

Edgartown Planning Board Minutes

Tuesday, March 5, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, March 5, 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, Scott Morgan, Lucy Morrison, James Cisek (Planning Board Alternate).

Not present: Michael McCourt

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 100 CHAPPAQUIDDICK RD LLC (30-73)
- 9:30 AM 18 CALEB POND ROAD LLC (30-38)

No deliberation was conducted as part of any site visit.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING (CONTINUED FROM NOV 27, SEPT 11, 2018): MV REFUSE DISPOSAL & RR DISTRICT, 250 WEST TISBURY RD (25-4) SP

The Edgartown Planning Board continued a public hearing from Tuesday, September 11, 2018 at 5:45 PM in Edgartown Town Hall – 1st Floor, on the application of Don Hatch, on behalf of Martha's Vineyard Refuse, Disposal, Recycling and Reuse District, Owner, to reroute existing accesses to recycling and weighing-in for refuse. The property is located at 750 West Tisbury Road, Assessors' Parcel 25-4.

The public hearing was continued at 5:30 PM.

As the matter is still being considered by the MV Commission, Mr. Finn recommended continuing the public hearing without presentation to a date certain. Further, as the matter is still under consideration by the MV Commission, Mr. Finn suggested that should the MV Commission not issue a decision by April 2, 2019, that the Board request (and allow) the applicant to withdraw the

application, and refile at such time as the MV Commission has concluded its deliberations.

It was MOVED by Mascolo SECONDED by Morrison

To continue the public hearing to April 2, 2019, 5:45 PM.

VOTED: 5, 0, 0.

5:30 PM PUBLIC HEARING (CONTINUED FROM NOV 27, SEPT 18, JULY 24, MAY 15, AND APRIL 17, 2018): MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47) DEFINITIVE SUBDIVISION

The Planning Board continued a public hearing from continued from Sept 18, 2018 at 5:30 pm (sessions held on July 24, 2018 at 5:30 pm, May 15, 2018 at 5:40 pm, and April 17, 2018 at 5:30 p.m.) on the application of Schofield Barbini & Hoehn Inc. on behalf of Meetinghouse Way LLC, for approval of a definitive subdivision plan entitled: "Meeting House Place - Master Plan - Planning Board Submission", prepared by Dan Gordon Landscape Architects, dated March 26, 2018. The applicant proposes to subdivide 54.26 acres at 139 Meetinghouse Way, Assessor's parcel 37.47, located in the R-20 district, into thirty-six (36) parcels.

The hearing was continued at 5:32 PM.

As the matter is still under consideration by the MV Commission, Mr. Finn suggested that the public hearing be further continued to a date certain. Mr. Finn also suggested that, given the upcoming election, and should the MV Commission not issue a decision by April 2, 2019, that the Board request (and allow) the applicant to withdraw the application, and refile at such time as the MV Commission has concluded its deliberations.

It was MOVED by Mascolo SECONDED by Morrison

To continue the public hearing to April 2, 2019, 5:45 PM.

VOTED: 5, 0, 0.

5:30 PM PUBLIC HEARING – SP: 100 CHAPPAQUIDDICK RD LLC (30-73) Construct addition to house, replace existing garage with barn and detached bedroom; Agent: Ken Abbott, SBH.

On Tuesday, March 5, 2019 at 5:30 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Ken Abbott, SBH, Inc., on behalf of 100 Chappaquiddick Road LLC, Owner, for a special permit to construct an addition to an existing dwelling, including a single bedroom and a screened porch; to replace an existing garage with a two-bay barn, with detached bedroom above; the property is in the Island Road District (Chappaquiddick Road), and in the inland zone of the Coastal District, and is a pre-existing non-conforming lot.

This application is made in accordance with Section 10.1.G.6, and Section 5.1.D.2 of the Edgartown Zoning Bylaw. The property is located at 100 Chappaquiddick Road, Assr. Pcl. 30-73.

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

Present for the applicant: Ken Abbott, Schofield, Barbini and Hoehn, Inc.

The chair opened the public hearing at 5:33 PM.

Presentation

Mr. Abbott presented the project, and distributed photographs of the existing property. The house is an older house; the addition as proposed will ‘just poke into’ the coastal district by a couple of feet. The addition is described as a master wing addition, with an enclosed porch.

The existing garage will be demolished, with a new garage to be built farther back on the lot. The septic system will be upgraded with a six-bedroom-rated Title V system. A detached bedroom over the garage will be the fifth bedroom, with a potential sixth bedroom (a stand-alone detached bedroom) to be added later.

There was no public comment. There was no correspondence received.

Deliberation

Mascolo: Technically this is in the coastal district, but not in the shore zone? Sherman: yes. The Planning Board is seeing this due to it being in the coastal district, and in the Island Roads DCPC.

It was MOVED by Morrison SECONDED by Mascolo

To close the public hearing, and to approve the application as presented with standard conditions for construction projects, as follows:

- *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 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.

The public hearing was declared closed at 5:38 PM.

Approval of Minutes:

The minutes of February 5, 2019, were reviewed. Recommended corrections were identified, and noted on the draft copy.

It was MOVED by Morrison, SECONDED by Morgan

To Approve as amended.

VOTED: 4, 0, 1 (MASCOLO)

The minutes of February 12, 2019, were presented for review. No action was taken.

5:45 PM PUBLIC HEARING – SP: 18 CALEB’S POND ROAD LLC (30-38) - Applicant proposes to remove existing dwelling and construct new dwelling in the Inland Zone of the Coastal District on a pre-existing, non-conforming lot. Doug Hoehn, SBH, Inc.

On Tuesday, March 5, 2019 at 5:45 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 18 Caleb’s Pond, LLC, Owner, for a special permit, to remove existing dwelling and construct new dwelling in the Inland Zone of the Coastal District on a pre-existing, non-conforming lot. This application was made in accordance with Section 11 of Chapter 40A of the General Laws, and Sections 5.1.D.2 and 10.1.G.4 of the Edgartown Zoning Bylaw.

The property is located at 18 Caleb's Pond Road, Assr. Pcl. 30-38. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Nelson Giannakopoulos, Sullivan and Associates Architects.

Presentation

Mr. Giannakopoulos presented the project, including elevations, floorplans, and a site plan. The bounds of the Coastal district were clearly delineated on the plans.

Mr. Sherman: How far is the proposed house from the top of the bluff? Mr. G.: 100 feet.

There was no public comment. One letter, from an abutter, was included in the board packet. (Addendum #1).

Mr. Cisek: if the house is fully demolished, can it be rebuilt? Mr. Sherman: Yes.

There was some discussion in relation to *Bransford v. Zoning Board of Appeals of Edgartown, 444 Mass. 852 [2005]*.

There being no further comment, it was MOVED by Mascolo SECONDED by Morgan

To close the public hearing, and to approve the application as presented with standard conditions for construction projects, as follows:

- *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 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.

The Public Hearing was declared CLOSED at 5:52 PM.

PLAN ENDORSMENT (ANR) 26 HOLLY BEAR LANE (21-129.141); MOLLY GASNICK

A plan not believed to require subdivision approval was presented on behalf of Ms. Molly Gasnick, owner, by Ken Abbott, Schofield Barbini and Hoehn.

The plan proposed to divide a single lot into two conforming parcels, both with necessary frontage, and meeting the current zoning regulations for lot-size and setbacks.

The plan was described as a 1.7 acre lot, purchased by the family in April of 1977, one lot of the Holly Bear Lane subdivision.

Both lots meet the area requirements, and setback areas. Area for a second septic system is provided.

Previous subdivisions have resulted in lots of similar size.

It was MOVED by Mascolo SECONDED by Morrison

To endorse the plan as presented.

VOTE: 5, 0, 0.

Mr. Mascolo

6:00 PM PUBLIC HEARING (CONTINUED) MV 223 UPPER MAIN STREET LLC (20A-95)(PHILIP MILLER, AGENT)

The Planning Board continued a public hearing from January 8, 2019 at 5:30 PM, on the application of Philip Miller, Principal, Miller Starbuck Construction Services, Inc., on behalf of MV 223 Upper Main Street LLC, Owner, for a modification to a special permit to build out basement area for showroom and manager office / 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.

The chair noted that Mr. Mascolo had not been present at the first session of the public hearing on January 8, 2019. The Chair continued the public hearing at 6:01 PM.

Presentation

The board took up the matter. There was some discussion related to the use of the north side of the basement for storage for the other units in the building.

Question (Cisek): Is there an intention to complete the elevator? Response: We need to get more financing together before we can install the elevator.

Mr. Sherman: Are we being asked to modify the original decision? Finn: Yes, to modify condition #9, to allow use of the basement for something other than storage.

Mr. Miller: The original plan showed a finished basement. Due to so many other issues related to the project, the board chose not to consider any use of the basement for other than storage.

Mr. Sherman: There are two changes being requested; The use of the basement for staff housing, and for an office.

Mr. Morgan: The apartment would only be used for the manager? Mr. Miller – and workers being brought over to do work.

Morrison: Can the basement ‘apartment’ be tied to the rear showroom unit? Mr. Miller: Yes, it could be delineated as tied to the specific first-floor unit.

Sherman: when you took started and worked on the project, were you aware of the condition restricting the use of the basement? Mr. Miller: I was involved with the permitting as part of my work on the construction; The use of the basement is necessary in order to operate a viable business. In order to expand I need to make use of the basement space for more than just storage.

Sherman: Would you say in your opinion that having this approval is essential to the financial viability of the building? Miller: Certain for the business, what I am doing. I’m carrying the building (in a negative); we’ve worked hard to come to a point of stability; we have good tenants; we have a flooring tradesman ready to locate his business at this location; without being able to store materials on site, it makes it very difficult to place the business at this location. In relationship to the viability of the business, having workforce housing is essential.

Sherman: Will materials for any given project be stored at the site? Miller; no, generally; materials involved for project will come on island, and be transported directly to the construction site. A warehouse off-site provides staging space for bulk material to be transported to a job-site.

Morgan: Will there be rent charged for the apartment? Yes.

Mr. Finn pointed out that, given only four voting members, a single negative vote will result in disapproval. Mr. Miller was offered the opportunity to continue the project.

Mr. Miller asked for a sense of the board.

Mr. Cisek: I’d like to see the elevator completed.

Miller: That’s a \$125,000 project that I simply can’t afford today.

Morrison: How much would the rent be for the basement apartment?

Miller: I would be the tenant – I’m renting from myself; the use of the basement would not result in new revenue, only new resources in order to benefit the business.

Ms. Morison: I have potential ideas for conditions, should we decide to approve:

- Tie unit 1B to the basement.
- No customers will be permitted in the basement.
- Apartment limited to one employee or one bedroom.
- No bulk materials to be stored in the basement for staging for an active job.

Cisek: When could the elevator be completed? Can you give us a time-frame?

Miller: A single floor (Basement to first floor) could be done for about \$60,000, and could be completed in three years. I’m carrying the financial load for this building; I don’t know where I might be able to get the money for a full, four-story elevator. At this point, the building is reasonably viable at this time. A buildout for the basement will be another \$75,000 as it is.

Sherman: What do you think the parking requirements would be for the business?

Miller: The expectation is that the business will be by appointment. Most of the sales will be ‘outside’ sales, with in-office appointments only needed when a client needs to look at specific samples of flooring.

Cisek; Will someone be in the office? Miller: Generally, three or four days per week.

Mr. Miller described his expected use of the space to ‘show’ flooring samples to contractors in the space. Mr. Miller further described his business model.

Mr. Miller stated that he has the capacity to house five or six workers in Vineyard Haven; having additional lodging for two additional workers in this location.

Cisek: is there capacity in your wastewater connection for the additional bedroom? Mr. Miller: I believe I have the additional capacity.

Mr. Sherman asked if Mr. Miller would be agreeable to continue the public hearing to a date certain. Mr. Miller stated that he would be willing to continue.

It was MOVED by Morrison SECONDED by Morgan

To continue the public hearing to March 19, 2019 at 6:30 PM.

VOTED: 5, 0, 0.

REQUEST FOR APPROVAL TO BUILD AT RISK - MV EDGAR INN, 225-227 UPPER MAIN STREET (20A-91, 92, 93)

A letter from Geoghan Coogan was read into the record. Mr. Coogan requested, on behalf of MV Edgar Inn, 225-227 Upper Main Street, to proceed with certain construction activities that were the subject of a Special Permit Application.

Ms. Debra Cedeno was present to speak to the request.

Mr. Sherman stated that the request is to allow the applicant to proceed with the work at their own risk, and without board approval. Mr. Sherman expressed concern that by allowing the applicant to

proceed would undermine the Special Permit process already in progress.

Ms. Morrison concurred, stating that allowing an applicant to do work prior to issuance of a special permit sets a dangerous precedent.

Ms. Cedeno: This project has already gone through extensive review – the LUPC, the MVC, the Planning Board. The reason this went to the MVC is because the Clarion is a previous DRI. Generally, we have received positive feedback on the proposal from both the MV Commission and the Town of Edgartown.

Ms. Morrison: The application is to make changes to improve employee safety and improve the kitchen facilities at the site, but the request to proceed is simply an attempt to meet a deadline – to open the restaurant on April 1.

There was some discussion as to how to accomplish the goal of getting the applicant to work sooner than the continuation of the public hearing, as scheduled on March 19, 2019.

De Minimis

Mr. Finn suggested that the two minor additions to the restaurant could be ‘separated’ from the Special Permit application, and approved as de minimis changes to the existing use on the site. Ms. Cedeno concurred with the suggestion, and requested that the board consider it on behalf of the applicant.

There was discussion related to the proposal; generally, the board felt that the de minimis strategy would provide a defensible mechanism to accomplish the shared goals of improving employee safety patron comfort and improved sanitation of the food prep areas. Further, the MV Commission’s action of remanding the minor construction projects back to the board, while continuing to review the additional parking proposal, provided justification that the board could accept the modification to the Special Permit request.

It was moved by Morrison, SECONDED by Morgan:

To approve the applicant’s request to separate the proposal for a vestibule and mop-sink enclosure from the Special Permit application, and to approve the proposal as de minimis, and not needing further planning board action.

VOTED: 4, 0, 0.

Mr. Finn stated that a certificate of approval would be prepared, and delivered to the Building Inspector on March 6. Ms. Cedeno thanked the board for their assistance.

ADMINISTRATIVE

PAYROLL, DECISIONS

Payroll for the period ending March 5, 2019, was reviewed and signed.

No decisions were presented for signature.

The board engaged in general discussion related to MV Commission activity, affordable housing activity, and other non-agenda topics.

No further action was taken on any topic.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

There was no other business presented.

SCHEDULE OF UPCOMING MEETINGS

Meetings were tentatively scheduled for March 19, April 2, and April 16

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 7:05 PM

Respectfully submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>April 2, 2019</u>	(Date of vote)
<u>[Signature]</u>	Sherman (chair)
<u>[Signature]</u>	Mascolo
<u>[Signature]</u>	McCourt
<u>Lucy L. Morrison</u>	Morrison
<u>[Signature]</u>	Morgan
<u>[Signature]</u>	Cisek (alternate)