

# Edgartown Planning Board Minutes

Tuesday, April 3, 2018

A regular meeting of the Edgartown Planning Board was scheduled for **Tuesday, April 3, 2018 at 5:00 PM** at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

## **CALL TO ORDER**

The meeting was called to order at 5:02 PM.

### **Call of Roll:**

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

*NOTE: Mr. Fred Mascolo arrived after the start of the meeting, and his arrival time is noted in these minutes.*

### **Also Present:**

*Georgiana Greenough, Planning Board Administrative Assistant.*

*Douglas Finn, Planning Board clerk*

A quorum was declared.

## **SITE VISITS**

The following site visits were scheduled:

- 9:30 AM 85 Edgartown Bay Rd
- 9:45 AM 17 Forever Wild Way
- 10:00 AM 15 feet from Refuse driveway off West Tisbury Rd
- 10:00 AM 284 Upper Main St

No deliberation was conducted as part of the site visits.

## **BOARD BUSINESS**

Due to Mr. Mascolo's late arrival, the board generally agreed to address agenda items out of order. The agenda reflects the order in which business was conducted.

### **1 Mariners' Way**

Ms. Greenough asked about the status of the project, stating that it appeared that no work had continued from the recent storms, and that 'Tyvek' was flying.

Mr. Sherman stated that Mr. McDonough (project manager) was supposed to return to the Planning Board to provide an update. After some discussion, it was suggested that staff

contact Mr. McDonough to meet with the Planning Board at the next possible regular meeting.

### **Post Office Square**

Ms. Greenough reported that the parking lot had not yet been finished, and appeared to be unsafe. Ms. Greenough reminded the board about the need to keep the parking lot in good condition.

Ms. Pam Dolby (Town Administrator) further illustrated the poor condition of the parking lot, and suggested that, as the subject for a special permit, the owner should be required to maintain the parking lot, as it continues to be an issue of liability.

Mr. McCourt: when we issued the special permit, the project was cut in half; when complete, the parking lot was supposed to be resurfaced and marked. The project developer should be 'held accountable', and required to complete the job.

Mr. Cisek: the parking lot across the street, near the 'Dip'n'Donuts' is in equally poor shape, and should be addressed.

Mr. Cisek requested that a letter be drafted to require the property owners to see to the reconditioning of the lot.

Ms. Dolby suggested that no further special permits be issued until the condition is repaired.

### **De Minimis Request – Stop and Shop**

Ms. Greenough described the annual process of granting a special permit with limited time conditions to allow Stop and Shop to place plants on the front sidewalks in front of the store.

Ms. Mary McEvoy, manager of the Stop and Shop, asked to receive permission to place sales displays on the front sidewalk as a de minimis change to the Special Permit.

It was MOVED by Sherman, SECONDED by Morrison

*To confirm the request as a de minimis change to the special permit, and to approve outdoor displays from April 1, 2018 through December 31, 2018.*

VOTED: 4, 0, 0.

**NOTE: Mr. Mascolo arrived at 5:14 PM.**

### **5:00 PM AT&T/Fynbo, 14 Sampson Av (34-197) SP: Deliberation and vote continued from 3/20.**

Deliberation continued at 5:15 PM on an application from AT&T / Robert Fynbo, on a proposed PWSF facility (Cellular tower) at 14 Sampson Avenue.

Mr. Cisek reminded the Planning Board members that no public testimony would be permitted.

The Planning Board reviewed a document entitled "AT&T Tower Proposal – Summary", dated 4/3/2018, and included herein by reference.

Mr. Cisek: After six years of meetings, MV Commission approval, trustees of reservations review, and review by the Edgartown Selectmen, the project should be approved. The benefits of permanent service outweighs the detriments. This would be a first step in providing an essential service. In Edgartown we have water towers, and cell towers; no neighbors have been selling their homes as a result of their proximity to the tower. It should be approved.

Sherman: This type of decision requires us to get all information that we can, all input that we can, and deliberate. IF there was a way to legislate this decision by a written rule, or a given document, then we wouldn't be sitting here. It is the process of thinking it through, assimilating information, and weighing all information available to us.

Mascolo: I would add that this has been a lengthy, six-year process. In those six years, many options were considered; the worst thing that could happen is to stall the process, and not have service. Public safety advocates have promoted improved cellular service. It has proven to be a benefit. We've had six years to get to this point. I'm for improved safety, that's paramount. This is not a quick decision, but has been discussed for years.

McCourt: Agreed with Fred (Mascolo). I know more about cell towers than I ever could have imagined. We went through trials and tribulations of trying to find a site; the arguments from the providers and the public have been heard. Comments have varied. The public has been very persuasive as to where they DIDN'T want the tower. The site where it is now, and proposed, was the final decision. Out of the past years of consideration, the same factors were considered. The last open hearing at Edgartown showed that the majority of the public were in favor of the proposal. We are here to represent our community. In cases of emergency, especially on Chappaquiddick, time is essential. To go through this more, would put more stress on myself as a member, and the board in general. Do I care where the tower goes? When it comes to the public, yes. The proposed site is the best site, and I think we should vote yes.

Morrison: I have questions about this application and about the potential site of Majane Lane specifically. Can I ask about it?

Cisek: We're talking about 14 Sampson Avenue.

Morrison: I have questions about Majane Lane. It was one of two alternative sites that were proposed as part of this application.

There was some discussion related to the potential of Majane Lane as a possible site, as well as other sites.

Ms. Greenough described briefly her experience on a previous committee, working to find cellular sites for Chappy.

Morrison: Was Majane Lane ever considered or discussed?

Greenough: No. It was private property, and was not directly part of the deliberation. It was not identified as a possible site. A number of other possible sites were identified, but were broadly rejected by abutters and residents.

The history of consideration of a DAS was also reviewed.

Greenough: The committee was not considering towers at the time. And due to the intrusive nature of a DAS system, no final decision or agreement was reached.

Ms. Greenough referred to Adam Darack as another member of a similarly charged committee, who might be able to provide input on the work done by that committee.

Greenough: I think the town really bent over backward to try to find a better site; this was it.

McCourt: There was a lot of back and forth in considering a 'DAS' system; however, it was rejected as costing twice that of a tower, and providing poorer coverage; the fire station was considered by the committee, but rejected by the residents. A search for an alternative site began at that point. Adam Darack might be able to present more information on that topic.

There was some discussion as to whether Mr. Darack could provide information or answer questions, as the Public Hearing is closed.

Morrison: Can I ask a very specific question? Can I ask if Majane Lane was thoroughly vetted, or rejected as a possible site?

There was some discussion in relation to whether Majane Lane could be addressed, or whether the scope of the discussion could include the possibility of Majane Lane.

Ms. Greenough described that other sites had been considered previously; however the application was for a specific proposal at a specific site, and that the Planning Board had to consider only the application that was before them.

Morrison: I'm not sure why AT&T proposed a tower on a non-conforming site, and included two alternative sites that would otherwise be conforming.

McCourt: There was a lot of hard work put into the proposal; this was not a sudden or last-minute choice. This is the result of a lot of hard work by many individuals over six years. We should act now.

Greenough: We are not required to consider their backup locations – that was not part of the scope of their application.

The board chair allowed representatives from AT&T to respond to the question of an alternative site.

John Eldar deferred to Dan Bilezekian, SAI Communications, Inc., Rehoboth, MA, for an answer: "The 14 Sampson Avenue location is the one we have vetted, the one we have invested in, and the one for which we have applied."

Mr. Morgan: I live close to a cell tower. Has it disrupted my life? No. Have my land values suffered? No – prices have skyrocketed. If you don't think about it, you don't notice it. It's not a good looking tower, but the service that it provides is essential. AT&T has been very good stewards, keeping the site clean and well maintained. It has not affected my life negatively at all.

It was MOVED by McCourt, SECONDED by Mascolo,

*To approve the tower as proposed, with a final list of conditions to be developed for review and approval at the regular meeting on May 1, 2018.*

VOTING AYE: SHERMAN, MCCOURT, CISEK, MASCOLO;  
VOTING NO: MORRISON.  
DECLARED APPROVED.

The board briefly discussed the matter of the design of the tower, and whether to require the 'monopine' design. Mr. McCourt suggested that might be part of the discussion related to conditions, and could be addressed the meeting on May 1, 2018.

**5:30 PM Colonial Reproductions Inc. / Malm, 17 Forever Wild Way – SP (44-45.2) Application for a special permit for construction of an elevated deck, namely a 'widow's walk', designed as an integral part of a dwelling in the Coastal District. (Agent: Norman Rankow, contractor, Patrick Ahearn, architect)**

*At 5:58 PM, Mr. Sherman recused himself from deliberation. Mr. Scott Morgan, Planning Board Alternate, participated and voted on this matter.*

A public hearing was scheduled for Tuesday, April 3, 2018 at 5:30 PM on the application from Norman Rankow / Colonial Reproductions Inc., on behalf of David Malm, for a special permit for construction of an elevated deck, namely a 'widows walk', designed as an integral part of a dwelling, and there being historical precedent. The property is located at 17 Forever Wild Way, Assessors' Parcel 44-45.2. The hearing is held in accordance with MGL Chapter 40A and the following section(s) of Edgartown zoning bylaw: 11.3.b.3

Present for the applicant: Norman Rankow.

**The chair opened the public hearing at 5:59 PM.**

Mr. Rankow presented the proposal, which calls for a recessed deck at the roof of the building, with a railing to extend about two feet above the roof ridge.

The property is accessed through Herring Creek Farm, but is not part of the subdivision.

Ms. Greenough asked about the plans – have they changed? Answer: No.

Question: are any other approvals necessary in order to proceed? No.

Question: Will the existing house come down? Answer: yes; we are building inside the envelope of the current building.

Question: Does the height of the railing exceed the 32 foot height restriction? Answer: No – the top of the widow's walk is designed to reach only to 28 feet.

Mascolo: Martha's Vineyard / Nantucket are the only two places where a widow's walk is seen. This is part of our history.

*Question: Has the 'demolition delay' rule been satisfied? Answer: Yes.*

*Question: How far from the deck to the top of the rail? Answer: 42".*

**There being no further comment from the public or the applicant, the chair closed the public hearing at 6:07 PM.**

It was MOVED by Mascolo, SECONDED by McCourt

*To approve the application as presented, it being an integral part of the proposed dwelling.*

VOTED: 5, 0, 0.

***At 6:08 PM, Mr. Sherman rejoined the meeting.***

**5:40 PM Bridget & Robert Minicus, 85 Edgartown Bay Rd (51- 38) SP: Construct and maintain a 15' x 30' in-ground swimming pool in the Coastal District. (Agent: VLS&E)**

A public hearing was scheduled for Tuesday, April 3, 2018 at 6:00 PM on the application from Reid Silva, VLSE, to construct and maintain a 15' x 30' in-ground swimming pool, pool house and associated landscaping on a non-conforming lot in the Coastal District.

The property is located at 85 Edgartown Bay Rd, Assessors' Parcel 51-38. The hearing is held in accordance with MGL Chapter 40A and the following section(s) of Edgartown zoning bylaw: 14.1.d.2.

**The chair opened the public hearing at 6:10 PM.**

Present for the applicant: Reid Silva, VLSE.

Mr. Silva described the details of the project, which is to add a swimming pool to an ongoing house rebuild project, on the north side of the house, 15' x 30'; there will be a pergola, with the pool visible from the water. Conservation Commission has approved the plan, with the requirement that any water being pumped from the pool be pumped to a dry well. The pool will be a salt water pool. Screening will be placed along Edgartown Bay Road, with a thick stand of vegetation along the neighbor's property line. Pool equipment will be located in the pool house.

Mascolo: Will there be sound insulation in the pool house? Answer: not currently, but we can add it if necessary.

Mr. Silva was asked to add noise shielding / sound insulation around the equipment. Mr. Silva agreed.

McCourt: What is the setback from the pool to the property line? Answer: 38 feet. There will be vegetation screening around the fencing.

Lighting will be with downward-facing fixtures.

No comment from the public was received.

**The chair closed the public hearing at 6:16 PM.**

It was MOVED by Sherman SECONDED by Mascolo

*To approve the application as presented, with standard 'pool conditions'.*

VOTED: 5, 0, 0.

**5:50 PM Nils Leaf, 284 Upper Main St (20A-64) SP: Replace existing buildings with a single mixed use structure in the B-II district. Previous plans expired, but are being presented with modifications. (Nils Leaf & Tim McHugh, owners)**

***Mr. Mascolo recused himself from the meeting. Mr. Scott Morgan, Planning Board Alternate, participated in deliberation and vote on this application.***

A public hearing was scheduled for Tuesday, April 3, 2018 at 5:45 PM, on the application of Nils Leaf & Tim McHugh, for a special permit to construct a 3-story mixed use building with 3 retail units on the 1st floor, 2 commercial units on the 2nd floor and a residential unit on the 3rd floor. The property is located at 284 Upper Main St, Assessors' Parcel 20A-64. The hearing is held in accordance with MGL Chapter 40A and the following section(s) of Edgartown zoning bylaw: 10.2.a.1. & 11.

Ms. Greenough read the public notice.

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

Mr. Nils Leaf was present to speak to the application.

***Mr. Mascolo spoke about his previous business dealings with the applicant, and after some discussion, recused himself from the public hearing and deliberation; Mr. Scott Morgan, Planning Board Alternate, participated in deliberation and vote on this application.***

Mr. Leaf described the modifications to the plan. The proposal now calls for two retail spaces on the first floor, and two residences split between the second and third floor for a total of six units.

The footprint remains the same. The engineering remains the same, as was previously applied for.

Ms. Greenough stated that the plans, as approved in 2012, were totally stick-built, and not modular, and differ significantly from the plan as currently proposed.

Mr. Leaf agreed that the window placement is changed, and the door placement on the first floor is changed due to the reduction in retail spaces from three to two.

McCourt: I think we need to be sure we're looking at current plans, not combinations of plans, or previously approved plans.

There was some discussion about the plans as presented, with the builder and applicant reviewing the submitted drawings. There was some discussion about the comparison of the previously approved plans with what is being presented. Some history of previous applications was reviewed. The need for the Planning Board to be presented with the same plans as those submitted to the Building Inspector.

A letter from an abutter was read, requesting a fence along the abutter's property line be part of the conditions of any special permit.

It was suggested by Mr. Mascolo to continue the public hearing to a date certain, allowing the applicant to resubmit complete elevations and necessary information.

It was MOVED by McCourt SECONDED by Sherman

*To continue the public hearing to May 1, 2018, and a time to be determined.*

VOTED: 5, 0, 0.

**6:00 PM Nils Leaf, Watcha Path – name an existing easement with access to two (2) parcels (crossing over Wilcox & Refuse property) “Easement/Dead End”**

At 6:37 PM, the board considered an application for a change of access or address. Ms. Elizabeth Harrington was present to address the application.

The application requests a name for an existing easement. The easement has existed for at least twenty years, and serves the Harrington and Leaf residences.

There was some discussion as to the nature of the request. “Naming a way” is the purview of the Planning Board, and can lead to the Assessors’ incorporating it into street records, resulting in the 9-1-1 and other formal listings.

It was MOVED by Sherman, SECONDED by McCourt

*To grant a permit to name the easement serving two parcels “Underway Drive”; that naming the easement does not create a public way, or recognize a way in existence, nor create new frontage.*

VOTED: 5, 0, 0.

**Mr. Fred Mascolo returned at 6:45 PM.**

**6:10 PM Continuation of Stop & Shop from March 6, 2018. Answers to board’s questions**

A public hearing was continued from March 6, 2018, on the application from Stop and Shop, 245 Upper Main Street, for a Special Permit to construct a 17,432 square foot addition to the existing 25,259 square foot store, including landscaping, parking, and other site activities.

The Chair continued the public hearing at 6:45 PM.

*Present for the applicant: Atty. Geoghan Coogan.*

Ms. Greenough presented a memo from staff to the Planning Board, outlining concerns in regard to the application.

Ms. Greenough further stated that allowing the board to choose options in regard to the project is somewhat inappropriate.

Mr. Coogan introduced David Taglionetti, Tom Scott (Scott Griffin Architects) and Randy Hart.

Mr. Scott presented a simplified plan of the proposal, which included an interior layout of the store.

1,600 square feet of coolers and freezers will be increased to 2,700 square feet. Meat, seafood and produce areas will also be air conditioned. The store will include a pharmacy, restrooms, and other areas.



Question: Outside cold storage? Answer: no. Outdoor storage for non grocery, 'seasonal' items only.

Question: How many registers? Currently, 10. Proposed: 8 staffed registers, 6 "self-scan" registers.

Question: Does refrigeration on trailers run while unloading? Answer: yes, currently. Mr. Sherman spoke about 'plug-in' options for trailers that are parked at loading docks.

Mr. Scott spoke about a 12-foot sound-barrier wall that would be included.

McCourt: The pharmacy will be moved into this facility. Has pharmacy traffic been taking into consideration?

Coogan: We can address that a bit later in the plan.

Mr. Scott continued his presentation. The dormers have been redesigned, with the exception of the dormers on the east end of the building, which will remain the same.

Ms. Greenough: One of the considerations that the planning board must address is whether the style of architecture is consistent with the broader architectural style of Edgartown.

Scott: We are removing the 'band element', but are broadly keeping the existing structure as it is. Cart storage is proposed to be inside, as well as out in the parking areas. Carts will not be stored under the front overhang.

McCourt: On the existing structure, will the windows change? Answer: No, we are not proposing to change the windows. The windows will have mullions.

Question: How did you determine the location of the main entrance? Answer: It was a result of the interior layout of the store.

Mr. Scott continued, describing the renovations to the existing structure. The existing brick façade will be cleaned, exposing the original brick color (currently painted).

Sound barrier walls will be constructed to provide sound abatement in the areas near the existing loading dock at the south, as well as the proposed loading dock at the north. The plans also reflected current vegetation planted and maintained by the abutters to the North.

Mr. Scott stated that very little of the back (north) of the building is left visually exposed to abutters, and much is currently screened.

Details as to interior offices, indoor seating, and other amenities were explored.

Mr. Ben Hall spoke about his concern related to the sound-abatement wall. Mr. Scott described the nature of the sound barrier (a steel-clad composite insulation panel).

Mr. Taglionetti spoke about the alternatives as presented, related to the west-entrance driveway; Mr. Taglionetti stated that the intention of the applicant was to present a single site plan, with a specific alternative recommended for the west entrance.

Mr. Taglionetti: Modifications to the plan were the result of comment received from the MV Commission, the Edgartown Planning Board, and the public. The current plan was compared to the original submission. A revised west entrance plan (Alternative 1B) was presented.

Mr. Adam Turner (MV Commission) spoke about the Commission's review of the project. Mr. Turner stated that Alternative 1B was not the commission's choice (Alternative 2 was

strongly considered). The commission is expecting to receive further input from the Edgartown Planning Board.

Mr. Coogan: We have to go back to the Commission with the site plan, as well as the architecture; it makes no sense to do so until we know whether the Town has approved the plan.

Question: Were six parking spots west of the bank removed? Answer: Yes.

Mr. Taglioneiti clarified that Alternative 1B was a new addition to the proposal, and had not yet been submitted.

Mr. James Joyce spoke about the location of the drive-through in the bank, stating that the preferred location of the drive-through should be at the back of the building. Mr. Taglioneiti replied by stating that just as important as the aesthetics is the operation and traffic flow. Since March 2017, 'dozen's of plans have been considered for the bank building. Any other orientation negatively impacts parking, landscaping and traffic circulation.

Sherman: I don't want to see a rendering of something that we don't want to see in that area. We should not have to look at a drive-up at our primary entrance into the town.

Response: This is the best situation that we could work given the circumstances.

Ms. Renee Claremont spoke about the situation of the bank building, and her opinion that it was the best possible placement of the bank.

Mr. Sherman: It's not my job to design it; but, I believe that the bank can work with the drive-through at the rear of the building.

Mr. Coogan: This is the proposal. This is what we're proposing. If you're going to deny the proposal based on the orientation of the bank, that's your choice. If you're asking us to go back to the drawing board at this time, we're not going to do that. We've explained why this project works best as it is. We've fully vetted this project; it makes the best sense, and allows the rest of the project works.

Sherman: The 'take it or leave it' attitude doesn't work here.

Taglioneiti: We've considered a number of different designs; this is the best design that we can make.

Sherman: Why are you here?

Taglioneiti: To get your input.

Sherman: That's what we're trying to do.

Taglioneiti: There are certain comments and questions that we can address, and to which we can respond with potential modifications or changes. But certain things we can't change. We feel that this is the best design. If you come up with a different design based on the building program, and the loading dock designs...

Sherman: I'm not suggesting that.

Taglioneiti: Then, send me a sketch of the design...

Sherman: That's not my place to say.

Mr. Mascolo suggested continuing the public hearing to a later date.

Mr. McCourt suggested that the Planning Board's involvement has been minimal to this point, and that may have been to our detriment. This is our community; we're concerned with how the project has been received.

Mr. Stephen Carroll, Rockland Trust: The bank building, as proposed, goes from 600 square feet, up to 1,080 square feet all told. This will be the smallest branch. We asked them to place the drive-through in the rear, and they provided us with the evidence that it simply can't work.

Mr. Morgan: If the bank were a stand-alone bank on its own lot, we would never approve the drive-through on the front (street-facing) side of the bank.

Mr. Coogan: can we get a memo before the next hearing, not at the next hearing, regarding proposed changes? Further, the bank orientation has been the same since our first hearing; to hear about changes at the last minute is unworkable.

Ms. Greenough expressed her concern related to the submission of plans, or supplements.

It was MOVED by Sherman SECONDED by Mascolo

*To continue the public hearing to May 1, 2018, with specific time to be determined.*

VOTED: 5, 0, 0.

(7:48 PM)

## **OTHER BUSINESS**

### **Approval of Minutes**

Minutes from March 20 were reviewed and signed.

Payroll sheets for the pay period ending April 3, 2018, were reviewed and signed.

### **Decisions**

The Decision for the Ogden Application was reviewed and signed.

### **Upcoming Meetings**

The Planning Board tentatively scheduled meetings for April 17, May 1, and May 15.

## **ADJOURN**

There being no further business, it was MOVED by Sherman, SECONDED by Mascolo

*To Adjourn.*

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:49 PM.

Respectfully submitted,

Douglas Finn, Clerk

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

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

*[Signature]*

\_\_\_\_\_ Cisek

\_\_\_\_\_ Mascolo

*[Signature]*

\_\_\_\_\_ McCourt

*[Signature]*

\_\_\_\_\_ Morrison

*[Signature]*

\_\_\_\_\_ Sherman