be able to stay in this location. That could make or break your business.

Mr. Reuben: Can the applicant withdraw without prejudice?

Mr. Sherman: You can do that at any time before a vote.

Mr. Cisek: Can the revised plan be transmitted to the Board of Health for review and comment?

Mr. Morgan: You might also want to check with the other tenants in the Post Office Square for their commentary.

It was MOVED by Morgan SECONDED by Morrison

To continue the public hearing to January 29, 6:15 PM.

VOTED: 5, 0, 0.

The public hearing was declared adjourned at 7:38 PM

OTHER BUSINESS:

Zoning Bylaw Changes (5 MIN)

Mr. Finn distributed information about a zoning bylaw amendment proposed by the Historic District Commission.

Mr. Finn distributed a 'public information booklet' about the proposed changes to the zoning bylaw, which has been filed with the Town Clerk, posted on the Town's website, and is available for public inspection.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

ITEMS FOR REVIEW / SIGNATURE

MINUTES -- REVIEW / APPROVAL (2 MIN)

Minutes for the meetings from December 4, 2018 and December 18, 2018, were submitted for review.

PAYROLL

The payroll sheet for the pay period ending January 8, 2019 was reviewed and signed.

DECISIONS

No decisions were presented for signature.

SCHEDULE OF UPCOMING MEETINGS

The following meetings were tentatively scheduled:

- January 15, January 29 (tentative)
- March 5, March 12 (tentative), March 19

ADJOURN

There being no further business, it was MOVED by Morrison, SECONDED by Cisek
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:42 PM.

Respectfully submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board
at a regular meeting, held on

02.05.19
(Date of vote)

[Signature]
Sherman (chair)

[Signature]
Mascolo

[Signature]
McCourt

[Signature]
Morrison

[Signature]
Morgan

[Signature]
Cisek (alternate)

**Thomas H. MacCowatt
PO Box 407
New Vernon, NJ 07976
908-310-9988 (cell)**

**58 South Summer Street
Edgartown, MA 02539**

January 8, 2019

Town of Edgartown Planning Board
PO Box 5130
Edgartown, MA 02539
Attention: Sam Sherman, Chairman

RE: 62 South Summer Street, Giordano – request for a Special Permit under MGL Chapter 40A, Section 16, request consent for a repetitive petition

Dear Members of the Planning Board,

I am writing, on behalf of my family, with regard to the request for a special permit for the Giordano property at 62 South Summer Street. I am the trustee of the family trust that owns the abutting property at 58 South Summer Street. My parents purchased the property in 1999 and my mother spends the entire summer there every year. My two sisters and I and our families vacation there throughout the summer months.

First and foremost, the Giordanos are our friends and neighbors and this whole process has caused us much angst. We were very reluctant to write anything, but are worried that by not speaking up, we will be complicit with setting precedent for future development in town. We have reviewed the revised application and accompanying drawings and we appreciate the changes that they made to address our concerns expressed in our letter read at the zoning board meeting on October 23rd. However, we have one additional comment for the planning board to consider on the new proposal. Mr. Ahearn notes in his letter of December 14, 2018 that "the main concern of the board was that there was too much development for a lot of this size, 4,792 square feet." He goes on to focus on the lot coverage that has been decreased by 391 square feet from the old plan to the new plan and states that the new proposal reduces "the impact on the lot by almost half." However, he fails to take into account the floor area of the second floor bedroom and bath of the newly proposed carriage house, which adds nearly another 378 square feet of floor area (assumption based on garage footprint) and therefore development on the lot, resulting in only a de minimis reduction in the zoning board's main concern of "too much development." The result is that the proposed carriage house will be nearly 750 square feet in total first and second floor area versus the previously proposed cabana at 509 square feet. Our previous letter to the zoning board indicated that "we would support a single story detached one bedroom and bath, if reasonably sized for the undersized lot."

Second, I would like to correct two points in the "Record of Proceedings", Case No. 41-18, with regard to the public hearing on October 23rd for the original special permit application:

1). "Mr. Ahearn noted that the MacCowatts have a guest house in the rear of their property that is larger than 900 sq. ft."


The record should show the total livable floor space of our guest house at 877 square feet, which is within zoning guidelines.

2). "He [Mr. Ahearn] also noted that the lot adjacent to them [the MacCowatts] had a small pool installed five or six years ago with no objections from Mr. MacCowatt."

The record should show that my father, Paul MacCowatt, the trustee at the time in July 2011, did object to the original plans for a pool at the house next door at 52 South Summer St., prior to the historic district hearing that month as the pool was going to be larger and closer to our property line and to South Summer Street. Several other neighbors also objected, as did the town to a new driveway cut on Cooke Street, and the applicant's plans were revised prior to the meeting to put a smaller pool in the rear of the property between the garage and the main house. The minutes of the historic district meeting read that my father and two other neighbors spoke at the meeting and "expressed concern about pools in the Historic District."

Finally, through this process, we have learned that the current zoning by-laws are quite loose and subjective, which leaves a tremendous burden on neighbors, who are reluctant to speak up. Other municipalities have more objective criteria so that friends and neighbors are not pitted against each other. We believe that Edgartown's zoning by-laws could better address the increasing bulk, density and dwindling open space in town by better defining measures of lot coverage, building coverage, and floor area ratio. In addition, we believe the town should address the use of creatively-named accessory structures, such as cabanas, pool houses and carriage houses, which incorporate non-habitable spaces to circumvent restrictions on guest houses. Tightening up zoning will prevent over-building and utilize objective criteria as the basis for approving or turning down a project, rather than relying on the input of neighbors.

Best regards,



MacCowatt Family Children's Trust
Thomas H. MacCowatt, Trustee

cc: Anthony Giordano
Edgartown Zoning Board of Appeals