

Edgartown Planning Board Minutes

Tuesday, July 9, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, July 9, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

PRESENT: Fred Mascolo (Chair); Michael McCourt, Lucy Morrison, Scott Morgan, Glen Searle, James Cisek (Alternate).

ABSENT:

The meeting was called to order at 5:30 PM, and a quorum was declared.

SITE VISITS

The following site visits were scheduled:

- 9:15 AM - 22 Robinson Rd (Recreation Area) / 40 Robinson Road (New West Side Cemetery)
- 9:45 AM - 32 Ocean View Avenue

No deliberation was conducted.

SCHEDULED BUSINESS

5:30 PM SUBDIVISION: MARTHA'S VINEYARD LAND BANK COMMISSION, 198, 204, 210 CHAPPAQUIDDICK ROAD (31-32.2, 31-32.3, 31-32.4)

Present for the applicant: Doug Hoehn, SBH, Inc.

Mr. Hoehn presented the approved subdivision plan for final approval and signature.

It was MOVED by Morrison SECONDED by McCourt

To sign the completed plan, and approve release of all lots.

VOTED: 5, 0, 0.

5:35 PM REPETITIVE PETITION: GARY DAULA, 147 SOUTH WATER ST. (29A-19)

On Tuesday, July 9, 2019 at 5:35 PM, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on the request of Gary Daula, on behalf of Rex & Laura Lee Gedney, Owner, to adjudicate a request for a repetitive petition to the Zoning Board of Appeals for a special permit, determining whether there are specific and material changes in the conditions upon which the previous unfavorable action was based. The application was made in accordance with Section 16 of Chapter 40A of the General Laws. The property is located at 147 South Water Street, Assr. Pcl. 29A-19.

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

Present: Mr. Gary Daula, Mr. Richard Torcia.

Presentation

A narrative from Mr. Daula was distributed to board members, along with original plans for the house as rejected by the ZBA, and a revised set of plans. Mr. Finn briefly explained the differences between the plans.

Mr. Torcia: our intention is to purchase the house in order to have as a primary residence. After the ZBA hearing we have considered the concerns of the neighbors, and have made changes to the plan accordingly.

Some of the concerns that we addressed: the size of the structure was reduced; the attic is not to be used as a habitable space; the garage has been moved in order to preserve an existing tree; a third-floor balcony has been removed. The porch has also been reduced in size. The pool, originally proposed, has been removed from the plan.

Mr. Mascolo described the board's standing concerns with pool equipment noise.

Mr. Morgan: Have you adjusted the roof pitch? Mr. Torcia: Yes, from 9/12 to 8.5/12.

Mr. Daula reinforced the fact that they wish to be good neighbors, and to have a house that is in keeping with the neighborhood.

Mr. Mascolo asked for public comment:

Pam Findlay (6 Cummings Way): I'm one person who expressed concerns with the original proposal. Yes, they've taken away the shed dormer, but have only reduced the size of the house by 10%. The change to the first and second floor is minimal; the third floor still has dormers, and the overall height has only been decreased by 3%. The porch has been moved to the opposite side; however the creation of a porch creates a balcony that overlooks my backyard. I have concerns with the size of the house, the character of the house, and the impacts to my privacy. Mr. Torcia (responding): The side porch does not have a second-floor deck. (The board reviewed the plans, confirming Mr. Torcia's statement.)

Ms. Susan Brown: Originally the ZBA expressed concern about the setbacks. The building seems to be the same size – 44 feet across the front. Visually, it appears to be the same. What about the setbacks? To the eye, this building seems the same (as the original proposal). The gentlemen have said that they can do without a pool; that is good to hear - pool noise can be irritating. In early mornings, mechanical noise carries. However, The building really isn't smaller. It's a little shorter, and the living space is reduced because they've taken the living space from the third floor; however, it may be habitable. If at a future time, the applicants wished to install a pool, or buildout the attic, they would need a building permit. Mr. Torcia (responding): We've been referring to the existing house on the lot as 'run-down', as the foundation is cracked, and there are other issues related to the house. Our original proposed project was 4,018 square feet; it has been reduced to 2,985 square feet. The attic is unfinished. One neighbor expressed concerns that we were encroaching.

Mr. Mascolo: Ms. Brown is somewhat close to the property, but an abutter to an abutter. Ms. Brown: Yes.

Mr. Mascolo: What about the tree? Ms. Brown: We were concerned that the tree would be removed.

Mr. Daula: We are very pleased to be able to save the tree (done through moving the location of the garage from the north to the south of the lot).

Mr. Cisek: Do you need approval from the HDC? Mr. Daula: Yes.

Mr. Morgan: Why use the dormers in the third floor, if it's not going to be habitable? Mr. Torcia: We simply moved it to the opposite side.

Mr. Mascolo asked for further public comment.

Ms. Heather Cohan (141 South Water St.): I have a couple of questions: They show an easement on the abutters property? What is the purpose?

Mr. Torcia: I'm not sure of the purpose of the easement; we don't have any rights to it, and it has nothing to do with us.

Ms. Cohan: As the previous speakers have mentioned, the house is basically the same. Ms. Cohan quoted the decision of the ZBA. There are a number of smaller lots, all with modest homes.

There was some discussion related to the total amount of square footage, the total footprint, and habitable space.

Ms. Cohan: If we look at the gross square footage, and the difference there, it's a minimal change. Re/ the trees: I have had a history of removing trees for public safety.

Mr. Mascolo: Obviously some trees have been removed. However, what's in front of us is whether the

revised proposal is different enough from the original to warrant a reconsideration by the ZBA.

Ms. Findley, 6 Cummings Way: I think that, when you look at the numbers, and the decrease in living space, you're taking into account the third floor. However, the size of the house has only changed by a minimal amount.

Mr. Mascolo: We're looking at habitable difference, design difference, and whether there's enough difference to go back.

Ms. Findley: I don't believe the change is significant enough.

Ms. Morrison: Is there a reason we didn't get a revised site plan? Mr. Torcia presented a copy of the submission packet in full size (24" x 36").

Ms. Morrison: Is there a reason you didn't talk to the neighbors before resubmitting?

Mr. Daula: There were a number of abutters that were in favor of this project; we felt as though the ZBA was somewhat 'offputting'; we listened to their comments and tried to respond to them.

Mr. McCourt: I'm pretty sure we're addressing the size of the property. If we agree to give this back to the ZBA, it's on their shoulders. The massing of the building is still large – if the proposal had been to remove the third floor entirely, that would have been one thing.

Mr. Torcia: Can we withdraw this application?

There was some discussion related to the logistics of the application, and continuing to a date certain.

Mr. Morgan: I believe that this is a beautiful home, in a very nice area. I do have a problem with the third floor dormers; however, I believe that the project is a good one, and that the changes proposed are significant. (To Ms. Cohan): You did some renovations to your house in the recent past, yes? Did those renovations result in an increase in size?

Ms. Cohan: In '06, we got a building permit to raise the house, do major repairs, and add a full foundation.

Mr. Morgan: And it's a beautiful home, but it covers much of the lot. I think having this house would be a positive for the neighborhood.

Mr. Cisek: I think removing the swimming pool is a good step. I think the other changes were well considered, and definitely help.

Mr. Searle: I agree with Mr. Morgan – I'm concerned with the dormer.

Mr. Mascolo: I feel there is enough to warrant a resubmission to the ZBA.

Ms. Morrison: I feel that there's some work to do to fine tune the plan; remember that the final plan that the Planning Board sees and approves for repetition, must be the same plan that will be submitted to the ZBA. The applicants affirmatively responded.

It was MOVED by Morrison, SECONDED by Morgan

To continue the public hearing to August 6, 2019, 5:50 PM.

VOTED: 5, 0, 0.

5:50 PM FORM A DIVISION OF LAND: MV BOYS AND GIRLS CLUB, EDGARTOWN - WEST TISBURY ROAD. (20C-134.1)

Owner: Jeff A. Norton and Philip Norton III; Applicant: MV Boys and Girls Club – All Island; Agent: Reid Silva, VLSE. Refer to MV Commission.

The Board considered a plan believed not to require subdivision approval, submitted on behalf of Jeff A. Norton and Philip Norton III (owners), and the MV Boys and Girls Club – All Island (applicant).

The plan was prepared by Reid Silva, VLSE.

Present: Mr. Silva, on behalf of the committee.

Mr. Silva presented the plan, owned by the Norton Family.

The original property is about 21 Acres. There has been an agreement to purchase the property on behalf of the B&G Club; a large portion will be retained by the Norton family; the major portion in the center will be owned by the B&G club; a portion of the property (Parcel B, 4.67 acres) will be transferred to the town, contiguous with the West End Cemetery. A smaller lot (Lot D, about 2.33 acres) will be transferred to the town for the recreation area.

An easement, originally granted to the Norton Family, provides access to Robinson Road, and is being used to provide "frontage" for the purposes of this ANR.

Mr. Silva: We believe it meets the endorsement for a Form A; the access through the cemetery is intended just to manage this division, but will not be the permanent access to the B&G club.

Mr. Searle: There is a vegetative buffer between the north field (the property to be retained by the Nortons) and the Boys and Girls Club.

Mr. Norman Rankow: There is, and we intend to improve that buffer. The B&G club may be able to purchase it at some point in the future.

Mr. Silva: Effectively, we are creating three conforming lots, and one unbuildable parcel.

Mr. Rankow: The town could (conceivably) use Parcel B for affordable Housing. (There was some discussion related to access to Parcel B.)

Mr. Searle: And parking for the Boys and Girls Club? Could that be shared? (There was some discussion related to the matter.)

Mr. James Hagerty: The policy decision was made that we want the Boys and Girls club to stay in Edgartown. There has been quite a bit of negotiation between the parties in order to develop this plan. We feel this makes sense for all parties involved.

Mr. Rankow: We know this is the first step – locking in the lot lines. We know this has to be referred to the MV Commission (DRI: division of land greater than 10 acres).

Mr. Mascolo: We do have to refer it to the commission; however, I believe that a letter can be sent to the MV Commission endorsing the plan. There have been quite a few phone calls I've received endorsing the B&G club, and their mission; I believe that this should be endorsed by the board as we refer it.

Ms. Linda Shaw: How will the plan impact the current facilities in the Playground / Rec area?

Mr. Searle: The road will go through the Town's current recreation area; this will involve taking up the ball field, playground, and croquet field; it is anticipated that the town will relocate and/or rebuild those amenities.

Ms. Morrison: Was that decided by the committee? Is it confirmed that they will be rebuilt?? Mr. Searle: I believe that's the case. Mr. Hagerty: There are a number of factors that have yet to be determined, so what the town ends up with is still a matter for discussion.

Mr. Mascolo polled the board, stating that a letter will be sent in favor of the division of land, and the project as a whole; to be sent with the referral, stating that the board believes the project to be great benefit to the Town and Island.

It was MOVED by Searle, SECONDED by McCourt

To refer the matter to the MV Commission, and to send a letter of endorsement.

VOTED: 4, 0, 1 (MORRISON).

6:00 PM PUBLIC HEARING: SPECIAL PERMIT – 32 OCEAN VIEW AVENUE REALTY TRUST (29-137)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board continued a public hearing from Tuesday, June 18, 2019 at 6:00 PM, on the request of Doug Hoehn, SBH, Inc., on behalf of 32 Ocean View Avenue Realty Trust, Owner, for a special permit to construct a garage / pool house on a pre-existing,

non-conforming lot in the inland zone of the coastal district. The application was made in accordance with Sections 5.1.D.2 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 32 Ocean View Ave, Assr. Pcl. 29-137. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Mr. Don Sullivan (owner); Mr. Doug Hoehn (SBH); Mr. Chuck Sullivan (Sullivan Architects), Mr. Jason Brickman (Speedwagon Partners, Bedford, Massachusetts).

The chair continued the public hearing at 6:44 PM.

Presentation

Mr. Don Sullivan read a written statement into the record (“July 9, 2019 – Edgartown Planning Board Meeting / Special Permit Application - 32 Ocean View Avenue”). Written statement was submitted to the board, is included with these minutes as Addendum #1, and is included with the project file.

Mr. George Brush (on behalf of the Reilys) asked to confirm that the revised site plan (as submitted to the Planning Board on July 9) is off the table. Mr. Don Sullivan confirmed.

Mr. Mascolo asked to confirm if the Site plan and Building Plans, as originally submitted to the Planning Board prior to June 18, will now be considered, and the revised site and landscaping plans (showing relocation of the pool and poolhouse / garage), delivered to the Planning Board after June 18, would be considered withdrawn by the applicant.

Mr. Mascolo asked if the Landscaping Plan, pages L3 and L4, dated June 17, submitted to the Planning Board on or about June 18 would still apply. Mr. Chuck Sullivan reviewed the specifics of the plan with the Board, and agreed that it should be considered by the Board.

The board took some time to review the site plan, building plans and landscaping plan. Ms. Morrison requested confirmation of the septic system and leaching field locations, which was provided by Mr. Hoehn. Mr. Mascolo asked Mr. Finn for clarification as to what has been previously approved, and what the board is considering. Mr. Finn provided the information.

Mr. Sullivan: We plan to screen the lot dramatically with various shrubs, bushes, and trees, in order to provide privacy for both parties.

Mr. Finn reviewed statistics of other lots within 300 feet of the subject property.

Mr. Chuck Sullivan presented a list of other similar projects that had been approved by the Planning Board in the past. Mr. Brickman stated his belief that the list demonstrates a record of approval of similar proposals, as the other proposals were within 1/3 of a mile of the locus property, and are of similar size and scope.

The chair recognized Ms. Caroline Reily for her comments.

Ms. Reily: I sincerely wish that we had more communication. Ms. Reily distributed a packet of information to the board. The board reviewed the packet of information, identified the 200-foot line. Ms. Reily provided a history of the overall project from their point of view.

Mr. Chuck Sullivan: We did propose the landscaping detail when applying for the pool permit, as well as the driveway, and the landscaping.

Ms. Reily expressed her concerns related to the procedural process.

Mr. Don Sullivan: Had the Reilys shown up at the Concomm meeting in August, or the Planning Board Meeting in September, this might have been resolved then. However, they chose not to show up. They show up in March, and object to the proposals that were already approved. It's too late in the process.

Ms. Reily: We had expressed concerns at the time, but were told that the pool house would be taken up at a later time.

Mr. Hoehn related the previous application process, including the review of the original proposal before the Conservation Commission and the Planning Board.

Ms. Reily: I wish we had been told what was going on. The landscaping, and the orientation of the driveway

are critical elements of this plan.

Ms. Reily presented a series of photos of the hollow between the two lots, photos of the area during a period of flooding in the past, described the history of trying to maintain vegetation along the common boundary, expressed her concern as to the impact of this proposal, and her concern that a precedent might be set.

Mr. Bo Reily: I own three pieces of property that abut Mr. Don Sullivan. We have negotiated with Mr. Sullivan through his builder (Mr. Jason Brickman). Mr. Brickman had some great ideas; I expressed my own. Those ideas did not seem to be included. I wrote an email, with my points in it, hoping to continue the negotiation. I was hoping to come up with a neighborly accommodation that might work for all parties. I was hoping that we might delay this meeting one more time in order to come up with a negotiated outcome.

Mr. Reily: I disagree with Mr. Sullivan's assertion that I "vehemently denied" the modified proposal; I was hoping to come up with a better solution.

Mr. Mascolo (to Mr. Reily): do you feel are you at an impasse with the Sullivans?

Mr. Reily: I don't think so.

Mr. Mascolo: I'm hoping that we can find a way for everyone to agree.

Mr. Mascolo (to Chuck Sullivan): What is the height of the proposed building? Mr. Sullivan: 21.5 feet from median grade, 12 feet from the floor of the pool cabana to the ridge. The driveway elevation above sea level is 14 feet.

Mr. Mascolo: I would be concerned if I were Mr. Reily, about the size of the building, the screening on the boundary, and headlights coming down the driveway shining into my lot. Would a five-foot fence along the edge of the driveway be adequate, particularly if there is green screening on the down-hill side?

Mr. Reily: you're suggesting a fence or a stone wall, five-foot above the driveway?

Mr. Mascolo engaged in back-and-forth discussion conversation with Mr. Reily and Mr. Don Sullivan, related to whether Mr. Sullivan would agree to an eight-year landscape maintenance plan, or a five-foot cedar fence screening the driveway. Mr. Don Sullivan stated that he would agree to a eight-year landscaping management plan, and a wooden fence, up to five feet in height, placed on top of the 'parapet' wall along the driveway, to provide visual and noise screening; Mr. Sullivan added, however, that those measures had previously been proposed to the Reilys, and had been rejected by the Reilys as inadequate.

Mr. George Brush: A couple points of clarity: The two findings that need to be made by the Planning Board are (1) are there similar non-conformities in the neighborhood, and (2) is the proposal more detrimental than the previous non-conformity? The previous special permits noted by the applicant are not in the same 'neighborhood' as the current proposal. This area in question is of a very different character than those other approvals.

Mr. Brush reiterated the proposal made by the applicant, describing it as more development than the lot could sustain.

Mr. Brush: The question as to whether the proposal will be more detrimental, stating that, clearly, it would be, given the fact that we are still discussing this matter.

Mr. Brush distributed a proposal to which the Reilys would agree.

Mr. Don Sullivan (responding): The most recent proposal (hand-drawn landscaping plan, dated June 20, 2019, submitted to the Planning Board on July 9, 2019, included in the project file) that we had proposed was rejected by the Reilys. Therefore, we are withdrawing that modified plan, and asking the board to vote on our original proposal.

Mr. Mascolo asked the board for their opinions.

Mr. Searle: I feel that this appears to be too much development on too small of a lot.

Ms. Morrison: I think I need more time. I wish all parties could come to some agreement as to how to proceed before we move forward with a vote.

Mr. McCourt: I feel like we got pretty close to an agreement. People that aren't directly involved in the situation (the board) are going to have to make a decision on the matter. I am a big proponent of property rights -- obviously, within certain limitations. I'd like more time to consider this matter. However, both parties are going to have to abide by our decision. At our next meeting, we will vote on the proposal before us tonight.

Mr. Morgan: I would be ready to cast my vote tonight, but I don't believe the applicant would like my decision. When the Sullivans bought the property, there was one house there. Regarding the previous special approvals as submitted by the applicant: the "neighborhood" is not as large of an area as they presume it to be, and those other approvals do not establish a precedent that must be followed in this case.

Mr. Cisek: I think it's too much development on a non-conforming lot, and should be denied.

Mr. Mascolo: I think that a neighbor cannot tell another neighbor what he can do with his property. Working it out is a reflection of both sides trying to be better neighbors. As long as nothing done was illegal, then the applicant is within their rights. Nothing so far has gone against the direction of the town, or the zoning bylaw. Is it a tough sell for the neighbors? Yes. However, the applicant is offering solutions that can make the situation better. They have rights as property owners. If we vote yes, and the applicant is allowed to move forward with their proposal, the neighbors will still have to live with each other. The plan in front of us is what we are considering. If there were huge issues with the previous applications that have already been approved, then those issues should have been brought up at that time. I feel that the accommodations that the Sullivans have proposed show that they have been trying to be a good neighbor. Historically, this kind of development on a single lot was rare. However, a pool house, or detached bedroom, or garage is now the norm in Edgartown. Detached bedrooms are everywhere. People are exercising their rights to improve their properties. Given all that's been discussed tonight, my suggestion is to continue the public hearing to the next meeting, and to take a final vote on the proposal at that time.

Mr. Brickman: the board has to vote a supermajority 4 to 1 in favor in order to approve the special permit. I don't know that we have the votes to get this approved. So, is there any point in continuing this?

Mr. Mascolo: I don't tell the board how to vote, but I am hoping that we can come to some conclusion.

Mr. Sullivan: We are planning to continue work on the retaining walls this week.

Mr. Mascolo: I don't believe that anything is preventing you from doing that.

Mr. Brickman: There will be a retaining wall constructed. If this application will be denied, there will be less screening, and only the minimum amount of vegetation being installed. Those things will happen if this is denied.

Mr. Sam Clark: I live up the road at 19 Ocean view Ave, and I have questions for the retaining walls: The walls appear to be on the property line, and possibly infringing on a public road.

There was some discussion about Mr. Clark's concerns; the general conclusion of the board was that the retaining walls as proposed will not intrude onto any public or private way, would not violate Zoning setback regulations, and do not require a special permit or building permit.

Mr. Don Sullivan reiterated his request for the board to take a final vote on the application. Mr. Mascolo acknowledged the request, but stated his preference for a continuance of the public hearing. Mr. Mascolo strongly advised both the applicant and the Reilys to try to work towards a resolution of their differences, stating his hope that they could be largely resolved before the next meeting; Mr. Mascolo stated that, regardless of such negotiations, the public hearing would be closed, and a vote called for at the next meeting.

Mr. Mascolo then asked for a motion to continue the public hearing.

It was MOVED by Searle, SECONDED by Morrison

To continue the public hearing to August 6, 2019 at 6:00 PM.

VOTED: 5, 0, 0.

The public hearing was adjourned at 8:08 PM.

ADMINISTRATIVE

Presentation of MV Long-Range Transportation Plan Materials for review

Mr. Finn presented the board with a copy of the Martha’s Vineyard Long-Range Transportation Plan, and a presentation related to same.

Zoning Study Group: Set dates / times

Mr. Finn requested that the Zoning Study Group begin meeting, with a meeting proposed for Tuesday, July 16, 2019, 6 PM.

REVIEW AND SIGN PAYROLL

Payroll for the period ending July 9, 2019, was reviewed and signed.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Mr. Finn requested board advisement in regard to a proposal to place a hot tub at a property located in the inland zone of the coastal district. The matter had been referred to the Board by the Building Inspector for review. Mr. Finn suggested that the board could declare the proposal as a de minimis change to the site, and approve the proposal without a public hearing; alternately, the board could require public notice and hearing. The board directed that the matter be placed on the agenda for August 6, 2019.

SCHEDULE OF UPCOMING MEETINGS

Meetings were tentatively scheduled for August 6, August 20, September 3 and 17. The chair said that there would be no meeting on July 16, 2019.

ADJOURN

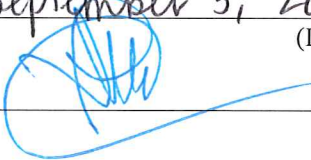
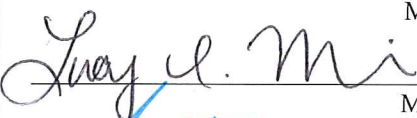


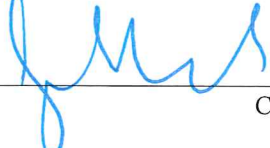
There being no further business, it was MOVED by Morrison, SECONDED by Morgan
To Adjourn.

VOTED: 4, 0, 0.

The meeting was declared adjourned at 8:10 PM.

Respectfully submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>September 3, 2019</u>	(Date of vote)
	Mascolo
_____	McCourt
	Morrison
	Morgan
	Searle
	Cisek (alternate)

July 9, 2019 – Edgartown Planning Board Meeting Special Permit Application – 32 Ocean View Avenue

Good Evening,

My name is Don Sullivan. My wife Victoria attended the prior meeting. I hadn't been directly involved in this matter until recently, just after the June 18 planning board meeting. After my wife and our builder Jason brought me up to speed I engaged in detail and have reviewed all the emails, letters, meeting minutes, etc.

I could stand here and speak for literally an hour on how much has been erroneously claimed by the Reilys and their attorney but that would be a waste of time. I just want to make a few quick points and then strongly encourage the board to finally vote on this matter so we can all move on.

First of all, from my read and the read of multiple real estate attorneys, the poolhouse was actually approved back in September with the first two special permits. It's specifically mentioned in the minutes, the plans were presented, discussed and approved. It was a mere technicality that the word poolhouse was omitted from the actual special permit and that is the reason we are here. But I understand time to appeal that has passed and at this point that issue is a matter that would have to be resolved in a courtroom.

Secondly, there is plenty of evidence of similar situations in the neighborhood. Properties with non-conforming lots that were granted approval for similar structures. We have provided you with all that information. So there is adequate precedent for this to be approved. And I'd just like to remind everyone that by issuing those 2 special permits the board has already determined that the property meets the requirements for a special permit.

So this has all come down to issues with the neighbors.

You received several letters from neighbors complaining about our project. I don't know about you folks but I for one surely would never send in a complaint without contacting the neighbor first. Other than the Reilys, none of those neighbors contacted us. As you can see in their letters, they heard from the Reilys and that prompted them to write to the planning board. The fact of the matter is there are only two neighbors that actually abut our property, the Reilys and 24 OVA. The other neighbors cannot even see our property without being on it as we are at the very end of the road on the water.

As for the other directly abutting neighbor at 24 OVA, the caretaker of that property sent a letter as well, not the owner. I contacted the actual owner of the property and they are fully supportive of our project. I quote from an email I received from the owner: "Don... I have no issue with your variance, pool, or detached bedroom. It looks like a nice project. It's all fine with us..."

So that leaves us with the Reilys. They are not concerned with the poolhouse. They only care about the driveway. I have several emails from Caroline Riley explicitly stating that fact. Well, the driveway is not part of the special permit. The pool house is before you for approval. A driveway is by right.

Even though we were really under no obligation to do so, we tirelessly attempted to work with the Reilys. Most recently, we proposed a solution whereby we would reorient the pool to move the pool house and driveway to the south, increasing the buffer between our property and the Reilys by an additional 13 feet and lose most of our side yard in the process. We also told them we would provide whatever screening they want. We would add a second retaining wall to tier the screening and even install a parapet wall all along the driveway to cut down on any headlight glare into their property. That proposal was vehemently rejected by the Reilys. They insist the driveway be moved to the original location with construction of the pool and poolhouse to the south of the driveway which we are not able to do as there isn't adequate room.

At this point it is clear that we are at an impasse with the Reilys and while I truly do recognize and respect the Board's desire to have agreement among neighbors, that simply cannot happen in this case. We own the property and the Reilys should not get to dictate what we do with it. We did our best to accommodate them, but they keep making unreasonable demands – as I said, we own the property.

I respectfully request that you finally vote on this matter. It has gone on far too long and we all need to move on one way or the other.

Thank you

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE:

2/9/20

Name (Please print legibly!)

Street Address

Agenda Item

Norman Rankow	33 Witchwood LA- MVBO Club,	MVUBGMV
Jessie Damroth	44 Robinson Road	MV Boys & Girls Club
Alexander H Cochran	141 So Water	# Paw/A - 14980101
Pam Finders	6 Cummings Way	Paula - 147 S. Abert
Judene Reily	39 Green Hollow	32 Ocean View
Olivia Toth	39 Green Hollow	32 Ocean View
Will Reick	35 Green Hollow	32 Ocean View
Bo Reily	39 Green Hollow	" "
Elizabeth Peters	35 Green Hollow	" "
Tim Clark	19 Ocean View Ave	32 Ocean View Ave
Elen Sargent	32 Ocean View Ave	32 Ocean View
Chuck Shivers	"	32 OVA
George Brush	39 Green Hollow	"