

Edgartown Planning Board Minutes

Tuesday, January 29, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, January 29, 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, Fred Mascolo, Michael McCourt Scott Morgan, Lucy Morrison, James Cisek (Planning Board Alternate). Also Present: Douglas Finn, Planning Board Assistant

Call to Order

A quorum was declared. The board reserved the right to address non-scheduled agenda items out of order as needed, or for the convenience of the applicants.

SITE VISITS

9:15 AM – 87 WEST TISBURY ROAD – DEFINITIVE SUBDIVISION

No deliberation was conducted as part of the site visit.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING: DEFINITIVE SUBDIVISION PLAN, 87 WEST TISBURY ROAD (20C-110)

On Tuesday, January 29, 2019 at 5:30 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Doug Hoehn, SBH, Inc., on behalf of Facingwestventures, LLC, Owner, for approval of a Definitive Subdivision Plan, creating three conforming lots. This application is made in accordance with Sections 81K-81GG of Chapter 41 of the General Laws, Section 10.1.A of the Edgartown Zoning Bylaw, and the Rules and Regulations Governing the Subdivision of Land in Edgartown. The property is located at 87 West Tisbury Road, Assr. Pcl. 20C-110. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Chris Alley, Schofield Barbini and Hoehn, Inc.

Presentation and public hearing

Mr. Sherman opened the public hearing at 5:31 PM.

Mr. Alley described the proposal and reviewed the plan: to divide a single existing lot into three conforming lots, served by a private way off of West Tisbury Road.

Mr. Alley described the proposal as a Form C; a single house currently exists. A roadway will be constructed along the right (east) side of the property.

The road layout is a 20-foot layout, with a 2-foot easement. The width will allow for two eight-foot lanes, and two 3-foot side strips. The current house will remain on West Tisbury Road.

The current lot size: is about .93 acres. The zoning is R-5, with a minimum lot size: 10,000 sq. ft.; setbacks: 20ft (front), 5 ft (side and rear).

Each lot will be between 10,000 and 12,000 sq. feet. Guest houses will not be allowed. The existing house lot would be permitted a guest house.

There were some comments at the site visit regarding sightlines and drainage. There is no drainage shown on the plan, but could be provided on a modified plan.

Mr. Alley stated that a cross section of the road (“lines and grades”) can be provided.

The three lots will connect to town water and sewer; connections have been preliminarily approved for no more than four bedrooms per lot.

The road can be ‘pitched’ to the west, with a catch basin and leaching pit placed at the lowest point on the property.

Mr. Finn read into the record an email received from Alex Schaeffer, Edgartown Fire Chief¹.

Mr. Josh Levy, resident of Edgartown, was present and spoke regarding the project. Mr. Levy objected to the proposed narrow roadway, and expressed concern about access by emergency vehicles. Mr. Levy also expressed concerns about the creation of a four-way intersection that will add to congestion, and increase difficulty for pedestrians crossing. Mr. Levy also expressed concern about the narrow (shallow) lots, and the development so close to the abutter’s property lines.

Mr. Levy was concerned that the third (back) lot did not have enough qualifying frontage. The matter was reviewed, with the curve of the ‘hammerhead’ serving to supply the qualifying frontage for the third lot.

Mr. Levy: Putting in a subdivision is unnecessary, adding to the congestion, the traffic, and the density of the area. Many homes are being built as rentals.

Mr. Levy requested that the subdivision be reduced to two lots, and the road widened.²

Mr. Finn noted that the proposal does not need to be referred to MV Commission.

A resident expressed concerns about the road width.

Mr. Jim Athearn described little patches of woods that form a natural buffer between houses and house lots; when lots are developed, the nature of the neighborhood changes. Mr. Athearn hoped that the planning board would consider that.

Ms. Nancy Trimper expressed concerns about the potential for headlights, and inappropriate activity; Ms. Trimper also expressed concerns about access to West Tisbury Road from her street (Marchant’s Path), and suggested the same situation would be present for the proposed subdivision. The area is a ‘dangerous, busy spot’, that is busy quite often. Ms. Trimper suggested that this could exacerbate what she sees is a safety issue.

¹ Exhibit A: E-MAIL from Alex Schaeffer, Edgartown Fire Chief, dated Tuesday, January 29, 2019, 10:17 AM

² Exhibit B: LETTER from Josh and Prudence Athearn Levy, 95 West Tisbury Road, Edgartown, dated January 28, 2019

Ms. Trimper also raised an issue with the speed of internet access; cable internet is shared by neighborhood nodes. More neighbors on a given node reduced speed and capacity for all customers. Ms. Trimper asked how the town addresses these concerns.³

A question was asked about the speed limit of West Tisbury Road in that section. Mr. Morgan stated that the speed limit is 35 MPH, and is currently posted.

Ms. Trimper addressed an issue regarding potential construction vehicles. Where will vehicles be parked?

Ms. Prudence Athearn Levy expressed concerns related to recent construction in the area resulted in construction vehicles being parked on the bicycle paths, and the edge of the road, reducing access and visibility.

Mr. Sherman stated that a condition of approval could speak to parking and access to and on the lots by construction crews.

Mr. Victor Guaglianone read a letter into the record.⁴

Mr. Guaglianone expressed concern about the potential for each lot given permission for a second dwelling (a guest house), which would increase use and density. Mr. G. also expressed concerns about pedestrian safety as density of use increases. Town sewer and wastewater systems would also increase. Trash storage and disposal might be an issue.

Mr. Guaglianone: Section 2.05.M requires storm drainage, water and sewer systems be shown on the plan – no mention is made.

Mr. Guaglianone asked about the owner of record, and the authorization for SBH to act in their behalf.

Mr. Guaglianone asked that the board condition approval to have no more than one dwelling per lot, and that the condition run with the land.

Mr. Mascolo disclosed that he once represented the Hagerty's (an abutter); that business is concluded, and Mr. Mascolo stated that he had no direct or indirect financial interest in the matter.

Mr. Morgan: Lot one could have a guest house? Mr. Alley: The lot – without subdivision – could allow for a second dwelling (a guest house) by right, with a detached bedroom as well, up to seven bedrooms.

Mr. Morgan: If this were divided into two fifteen thousand acre parcels? Mr. Alley: Each lot would have up to six bedrooms, and would be allowed a guest house by right.

Mr. Alley: The physical radii going onto and off of West Tisbury Road are determined by the state.

Mr. Sherman: In review – the proposal is for a three-lot subdivision, with four bedrooms allowed per lot. If the property were divided into two lots there could be two main houses, and two guest houses, with five bedrooms per lot.

Ms. Athearn: The concern is the density of use – two lots would still be preferable.

Mr. Sherman: Generally, detached bedrooms are used by guests, or for family use; a guest house might be rented to a third party.

³ Exhibit C: Letter from Nancy Trimper, 90 West Tisbury Road, dated January 27, 2019, 10:27 PM

⁴ Exhibit D: Letter from Mr. Victor and Mrs. Victoria Guaglianone, 66 Pin Oak Lane, Wilton, CT., dated January 25, 2019

Mr. Guaglianone: Read from the existing regulations for bedrooms, and he suggested that the limit may be four bedrooms.

Ms. Athearn: Why build a whole new road? Why not just sell the whole lot to a second person?

Mr. Cisek: The concern from the Fire Chief hasn't been addressed. We don't want to create another "Mill Hill Road" situation, where access to properties by emergency responders is limited by roadway width.

There was some discussion related to the road widths, the design of the hammerhead, and etc.

Given the need for further information, Mr. Sherman asked for a motion to continue:

It was MOVED by Mascolo SECONDED by Morgan

To continue the public hearing to February 12, 2019, 5:30 PM.

VOTED: 5, 0, 0.

5:45 PM PUBLIC HEARING: SP - MV EDGAR INN, 225-227 UPPER MAIN STREET (20A-91, 92, 93)

On Tuesday, January 29, 2019 at 5:45 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Geoghan Coogan, Edmond G Coogan Law Office PC, on behalf of MV Edgar Inn, LLC and Three Amigos Holding Company LLC, Owner, for a special permit **to install a vestibule on an entry door, enclose a delivery location at the rear of the kitchen, and create an expanded parking field.** The application was made in accordance with Section 3.2, Section 10.2.A.1 of the Edgartown Zoning Bylaw. The property is located at 225-227 Upper Main Street, Assr. Pcl. 20A-92, 20A-93, 20A-91. Copies of the application were available in the Planning Office for public review.

Agent for Applicant: Geoghan Coogan.

Mr. Mascolo disclosed that he had represented both parties in the sale of the parking area, and recused himself from discussion. Mr. Sherman stated that Mr. Cisek would participate as a full member in the matter.

Mr. Sherman declared the public hearing open at 6:19 PM.

Public Hearing and Presentation

Mr. Coogan described the project as an enclosure of the existing west entrance, the creation of a kitchen utility room out of a currently-fenced-in area at the back, and the creation of 24 spaces of additional parking.

Mr. Sherman: Have these changed since the original proposal? Answer: Yes, certain details were not ready.

Ms. Debra Cedenó spoke about the project: A review by the Board of Health, citing concerns related to an outside access to the basement, encouraged the developer to consider enclosing the space, providing a safer, more sanitary access to the basement (which is used for food storage).

Mr. Finn stated that, with the approval of the chair, the application has already been referred to MV Commission (modification of a previous DRI project) with the approval of the chairman of the Board, in order to expedite the matter.

Board members comments:

Mr. Morgan: Is this already under construction? Ms. Cedeno: The covered open porch has been constructed; the enclosure is a new addition and has not yet been improved.

Mr. Morgan: How much of what you're asking permission for is already under construction?

Mr. Coogan: Nothing. We have only constructed what was previously approved.

Mr. Morgan: This has gone to the commission? Mr. Finn: Yes, after discussion with and approval by the chairman of the board.

Mr. Cisek: will there be lighting in the new parking area? Ms. Cedeno: Unknown. That answer can be provided. Is the parking in addition to the existing? Yes.

Is the additional parking required as part of the expansion? Response: It isn't necessary, but will be beneficial to the business.

There was some discussion related to the use of a residentially-zoned lot for parking incidental to an adjacent commercial use.

Mr. McCourt: The parking lot is only accessible from the Clarion site? Yes.

There were no more specific questions asked at that point. Due to the matter being referred to the MV Commission for review as a previous DRI, Mr. Finn recommended continuing the public hearing.

It was MOVED by Morgan SECONDED by Morrison

To continue the public hearing to March 19, 2019, 5:30 PM.

VOTED: 5, 0, 0.

5:55 PM SITE PLAN REVIEW: 9 KATAMA FARM SOUTH ROAD (45-431)

The Planning Board took from the table a site plan review of a proposal for renovation of an existing guest house, receive comment from Site Plan Committee Members, and vote on application, in accordance with Zoning Bylaw 5.3.I.

Mr. Finn reported that he had contacted both Doug Hoehn, and the General Contractor, informing them of the matter being tabled, and taken up again.

Present for the Applicant: Gunther Lakis, representing Peter Breese Architects.

Presentation

Gunther Lakis from Peter Breese Architects spoke to the proposal. Mr. Lakis stated that Darren Reuben is coordinating the project.

Mr. Lakis: (Answering a question from the board): The pool house has a bathroom. The guest house is less than 900 square feet, 600 square feet smaller than the existing structure (the primary dwelling on the lot), and conforms to setbacks. The repositioning aligns to meet the owner's 'master plan' for the site.

The guest house is described as being less visible from the street than the current main dwelling;

The lot is conforming (1.52 acres).

Mr. Morgan: I'm concerned that we're creating a precedent: will this open the door to others having guest houses?

Ms. Morrison expressed concerns about the project.

Mr. Sherman: If the 'pool house' as proposed were developed as a guest house, it would likely conform to zoning, would be outside of the Katama Airfield Conservation District, and would be allowed by right.

Mr. Lakis: I thought the question was just about the single wall (the 25% concern).

Mr. McCourt: I'm also concerned that we are opening up the floodgates here (to additional guest houses).

Mr. Mascolo: The fact that it's pre-existing and the new structure will be smaller, and conforming, I don't have a problem with it. As far as 'over-development'... it's an existing use.

Mr. Sherman: We're concerned with the overall density of use; but the density of the rest of the lot is not our concern; the proposal is taking an existing main house, converting it to a guest house.

There was further discussion about the exchange of the two structures (the existing main dwelling for the existing guest house), overall developmental plan; the nature of the request, and whether the other proposed development would be allowed by right in the district.

Mr. Sherman called for a motion.

Ms. Morrison suggested that the existing structure on the property should be noted as the rationale for supporting the motion to approve.

It was MOVED by McCourt SECONDED by Mascolo

To approve the application as presented, with the following conditions

Any and all landscaping should be limited to plant species native to the district.

A planting plan should be submitted to the Conservation Commission and the Board of Health for review and comment.

All lighting should be completely down lit and shielded; up lighting is strictly prohibited.

The property is subject to the Board of Health's regulations for the application of fertilizers for turf, section 17.

The use of herbicides, pesticides, fungicides, or other products are prohibited due to possible drift onto the abutting farm fields.

Applicant is advised to seek guidance from Conservation Commission and Board of Health.

The maintenance of a single wall is specifically not required by the Planning Board.

VOTED: 5, 0, 0.

6:00 PM ADMINISTRATIVE

Review of Minutes from December 4, December 18, January 8, January 22.

The minutes from December 4, December 18, January 8, and January 22 were distributed for review.

Payroll – period ending February 5, 2019

Payroll Sheet for the period ending February 5, 2019 was presented for review and signature.

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

A public hearing was continued from January 8, 2019, 6:15 PM, in regard to a Special Permit application for a year-round buffet-style restaurant. The proposed restaurant will be located at 236 Edgartown-VH Road, Unit 3.

Mr. Sherman continued the public hearing at 6:53 PM.

Present: Edno Carlos Miller and Paulo C. Rodriques, Owners. Also speaking on behalf of the applicant: Mr. Bob Sparks.

Mr. Miller presented a list of specific concessions / conditions that they offered as part of their proposal:

- Employees would be required to park in the park and ride, to reduce use of the main parking area.
- Hours of operation will be limited to 11 AM to 9 PM.
- Vendors will make deliveries once weekly.
- Trash pickup will be done by the same vendor – and at the same time - as Edgartown Meat and Fish, and would happen daily during the summer season, and six days per week on the off season.
- A ‘state of the art’ hood would be installed that will reduce odors and noise.
- Specific walls will be sound-proofed to reduce the amount of noise transmitted to neighbors.
- A wall on the south side of the property will be placed to reduce noise transmission to the neighbors.
- Trash will be contained in tight bins.
- A walkway from the delivery area across the back (south) wall will allow for deliveries to the restaurant from a back door cut into the south wall.

Mr. Sherman asked if there were questions from abutters:

Mr. Peter Look asked if neighbors were notified. Mr. Sparks stated that the concerns from the public, as presented at the previous meeting, had been addressed.

There was some discussion related to trash handling. There was some back and forth between the applicant and the abutters.

Ms. MJ Look: where will the exit be? Will there be a fan facing the south side?

Mr. Sparks Yes, there will be a ramp, leading from the back door, to the trash area. Ms. Look expressed

concern about the visual screening of the operation from neighbors' view. Mr. Sherman stated that one condition could be to not remove any of the trees screening along the back lot line. Mr. Miller stated that a fence would be added to the trees to improve visual screening.

Ms. MJ Look: Can you guarantee that the trucks won't block accesses between the lot and the adjacent ways?

Response: There is and will be ongoing issues related to delivery truck parking.

There was some back and forth related to the use of loading zones for customer parking;

Mr. Sherman stated that some concerns about additional truck traffic seem to have been addressed by the applicant.

Ms. Emily Senn described past practices related to truck deliveries and loading zones.

Mr. Glen Searle: Lunchtimes at Sophia's was very difficult, due to the number of landscaping trucks stopping and blocking traffic.

Mr. Miller: This shouldn't be an issue, given the proximity of the "park and ride" lot.

Ms. Look: Question: Will there be an alcohol license applied for? No, not at this time.

Ms. Look: I'm concerned about the hours of operation, and that nightly activity would continue until 11 PM.

Ms. Swartz: What about the requirements of being not more detrimental to the neighborhood?

Response (Mr. Sherman): that will be considered.

Mr. Cisek noted that the town will not be responsible for painting the parking lot lines, nor policing the parking areas; those tasks are the responsibility of the land-owner.

Mr. Look: Where will the exhaust fans go? Mr. Miller: On the roof.

Mr. Mascolo: will there be odor abatement? Mr. Miller described the device proposed to be used.

Ms. Swartz: will there be a traffic study?

Ms. Morrison: This could be referred to the MV Commission as a concurrence review.

Mr. Sparks: What are we considering to be "new" traffic? What is existing traffic to and from the site? What's the tipping point? And for how much of this burden does this one applicant bear responsibility?

Mr. Sherman: Will there be new traffic into the lot that did not exist previously? It seems likely, and if so, it may require a traffic study, and having the MV Commission weigh-in on the traffic impact might be beneficial.

Ms. Morrison: The Commission has access to a number of traffic engineers that could examine the situation, and provide the Board with better information.

There was some discussion as to the timing / delay of sending the matter to the commission.

Ms. Morrison: I would prefer this be sent to the commission.

Mr. Morgan: I'm concerned with the impact this will have. There isn't a good parking situation there now. I'm concerned that you might not have talked to all of the other businesses in that lot. The business is going to be very successful; but it will increase traffic considerably in that lot. Other businesses of similar models have proven to be troublesome in terms of the traffic. The parking lot is inadequate for the businesses in that plaza now; a successful restaurant is going to make it considerably worse.

Mr. Sherman: The other factor: Take-out is one thing. A sit-down restaurant is another ballgame. Tying up spaces for a longer period of time is different from a quick visit. Getting the commission involved would be a good idea.

Mr. McCourt: We would be crazy not to look at the parking and traffic situation, and the impact that this business will have on that situation. The traffic study for the apartments came out in favor – but that was for five apartments, with minimal daily trips. This is a different situation. I'd like to see the commission take a look at this.

Mr. Sherman asked if there was a motion:

It was MOVED by McCourt SECONDED by Morgan

That the matter be referred to the commission for review of traffic and parking impacts.

VOTED: 5, 0, 0.

It was MOVED by McCourt SECONDED by Morrison

To continue the public hearing to March 19, 2019, 5:45 PM

VOTED: 5, 0, 0.

OTHER BUSINESS

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

POTENTIAL: TOE-ANR Plan, 70 Main Street

An ANR plan was submitted on behalf of the Town of Edgartown for a lot line adjustment between two parcels – Map 20D, lots 125 and 127.

Present for SBH, Inc.: Chris Alley.

Mr. Finn described the proposed plan: AN ANR proposes a lot line adjustment in order to allow for the rebuild of the small building on one of the two properties.

Mr. Sherman: I'm concerned with this, as the plan creates a non-conformity, and this runs into significant issues related to a 30-year lease.

There were additional concerns raised related to the timing, the legal impacts, and conflicting direction from the town.

Mr. Sherman suggested that this might be best tabled to a later meeting.

There was ongoing discussion related to the matter, whether the endorsement of an ANR would affect the 30-year lease, whether it would affect the town's options or obligations; and whether this matter would affect any present or future litigation.

The urgency of the request was considered and discussed.

The planning board declined to take action on the matter, but agreed to add it to the next possible agenda.

SCHEDULE OF UPCOMING MEETINGS

The following meetings were tentatively scheduled:

- February 12, March 5, March 19

ADJOURN

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

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:48 PM.

Respectfully submitted


Douglas Finn,
Administrative Assistant

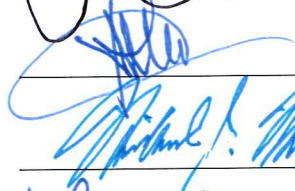
Attached Exhibits:

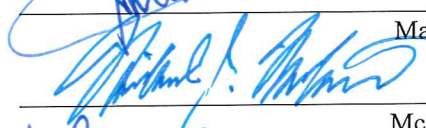
- A - LETTER from Chief Alex Schaeffer – Edgartown Fire Department
- B - LETTER from Nancy Trimper
- C - LETTER from Victor and Victoria Guaglianone
- D - LETTER from Josh Levy


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


02.12.2019
(Date of vote)


Sherman (chair)


Mascolo


McCourt


Morrison


Morgan

Cisek (alternate)

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE:

2/5/12

Name (Please print legibly!)

Street Address

Agenda Item

Burkholder Jr

PEW HALL, JR.

2101 Ave

Comm. for Gov. Martin

87 West Tisbury rd

1 message

Alex Schaeffer <aschaeffer@edgartown-ma.us>
To: planningboard@edgartown-ma.us

Tue, Jan 29, 2019 at 10:17 AM

To the planning board

I am writing in reference to the requested variance applied for on behalf of Facing West Ventures LLC on Accessors parcel 20c-110 located at 87 West Tisbury Rd in Edgartown. Unfortunately I am away at training today and will not be able to attend the meeting.

Given the proposed plan, I have concern of the accessibility to the subdivided properties by emergency vehicles. Additionally the ability to turn around on the proposed dead end private way is an important aspect of this accessibility. As you may be aware, we have worked together in the past to insure that emergency vehicles and apparatus have the room they need to allow for the most appropriate response given all types of emergencies. I hope that we can evaluate this proposal together and find a solution that will be acceptable to all stakeholders.

Respectfully

Alexander Schaeffer
Chief, Edgartown Fire Department

1/28/19

Dear Planning Board,

We are writing regarding the plan submitted for 87 West Tisbury Road.

As the direct abutters to the proposed subdivision, we would like to object to the current plan on the following grounds:

- 1) The waiver the owners are requesting to decrease the private way from 30 feet (From the subdivision Rules and Regulations) to 20 feet will provide a very narrow access for emergency vehicles. This will create a safety hazard. In addition, the emergency vehicles will be unable to turn around in this narrow space. It will also set precedent for others to create unsafe entrances to future subdivisions.
- 2) The placement of the proposed driveway is directly across from Marchant's Way, and thus creates a 4 way intersection between the proposed new road, Marchant's way, and West Tisbury Road.
- 3) We walk our children to school every day, and it is getting more and more dangerous to cross West Tisbury Road as there are more houses and high speed vehicle traffic in the area. This subdivision will only make it worse.
- 4) As a private way, there are no zoning regulations limiting use of the proposed road and parking and thus could be used to store commercial trucks and vehicles, which is not fitting with the character of the neighborhood.
- 5) The 3rd lot, furthest from West Tisbury Road, is a non-confirming lot and does not meet the 50 foot requirement for frontage
- 6) The lot is very narrow and would force the builders to squeeze the houses in a very tight footprint between the proposed road and the rear and side property boundaries.
- 7) The plan calls for 3 building lots, while originally it was approved with the potential for 2 building lots prior to its' recent purchase.
- 8) This high density housing will further erode the tranquil nature of this area and lead to more congestion, lighting, traffic, and construction. In addition, the opportunity to rent these properties to large groups may create a party atmosphere in the neighborhood that is not in line with the family neighborhood they are staying in.

We appreciate your consideration and ask this plan be amended so that the private way remains at 30 feet as required by section 3.01.2 Width (From the subdivision Rules and Regulations) and the property only be permitted to be divided into 2 lots, not 3.

Respectfully,

Josh and Prudence Athearn Levy

95 West Tisbury Road, Edgartown

Comments in advance of public hearing, Facingwestentures, LLC, 87 W Tisbury Rd

1 message

'Nancy Trimper' via Planning Board <planningboard@edgartown-ma.us>

Sun, Jan 27, 2019 at 10:27 PM

Reply-To: Nancy Trimper <njtrimper@yahoo.com>

To: planningboard@edgartown-ma.us

Dear Planning Board,

Thank you for the opportunity to provide input on the proposed subdivision at 87 W Tisbury Rd, directly across the street from me.

I am a year-round resident and have lived here long enough to see the substantial increase in traffic, especially in the summer months - and the tourist season gets longer every year bringing more traffic for a longer period. Traffic is my primary concern.

The location of the entrance for the proposed private way will be almost directly across from the entrance to Marchant's Path. In fact, I expect the headlights from the cars emerging from the proposed way will shine directly in my bedroom window. And I suppose there will be a streetlight or more as well. I realize this is a very personal issue and doesn't concern the greater good, but it does concern me - quite a bit. The summer traffic in and out of Marchant's Path is already a nuisance, and I feel as if this could double the activity around my property. An intersection here will require both rapid (noisy) acceleration due to the speed of oncoming traffic along W Tisbury Rd, and lengthy idle times with noxious fumes and noise while waiting for traffic to abate along W Tisbury Rd. This island should be a place where anyone can enjoy leaving their windows open in the good weather - I fear I will lose this fundamental pleasure of life on Martha's Vineyard.

While this specific concern may be a personal nuisance for me, I also feel the placement of the entrance of the private way is unsafe, as cars speed up rapidly once past the school in the direction W Tisbury, and in the direction of Edgartown they have not yet slowed down for the school. I can personally speak to the perils of crossing the road on foot at that very spot to get my mail on a regular basis. It is a dangerous spot - especially in the summer months. Even when there is no car in either direction when I begin to cross the street, I usually end up holding onto the mailbox so as not to get knocked over as cars whiz by once I get to the mailbox. Then it's a race to get back to the sidewalk in the other direction. Not to mention I usually have to stand and wait for some time for an "all clear" to cross.

I've been turning in and out of Marchant's Path in my car for more than 20 years, and it is not an easy turn, especially in the summer when there is sidewalk traffic in addition to car traffic. I can't imagine the additional difficulty due to another road virtually across the street from Marchant's Path - a four way intersection with the added factor of sidewalk traffic seems a bit too much for all concerned from a safety perspective. And in the off-season the sidewalk traffic is primarily children on their way to and from the elementary school - coinciding with some of the busiest traffic of the day. I just don't think a 4 way intersection, close to a school with a busy sidewalk in all seasons, is safe - especially considering the speed of the traffic at that point.

And then there are the construction vehicles associated with the building project. Where would they park? Are they going to use W Tisbury Rd? Even if they don't park there they will be turning on and off of W Tisbury Rd routinely. Is there a way to at least keep them off of my side of the road? It is such a nuisance, the noise and dust is terrible. I really don't like the idea of a dead-end private way with all access off of W Tisbury Rd.

Three lots seems like a dense configuration, I assume they will have town septic and the town can support that. Another limited resource is internet - has anyone spoken with Xfinity/Comcast about their ability to provide internet capability to this area of town, given a greater density, without further degradation to our individual signal?

I also have a couple of general questions I hope can be quickly addressed. It appears that a private way should have the same standards as a public way regarding number of cars in the driveway, type of cars (limited commercial parking), and all other respects. Could you just take a minute and confirm that for me?

I've also heard of some discussions to limit the footprint of a house based on the square footage of the lot. Where does that discussion stand relative to this proposed subdivision?

Thanks again for this opportunity,

Nancy Trimper
90 W Tisbury Rd

66 Pin Oak Lane
Wilton, Connecticut 06897
January 25, 2019

Via email: planningboard@edgartown-ma.us

Edgartown Planning Board
Town Hall, 2nd Floor
70 Main Street
Edgartown, MA 02539

Attention: Doug Finn, Administrative Assistant

Re: **Application for Approval of the Definitive Subdivision Plan by
FACINGWESTVENTURES, LLC respecting 87 West Tisbury Road**

My wife and I are the abutting owners of 78 West Tisbury Road and would like to comment on the Plan. If we are able, we would expect to attend the hearing scheduled for January 29, 2019 as well.

The primary focus of our comments on the Plan relate to the potential burdens put on the Town and the neighborhood from the Plan's addition of two building lots and creation of a new road.

We do not object to the Plan conceptually; however, we believe that after consideration of our comments below, the Board should require a few changes and impose certain conditions on any approval of this Application. We also believe that for some technical reasons, it would be premature to approve the Plan as presented.

CONCERNS:

As noted on the Plan, the subject property is in zoning district R-5 under the Edgartown Zoning ByLaw. The Plan shows each of the three proposed subdivision lots exceeds the 10,000 square foot minimum lot size in R-5, even after discounting the amounts allocated for the private way easement.¹

Given the narrowness of the existing lot, fronting as it does on West Tisbury Road, the Plan proposes to create a private way for access to the three newly-created lots. This private way appears to be necessary in order to comply with the frontage requirements under the Zoning ByLaw (50 feet) and as such it must be constructed in accordance with the Massachusetts Subdivision Control Law and the Edgartown Subdivision Rules and Regulations as well as the Zoning ByLaw.²

The proposed private way shows a curb cut of over 46 feet at the intersection with West Tisbury Road, over half the existing lot frontage. Such a curb cut exceeds the maximum curb cut (16 feet) set forth in Section 10.1.E of the Zoning ByLaw. The definition of curb cut in the Zoning ByLaw would suggest that in this case, the entire private way is subject to the 16-foot width limitation. Hence, the

¹ Although we do not know what the real property tax implications are upon creation of the private way, we believe the Board should consider them.

² Presumably, this private way would be deemed a "street" under the Zoning ByLaw, but does not in itself require the Town to accept it as a public way. We would suggest that the Town not accept it as a public way to avoid responsibility and cost of maintenance.

request in Mr. Hoehn's letter of transmittal to make the private way effectively 22 feet wide.³ A dramatic change in profile and view in the neighborhood would be created with a 46-foot entry curb cut and 22-foot private way. There is also no information on how the private way would be built, whether paved or unpaved, etc. Coupled with the existing Marchant's Path intersection with West Tisbury Road, this creates a virtual four-way intersection. There is no explanation for the requested variance from the Zoning ByLaw in the Plan, including Mr. Hoehn's letter, when a 16-foot private way should be more than sufficient to handle cars for three dwelling units.

Depending on future use of the subdivision lots, there may be a substantial increase in traffic problems. Under the Zoning ByLaw there is the potential for much higher density and intensity of use of the subdivision lots as the Board has the authority to waive certain limitations. For example, it could choose to waive the 15,000 square foot minimum under Section 2.3 of the Zoning ByLaw, resulting over time on each subdivision lot having the potential for construction/conversion of up to a three dwelling unit structure, subject to special permit approvals. Consequently, if approved, the Plan creates the potential for up to nine dwelling units in place of the current single dwelling unit. We have no reason to suspect that it is the intention of the Applicant to seek this nor that the Board would in fact waive such requirements, but it is a possibility.

Increased density and intensity of usage, along the lines described above, has a number of implications. For illustrative purposes, if you assume one auto on average (perhaps more) for each potential dwelling unit, there could be a substantial increase of constant traffic on the private way and the public highway, West Tisbury Road. The need for potentially another nine or more vehicles to enter and exit the private way from West Tisbury Road is likely to create considerable noise, congestion and safety issues far beyond the current use of the property. West Tisbury Road is a major artery into and out of Town and already carries substantial traffic. While not abutting the existing property, the close proximity of the school and library, safety of pedestrians and bikers, especially children needs to be considered. We suggest that new and various potential traffic patterns be examined carefully by the Board.

Apart from traffic there is the potential additional stress on the Town sewer and wastewater system. Again, depending on the density and intensity of future use of the lots, that stress could be considerable and as noted above could be created by the potential for up to nine dwelling units. Similarly, garbage creation, storage and disposal could be a problem.

TECHNICAL MATTERS:

There also appear to be some technical deficiencies with the Plan under the Town Subdivision Regulation. Many are minor and should be easily corrected; however, a few are more substantive.

Section 2.05m requires that the Plan show proposed layout of storm drainage, water supply, and sewerage disposal systems, including pipe lengths and diameters. These items appear to be omitted from the Plan. Inclusion of these items would be informative as to the future intended density and intensity of usage of the subdivision, not to mention provide useful information for the Board of Health in its review. They would also likely suggest what further easements might be necessary (per Section 2.05h) and their locations, all affecting the building envelope.

A study and evaluation of environmental impact may be required by Section 2.05n.

³ Mr. Hoehn's letter does not specifically ask to waive the requirement respecting the 46 foot curb cut shown on the Plan.

In the definition of Applicant, a filing of written evidence of authority to act is required on the part of Mr. Hoehn, as agent for FACINGWESTVENTURES, LLC. In addition, a list of officers and their designated authority to sign legal documents on behalf of FACING WESTVENTURES, LLC is required. We have not seen either included in the file to which we have been granted on line-access. These may well already exist.

The Plan does not seem to contain the address of the owner of record as required by Section 2.05b

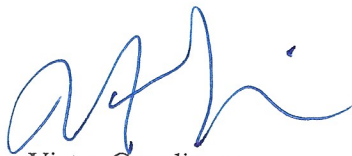
CONCLUSION:

We believe the substantive items required by Section 2.05 m and n that appear to be omitted should result in a deferral of any determination by the Board until those provisions of the Subdivision Regulation have been complied with.

In any event, if the Board determines to approve the Plan, we propose that the Board condition any approval of the Plan on: (i) requiring that each lot be limited to one, single-family dwelling unit, such condition to be a covenant running with the land; and (ii) on a reduction of the private way intersection curb cut to no more than the actual width of the private way as determined by the Board. We believe such conditions are reasonable, would allay any density and intensity of use concerns, and most importantly would be consistent with the character and existing uses of the surrounding neighborhood.

Sincerely,


Victoria Guaglianone


Victor Guaglianone