

# Edgartown Planning Board Minutes

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Tuesday, May 7, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, May 7, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

## SITE VISITS

No site visits were scheduled.

## CALL TO ORDER

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

### Call of Roll:

*Present: Fred Mascolo, Michael McCourt, Scott Morgan, Lucy Morrison, James Cisek (Planning Board Alternate)*

### Also Present:

*Douglas Finn, Planning Board Assistant*

### Reorganization

Mr. Michael McCourt called the meeting to order. A quorum was declared.

There was some discussion as to the board's tradition of selection of a chairman.

It was MOVED by Morrison, SECONDED by Morgan

*To elect Fred Mascolo to serve as chair of the Planning Board until the next town election in April, 2020.*

VOTED: 5, 0, 0.

It was MOVED by Morgan SECONDED by Searle

*To authorize Fred Mascolo and/or Michael McCourt to certify accounts payable invoices on behalf of the Planning Board.*

VOTED: 5, 0, 0.

Mr. Mascolo assumed the chair.

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

## SCHEDULED BUSINESS

### 5:30 PM PUBLIC HEARING: SUBDIVISION -- (CONT'D FROM APRIL 2, MAR 5, 2019, NOV 27, SEP 18, JUL 24, MAY 15, APR 17, 2018) MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47)

The board continued deliberation on a Definitive Subdivision Plan proposing to divide 54.26 acres in R-20 residential district into 36 lots. The subject property is located at 139 Meetinghouse way, east of Division Road (Henry's Path).

*Present for the applicant: Doug Hoehn, SBH, Inc.; Ed Champy and Kieran McAllen, Principals, Waypoint Companies.*

The public hearing was continued at 5:33 PM.

Mr. Hoehn provided the board with an overview as to the status of the project.

Mr. Hoehn: Membership of the board has changed. Previously, the proposal was a 36-lot subdivision (with one lot removed at the request of the Hotchkiss Lane abutters, leaving 35 lots). Since that time, communication with the MV Commission has encouraged the project to be compressed into 'clusters', with subsequent modification of the plan resulting in the removal of one more lot.

Mr. Hoehn: A number of levels of review have occurred, over a number of meetings. The basics of the plan are now as follows:

- (1) The plan shows 34 buildable lots, with a total of 60% of the total area preserved as open space. There has been discussion related to whether open space is being designated according to MVC policy (to be reviewed at an LUPC meeting on Monday, 5/13/2019). The plan shows all roads and lots, with a large amount being preserved as open-space.

Mr. Mascolo: didn't this area used to be used for heavy equipment storage? Mr. Hoehn: Yes. There was some discussion as to the history of the uses on the parcel.

Mr. Hoehn: The current plan provides lots of about 2 acres. The open space on the lot is about 1 to 1-1/2 acres, with about a 1/2 acre envelope for development.

Mr. Mascolo: The expectation is that the larger lots will be more marketable.

Mr. Hoehn: The conversation at the MV Commission has been most recently about open space, how it is defined, and whether area on a private lot that is restricted from development may (or should) be considered 'open space' by the MV Commission.

Mr. Searle: Will there be walking paths on the lot? Mr. Hoehn: No new paths will be created; however, existing paths will be preserved.

Mr. Hoehn:

- (2) – The plan includes a proposed contribution to affordable housing, in terms of money and etc. The applicants have offered a lump-sum payment that meets the current MVC Affordable Housing policy – payment of about \$492,000. The Edgartown Affordable Housing committee has accepted. The applicants have also offered \$18,000 upon the initial sale of each lot; the total would be about \$1.2M. Finally 1% of the sale of each lot, in perpetuity, would be a contribution to the Edgartown Affordable Housing Committee.

Mr. Mascolo: what is the value of the lot? Mr. Hoehn: it's not possible to determine at this point.

Mr. Morgan: The Affordable Housing Committee didn't want the lots? Mr. Hoehn: It's gone back and forth, but they determined that the money would be preferable.

There was some discussion as to the contribution to the Affordable Housing Committee.

Mr. Hoehn:

(3) – The third component relates to nitrogen loading, and the MV Commission's "Nitrogen Loading" policy. A new policy had been put in place just after the project was referred to the MVC, and the application is subject to the new policy. There has been ongoing discussion related as to how, and if, the proposal will meet the policy.

The MV Commission's loading rate calculates 76 KG of nitrogen per year for the entire development. Even with tying into town sewer, the project cannot meet these limits.

The applicants hired a consultant (to review the project, and to develop a Permeable Reactive Barrier, which along with a number of components will provide nitrogen reduction. With these measures, the potential nitrogen would be reduced to a 'net zero' rating. The hope is actually to reach a negative-nitrogen rating for the development.

There is ongoing discussion at the commission level, and the new report from the applicant is being considered. The MV Commission has chosen to hire a peer-review consultant to review the new Nitrogen proposal, and to determine if the numbers work out. The mitigation being proposed is still being worked out.

Mr. Cisek: How will this be monitored? Mr. Hoehn: That's part of what is being worked out now - the contingencies in case the proposed system fails, or fails to meet the requirements.

Mr. Hoehn: The full Commission continued the public hearing to May 16; however, the LUPC meeting on Monday will likely include a number of modifications to the plan, which will result in a further continuance.

Mr. Champy: The applicants have also proposed to connect the affordable housing project on Meshacket Road to the municipal wastewater system, as part of this process.

Mr. Hoehn: Water and sewer have already been brought to the applicant's parcel.

Mr. Mascolo: The proposal as a whole –the size of the lots compared to zoning, and the contributions to the affordable housing committee - Have you ever seen anything like this previously? Mr. Hoehn: In the 1980s, this would be unheard of. Lots would meet zoning, and no more. And the Affordable Housing contribution is well above any previous.

Mr. Mascolo: How many bedrooms are permitted? Mr. Hoehn: The proponents have limited the number of bedrooms to five per lot.

Mr. Hoehn: There are a number of other details that need to be worked out. The MV Commission needs to work with the applicant to settle on a 'cluster' model for the proposal that meets everyone's criteria.

Mr. Hoehn spoke about the history of the lot, the NHEASP evaluation of the parcel, and the impact of the recent evaluation on the ability of the applicants to market and develop the parcels.

Mr. Hoehn: Since there has been some board turnover since the initial application, the applicants will likely be discussing a withdrawal without prejudice, simply to allow all current board members to vote on the project.

Ms. Morrison: If that becomes the case, I would encourage the board to waive the application fee.

Mr. Mascolo: These lots, when developed, will likely sell for between \$1.5M and \$2.5M. The benefits to the town include a growth of the tax base, and the advantage of open space.

Mr. Mascolo invited the board to comment.

Mr. Searle: I'm new to this; however, 1-1/2 acre lots in the 1/2 acre zone seems very fair.

There was some discussion about whether swimming pools would be permitted in the development.

Ms. Morrison: I have some concerns about the enforceability of the NHEASP habitat. Mr. Hoehn: National Heritage has a process of delineating, surveying, and reporting on the habitat. The applicants have agreed to follow a similar process for the other designated 'open space' areas. The details will continue to be reviewed.

Mr. McCourt: The MV Commission has reviewed the application with a fine-tooth comb. I commend the developers for sticking with it, and following through. The most important thing is that we have a safe development that is not affecting the environment. The Commission is doing a great job of helping to make that happen.

Mr. Morgan: The open space is good. If you own land, you have the right to develop it; however, the town has the right to work with you to come up with a plan that meets the needs of the town.

Mr. Cisek: This seems positive, especially with the affordable housing contributions. The nitrogen mitigation is also a positive.

Mr. Mascolo: Is this a 'shakedown'? are the contributions to Affordable Housing voluntary? Mr. Hoehn: The contributions to affordable housing have been worked out over time; the nitrogen loading calculations are part of the MV Commission's policy; and the open space component is going to be discussed on Monday.

There was some discussion as to the manner by which open space is designated, preserved, used, developed; there was some discussion as to the history of cluster developments in Edgartown.

Mr. Mascolo suggested that the board write a letter to the commission in support of the proposal, citing the concessions offered by the applicant as reasons for support of the project.

Mr. Mascolo: Personally, I like what I see.

Mr. Cisek: I would prefer to wait to see what the final proposal is going to be before writing a letter of support.

Mr. Morgan: I agree with Mr. Cisek, and would prefer to attend the meeting, and participate in the process.

Mr. Champy: We have been working with the MV Commission and offering contributions to Affordable Housing as concessions to help move the project along.

There was some discussion as to the previous projects undertaken by the applicant in the greater Boston area.

Mr. Finn asked if the applicant would also be involved in the construction of the individual homes. The applicant replied that it would be too early to say for certain, but that it would be a possibility.

There was some further discussion about the affordable housing contribution, how it could be used, and the needs of the AHC.

Mr. Hoehn: The contribution as proposed is about 2-1/2 times what is required by the current policy.

Mr. McCourt: The project is going in the right direction; I really can't say enough about the

concessions being offered.

Ms. Morrison: I don't think we need to send a letter.

Mr. Searle: I agree, and think we should wait to see what the MV Commission does before weighing in.

Mr. Hoehn: the LUPC meeting will be Monday. Mr. Morgan: I plan to be there, and will contribute if I'm asked.

There being no further discussion, it was MOVED by Morgan, SECONDED by McCourt

*To continue the public hearing to August 6, 2019, 5:30 PM.*

VOTED: 5, 0, 0.

**5:45 PM PUBLIC HEARING: SPECIAL PERMIT -- MV REFUSE DISPOSAL & RR DISTRICT, 250 WEST TISBURY ROAD (25-4) (CONT'D FROM MAR 5, 2019; NOV 27, SEPT 11, 2018);**

Mr. Finn reported that the applicant had requested a further continuance, as the project was still being reviewed by the MV Commission.

It was MOVED by Morrison SECONDED by McCourt

*To continue the public hearing to June 18, 2019, 5:45 PM.*

VOTED: 5, 0, 0.

**6:00 PM PUBLIC HEARING: MODIFICATION TO SPECIAL PERMIT – 17 KATAMA POINT ROAD (46-33); 17 KATAMA POINT LLC, JOE GIACALONE**

On Tuesday, May 7, 2019 at 6:00 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Joseph Giacalone, on behalf of Katama Point LLC (Owner) for a modification to the original special permit, issued on September 11, 2018, to allow placement of pool equipment (e.g., filter, pump, heater, etc.) on a concrete pad on the east side of the proposed pool house.

This application was made in accordance with Section 11 of Chapter 40A of the General Laws and Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 17 Katama Point Rd., Assr. Pcl. 46-33.

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

Mr. Finn read the public notice.

Mr. Mascolo opened public hearing at 6:27 PM.

Mr. Giacalone was present. Mr. G described the plan. The pool equipment, originally intended to be placed in the pool house, was to be relocated to the exterior of the shed. The original intention of placing equipment in the basement was not possible due to the high water table. Mr. g proposed the construction of a fenced in area, to be placed behind the pool house, where the equipment would be placed.

There was some discussion related to the proposal.

Mr. Mascolo expressed concern about the noise from the equipment, and suggested that he would rather see the equipment fully enclosed.

Mr. Morgan asked about the original proposal, and the location of the equipment. Mr. Finn

confirmed that the original proposal was to put the equipment in the pool house.

Mr. Ed Fitch (neighbor), spoke about the project, and suggested that if the equipment were fully enclosed and insulated for sound, he would be fine with it.

Mr. Morgan stated that he would prefer that the original plan be maintained.

There was some discussion about the history of the construction of the pool house, whether the current construction of the pool house could support the pool equipment, and whether the equipment could be stored inside.

There was some discussion about the modifications to the project over time, the manner by which the two parties have negotiated, and the proposal for a shed to enclose the equipment.

Mr. Mascolo: I don't have a problem with this modification, since it will reduce the noise from the equipment.

Mr. Morgan: If Mr. Fitch is happy then I guess I could approve this modification.

Mr. Fitch: There have been ongoing issues with the project; the hope is that this will be the last issue.

Mr. Cisek: Is Mr. Sabatini satisfied with the proposal? Mr. Finn: Mr. Sabatini did indicate that he was in support of the proposal.

Mr. Mascolo asked if there were letters. Mr. Finn reported a one-sentence letter from Mr. Sabatini in approval of the proposal, and an extensive letter from Mr. Fitch describing his concerns. Mr. Fitch also provided resources for the board to consider.

Mr. Mascolo tasked Mr. Finn to provide language related to sound levels for the Planning Board to consider and review.

There being no further input, Mr. Mascolo closed the public hearing at 6:50 pm.

It was MOVED by Ms. Morrison SECONDED by McCourt

*To approve the proposal to allow placement of pool equipment (e.g., filter, pump, heater, etc.) on a concrete pad on the east side of the proposed pool house. Approval is conditioned as follows: equipment shall be fully enclosed in a structure not to exceed 6' width by 8' length, with a shed style roof, not to exceed five feet in height, with the entire structure insulated for sound abatement.*

VOTED: 5, 0, 0.

## **ADMINISTRATIVE**

### **REVIEW OF MINUTES**

Minutes from April 2, 2019 and April 16, 2019 were presented for review.

### **REVIEW AND SIGN PAYROLL**

Payroll sheets for the period ending April 30, and May 14, were reviewed and approved.

## **REVIEW AND SIGN DECISIONS**

No decisions were presented for review.

## **OTHER ADMINISTRATIVE BUSINESS**

Mr. Finn reviewed section 3.2.B.4 of the Zoning Bylaw, regarding changed uses in the B-II district. After some discussion, the Planning Board agreed to continue the conversation. Mr. Finn stated that some changes to the 'standard conditions for construction projects' would be presented to the board at a later meeting.

There was some discussion related to various occurrences of changes of use, and whether a Special Permit would be required. No further action was taken.

Mr. Finn stated that he would be attending a workshop at the MV Commission on Wednesday, May 8, talking about "Community Resiliency by Design". The presentation is expected to introduce creative approaches to density for multi-family and mixed use development. There will be discussion regarding how Form Based Zoning and visual design tools can help create housing opportunities. Mr. Finn handed out a flyer for the seminar, and encouraged board members to attend if they could.

Mr. Finn also stated that he was planning to be off-island on Thursday, May 10, 2019, to attend the "South Shore Climate Change Symposium". The full-day seminar will present an overview of current research on climate change and its impact on sea level rise, ocean acidification, anticipated changes in precipitation and consequences for inland flooding and changes to groundwater levels, and emergency preparedness and resiliency in the energy industry. The day will also feature case studies of local climate change initiatives including funding and opportunities for stormwater management, buyouts and relocation strategies, and impacts on coastal property values.

Mr. Finn reported that he would be meeting with Doug Jones and Robert Green, two members of the Edgartown Byways Committee on Friday at 1 PM. This would be a meet-and-greet, but would hopefully involve a general discussion as to the role of the byways committee in relation to the "Special Ways" section of the Island Roads District zoning (section 5.2.B). Mr. Finn invited board members to attend if they were available.

Mr. Mascolo also asked Mr. Finn to invite members of the byways committee to an upcoming meeting of the Planning Board.

## **SCHEDULE OF UPCOMING MEETINGS**

The schedule of upcoming meetings was reviewed. Mr. Mascolo stated that he would be off-island between May 23 through June 7, and asked that the first meeting in June be delayed by one week.

After some discussion, the following schedule was reviewed and approved:

- May 21;
- June 11, and June 18;
- July 9, and July 16;
- August 6, 20;
- September 3, 17;

**OTHER BUSINESS**

No other business was presented.

**ADJOURN**

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

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:15 PM.


Respectfully submitted,


Douglas Finn,  
Administrative Assistant


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


5/7/19

\_\_\_\_\_ (Date of vote)

 \_\_\_\_\_ Mascolo

 \_\_\_\_\_ McCourt

 \_\_\_\_\_ Morrison

 \_\_\_\_\_ Morgan

\_\_\_\_\_ Searle

\_\_\_\_\_ Cisek (alternate)



PUBLIC MEETING SIGN-IN SHEET

MEETING DATE: 5/7/2014

Name (Please print legibly!)

Street Address

Agenda Item

Joe Giacalone	17 Katana Point	Pool Equipment
Ed Fitch	19 Katana Point Rd	ab - prop owner
Ed Champy	139 Meeting House Way	Sub-Division
Kieran McAllen -	139 Meeting House way	Sub-Division.
Doug Hoehn	SBH	
Leslie Floyd	19 Winkler St, Edg	KMH Subdivision