

Edgartown Planning Board Minutes

Tuesday, April 17, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, April 17, 2018 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: James Cisek (Planning Board Alternate, chair pro temp), Sam Sherman, Fred Mascolo, Michael McCourt, Lucy Morrison, Scott Morgan.

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 139 Meetinghouse Way – Staked at Meschacket & Meetinghouse.
- 10:00 AM 31 Old Farms Trail – Completed Turn-around for emergency vehicles
- 10:15 AM - Bad Martha's Farmers Brewery - 270 Upper Main Street

No deliberation was conducted as part of the site visits.

Mr. Scott Morgan was welcomed to the Planning Board, having been elected at the Town Election the previous week.

REORGANIZATION

It was MOVED by Mascolo SECONDED by McCourt

To elect Sam Sherman as Chair for the 2018-2019 year.

VOTED: 5, 0, 0.

Mr. Sherman assumed the Chair, and continued the meeting. Mr. Cisek resumed his post as alternate member.

BOARD BUSINESS

5:30 PM Meeting House Way LLC, 139 Meetinghouse Way (37-47) A Definitive Subdivision Plan. Subdivide 54.26 acres in R-20 residential district into 36-lots. (Agent, Doug Hoehn, SBH, Inc.)

As required by M.G.L. ch 41, Sections 81T and 81U, The Edgartown Planning Board held a public hearing on Tuesday, April 17, 2018 at 5:30 p.m. in the Edgartown Town Hall, 70 Main Street, Selectmen's Meeting Room – 1st Floor to consider the application of Schofield Barbini & Hoehn Inc. on behalf of Meeting House 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 proposed to subdivide 54.26 acres at 139 Meetinghouse Way, Assessors parcel 37.47, located in the R-20 district, into thirty-six (36) parcels. |

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

Ms. Greenough read the public notice. The chair declared the public hearing open at 5:32 PM.

Mr. Hoehn made a brief presentation about the proposal. Mr. Hoehn presented members with a basic plan of the subdivision. A traffic impact and access study, prepared by GPI (Wilmington, MA), dated January, 2018, was submitted to the file for review.

Mr. Hoehn reviewed the history of potential development on the parcel. Most recently, the plan was developed in accordance with strictures established by National Heritage.

The parcel is between Meshacket Road and Meetinghouse Way. Zoning calls for ½ acre lots, minimum. When purchased, the property was not listed on the endangered species maps. In August of 2017, National Heritage revised their maps, which added endangered species (Imperial Moth) habitat on the parcel, which altered the potentially developable area. *eliminating 14-acres*

The road layout was reviewed. Areas of the development that are permanently protected were reviewed. Remaining areas, proposed to be controlled by the association, was outlined and detailed.

The smallest lot size is one acre. The largest is 2.75 acres. Development envelopes are roughly 15,000 square feet.

Area restricted by National Heritage: roughly 20 acres. Total area not included in building envelopes or the road outline is roughly 40 acres.

Town's sewer department has approved the connections as proposed. Water department has approved the connections as proposed.

The MV Commission has been approached with preliminary designs. The most significant issue has been the potential for nitrogen loading; however, given the use of town sewer, that concern is less significant.

Mr. Hoehn described the property as relatively flat. Proposed is a paved road that will meet or exceed town specifications (Town requires two lane road, 16' wide, two foot shoulders; proposed is a two land road, with pavement 18' wide, and three-foot shoulders).

Due to the relatively minor grades, minimal amounts of underground drainage structures are expected to be used. The road will be crowned, with water runoff to either side.

A traffic impact study has been done, and has been submitted. A utility plan has been completed, with a copy submitted. The applicants have been working with the Affordable Housing Committee in relation to the project.

Mr. Hoehn stated that there was information that had not yet been submitted, such as: Homeowners Covenants, List of Offers of the Association (to be presented to the MV Commission), and other submittals as may be requested by the Planning Board or the MV Commission.

The applicants expect that the project will be submitted to the MV Commission.

Ms. Greenough suggested that, due to the expectation of additional materials submitted, the board might wish to continue the public hearing to the next potential date (May 15, 2018); at that point, if the board was satisfied, and if the application was substantively complete, it could be referred to the MV Commission with a higher degree of confidence.

Mr. Mascolo: Adam Turner (MV Commission) has requested as much information be submitted with any referral. "We should 'chew on it' for a while before referring it".

Mr. Sherman: Any letters? Answer: no.

Mr Sherman: Any public testimony?

Mr. Chandler Lincoln (Hotchkiss Lane): When would construction begin?

Mr. Hoehn: The first building would be the road.

Mr. Sean Murphy; the expectation is that construction would be in three phases; the first, road development, would commence as soon as the project is approved. At the earliest, road construction would begin in Fall, 2018.

Mr. Jason Honeyman (Hotchkiss Lane): Re/ Priority Habitat: will remain untouched?

Hoehn: National Heritage areas will not be touched.

Honeyman: If that area is changed, will the applicant be required to return?

Hoehn: Any change to this area could only be done by National Heritage, and that's not an easy process.

Honeyman; If there are any changes to the plan, will the public be notified? Answer: Yes, absolutely.

Honeyman: Will there be more water runoff? Will underground water flow be affected? Answer (Hoehn): Likely, no.

Honeyman: Was that part of the planning or studied? Answer: Water trespassing is not permitted.

Honeyman: Will the developer build these homes? Or will folks buy lots and build on their own? Answer: The developer may build one or two homes on spec; but individual land purchasers would likely build on their own.

Ms. Morrison: There were no driveways listed on the plan...? Answer: They were just omitted from these plans.

Mascolo: Is there a common house? Club house? Answer: there may be a barn included on the common land. Question (Mascolo): Horses? Answer: Likely not.

Greenough: Will there be access along Division Road by the properties that abut it? Answer: No.

Morrison: Swimming Place Path is along the northern edge – will that be protected? Answer: Yes. (Followup: no fences, no blocking the path? Answer: Yes.

McCourt: Given the connections to town sewer, will there be restrictions on numbers of bedrooms? Answer: The WW department have set a limit of seven bedrooms per connection. Followup (Murphy): The wastewater system capacity is determined by pumping capacity.

Sherman: Will guest houses be permitted? Answer; that's not yet been determined. Followup: Any guest house, or detached bedroom, would have to be placed inside the building envelope.

Candy Lincoln (Hotchkiss Ln): Where is the project in relation to my home? Mr. Murphy and Mr. Hoehn reviewed various maps with Ms. Lincoln.

It was MOVED by Mascolo SECONDED by McCourt

To continue the public hearing to May 15, 2018, 5:30 PM.

VOTED: 5, 0, 0.

5:40 PM Continued - Bad Martha Farmer's Brewery, 270 Upper Main St (20A-65.2) Review number of seats, space, food served, events, etc. (Agent, Sean Murphy, McCarron, Murphy & Vukota LLC)

A public hearing was continued from Tuesday, March 20, 2018, to consider an application of McCarron Murphy & Vukota LLP on behalf of Bad Martha Farmer's Brewery LLC for a modification to a special permit originally issued January 30, 2015, to allow entertainment at the property until 8:00pm in the same manner as approved by the Board of Selectmen for the previous three seasons. The property is located at 270 Upper Main St, Assessors' Parcel 20A-65.2. The hearing is held in accordance with MGL Chapter 40A and Edgartown zoning bylaw articles 10.2 and 10.6 (B-II Upper Main Street Business District).

The public hearing was continued at 6:02 PM. Present for the applicant: Sean Murphy, and Peter Rosbeck.

Mr. Murphy reviewed the project. As review: Under the original special permit, live entertainment was not permitted; however, the company has received entertainment permits from the Board of Selectmen; The applicant is requesting that entertainment be permitted, with final approval granted by the Board of Selectmen.

Mr. Murphy stated that, in the four years that entertainment has been conducted on the site, there have been no complaints.

Mr. Sherman: We did hear some complaints from neighbors from the surrounding area, at the last public hearing.

Mascolo: How many fights have there been? Answer: none.

McCourt: In the original permit, total occupancy was limited to 34 seats. At least 39 seats were seen outside the facility, with more inside.

Mr. Sherman: The larger issue is the sound disturbance for neighbors.

Mr. Murphy: The licenses granted by Selectmen have been for acoustic performance, low or no amplification, not later than 8 PM.

Mr. Sherman: Specified inside or outside? Answer: Not specified.

Mr. McCourt: I would like to hear from any abutters.

Ms. Christina Miller (Darkwoods Road): Given the small area, why does there need to be any amplification at all? If this is approved, then other businesses might apply for similar licenses. As the B-II district become more and more developed, we need to be sensitive to neighbors concerns.

M.J.Look (Pinehurst Road): At the last meeting the question was whether any amplification is permitted. What does that mean?

Peter Rosbeck: A small amplifier is often used, connected to an acoustic guitar.

Look: What the business is, in essence, is a bar. Is live music allowed outside anywhere else?

Mascolo: Live music is allowed, and at other places. And if it ends at 8 PM, is it that much of a disturbance?

Look: My biggest issue is that this is a bar. Call it what it is.

Morgan: The term "minimal amplification" creates a 'grey area' – subjective. I tend to agree with Fred – compared to other places, it is quieter; however, the term 'minimal amplification' should be clarified.

Ms. Miller: Responding to the 8 PM time: given that we do not have air conditioning, and our interest in being outside in the summer, we feel that amplified music is intrusive.

Ms. Greenough: Would the Planning Board limit entertainment to specific days of the week? Or time of day?

Sherman: We could condition our approval in such a way so as to communicate our concerns, and the neighbors concerns in regard to amplified entertainment.

Question: What is the size of the outside dining area? Answer: 22 feet by 35 feet. Question: why does it have to be amplified at all? Answer: In order to be heard above the din of conversation. Mr. Rosbeck reiterated that his interest is not to have music at or after sunset.

Mr. Rosbeck recognized that sound does carry at night; and reiterated his disinterest in late-night activity at the facility.

Mr. Mascolo: Throughout the summer, sound and music is generated from businesses – and residences - throughout town, especially during holidays. We have to respect the B-II

zoning, and continue to encourage the businesses that are there. The fact that the applicant wants to self-limit their entertainment to no later than 8 PM is a good thing. A local brewery is a 'boon' for the town. Given the lack of noise complaints, or other disturbances, there's no reason to not allow them to continue to proceed as they have.

Sherman: We're not just talking about one night, such as a holiday, and they are impacting residents and the residential areas.

McCourt: If we pass this onto the Selectmen, noting the concerns, we have done our jobs. We have to respect both businesses and residences.

Murphy: I think the owner has heard these concerns.

Sherman: I would entertain a motion, conditioning approval on any permit issued by the Selectmen be specific as to volume levels, and hours allowed.

It was MOVED by McCourt SECONDED by Mascolo

To approve the modification to the Special Permit, allowing the applicant to apply for an entertainment license from the Board of Selectmen, subject to the following conditions:

In light of concerns regarding the volume of amplified entertainment, as heard by the Planning Board; approval of any entertainment license by the Board of Selectmen, should include specifics as to acceptable volume levels, and hours during which entertainment is permitted.

VOTED: 5, 0, 0.

5:50 PM 31 Old Farms Trail (Form O) release. Inspect turnaround in front of property. Vote Form O at meeting. (Brian Smith, R.E., Doug Hoehn, surveyor, engineer)

No representative from the applicant was present to address the matter. No action was taken.

OTHER BUSINESS

Approval of Minutes

Minutes from the meeting of April 3, 2018, were reviewed, but not signed.

Minutes from November 14, 2017 (previously approved) were signed.

Minutes from January 30, 2018 were reviewed and signed.

Payroll sheets for the pay period ending April 17, 2018, were reviewed and signed.

Decisions

Staff reported that decisions would be ready for signature on Thursday, April 19th, and asked that members may stop in the office to review and sign.

Other information

An updated packet of information, including plans, elevations and renderings, related to the Stop and Shop Application, were presented to members for review. Options related to potential actions that the Board can take in regard to any given application were briefly discussed.

Upcoming Meetings

Meetings were scheduled for May 1, and May 15. Meetings were tentatively scheduled for June 5, and June 19.

ADJOURN

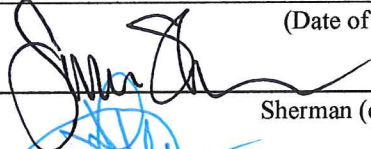


There being no further business, it was MOVED by Mascolo, SECONDED by McCourt
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:28 PM.

Respectfully submitted,

Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on	
May 8, 2018	
_____	(Date of vote)
	Sherman (chair)
	Mascolo
	McCourt
_____	Morrison
_____	Morgan