

Edgartown Planning Board Minutes

Tuesday, November 27, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, November 27, 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 5:34 PM.

Call of Roll:

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

Absent: Fred Mascolo.

Also Present:

Douglas Finn, Planning Board Assistant

A quorum was declared.

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

SITE VISITS

SCHEDULED BUSINESS

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

The Edgartown Planning Board continued a public hearing from Tuesday, September 11, 2018 at 5:45 PM in Edgartown Town Hall – 1st Floor, on the application of Don Hatch, on behalf of MARTHAS VINEYARD REFUSE DISPOSAL & RR DIST, Owner, to reroute existing accesses to recycling and weighing in for refuse. The property is located at 750 West Tisbury Road, Assessors' Parcel 25-4.

The public hearing was continued at 5:35 PM. The applicant was not present.

As the matter is still being considered by the MV Commission, Mr. Finn recommended continuing the public hearing without presentation to a date certain.

It was MOVED by McCourt SECONDED by Morrison

To continue the public hearing to March 5, 2019, 5:30 PM.

VOTED: 5, 0, 0.

5:30 PM PUBLIC HEARING (CONTINUED FROM SEPT 18, July 24, May 15, and April 17, 2018): MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47) DEFINITIVE SUBDIVISION

The Planning Board continued a public hearing from continued from Sept 18, 2018 at 5:30 pm (sessions held on July 24, 2018 at 5:30 pm, May 15, 2018 at 5:40 pm, and April 17, 2018 at 5:30 p.m.) on the application of Schofield Barbini & Hoehn Inc. on behalf of Meetinghouse Way LLC,

for approval of a definitive subdivision plan entitled: "Meeting House Place - Master Plan - Planning Board Submission", prepared by Dan Gordon Landscape Architects, dated March 26, 2018. The applicant proposes to subdivide 54.26 acres at 139 Meetinghouse Way, Assessors parcel 37.47, located in the R-20 district, into thirty-six (36) parcels.

The hearing was continued at 5:37 PM. No one was present for the applicant.

As the matter is still under consideration by the MV Commission, Mr. Finn suggested that the public hearing be further continued to a date certain.

It was MOVED by McCourt SECONDED by Morrison

To continue the public hearing to March 5, 2019, 5:30 PM.

VOTED: 5, 0, 0.

AMENDED PLANS

Owen Norton – Form C Subdivision Approval

Doug Hoehn, Schofield Barbini and Hoehn, Inc., presented a modified Plan for Subdivision. The original subdivision plan was approved by the Planning Board on May 15, 2018. A modification to the approval on October 2, 2018, granted permission to build the subdivision road to smaller than standard width.

The plan presented to the board reflected the change in constructed width of the subdivision roadway, as approved by the Planning Board.

The Planning Board signed the modified plan.

Form A Plan for Herring Creek Farm / Martha Cohan

A revised Form A Plan, previously endorsed by the Planning Board on September 18, 2018, was presented for endorsement. The Plan corrected a minor error in a lot line dimension.

The Board endorsed the revised plan.

5:45 PM PUBLIC HEARING: CHRIS ALLEY, SBH – 19 MATTAKESSETT BAY RD (51-19) – SP

On Tuesday, November 27, 2018 at 5:45 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Chris Alley, SBH, Inc., on behalf of The Karen M. Sisselman 2012 Qualified Personal Residence Trust, Steven M. and Karen M. Sisselman, Trustees., Owner, for a special permit, under 11.9.d of the Zoning Bylaw (rev. 2013) to alter and construct an addition to a pre-existing non-conforming single family dwelling. The property is located at 19 Mattakesett Bay Rd, Assr. Pcl. 51-19. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Chris Alley, Schofield Barbini and Hoehn, Inc.

The chair declared the public hearing open at 5:48 PM.

Presentation and Public Comment

Mr. Alley described the project.

The lot was developed prior to conversion of the district to R120 zoning, and is therefore non-

conforming. The current house is a pre-existing non-conforming structure.

The proposal is for four modifications to the house:

- A proposed kayak shed on the left side of the house;
- Enclosure of an existing deck into an enclosed room, and conversion of the roof into a screened porch
- The addition of an outdoor shower
- The addition of an entrance hall / mud-room.

All additions meet current setbacks.

The Applicant submitted the following:

- Cover Letter from Chris Alley, Dated October 31, 2018
- Application and Application Fee
- Site Plan, prepared for Steven M. and Karen M. Sisselman, Trs. Sale: 1" = 30', dated October 29, 2018, Schofield, Barbini & Hoehn, Inc. (MV 1892)
- Plans and Elevations, prepared by Sullivan and Associates, dated 09/10/2018, including pages A-03, A-04, S-01, S-02

Question: does the 10% limitation apply? The board concluded that if it did, the addition would not exceed the 10% threshold.

There being no further comment, it was MOVED by McCourt SECONDED by Morrison

To close the public hearing.

VOTED: 5, 0, 0.

The hearing was declared closed at 5:58 PM.

Deliberation

The board deliberated.

Morgan: The addition is a minor addition to the existing structure, and is suitable in scope and design for the property, and the area.

Morrison: The addition seems to be sensible addition to the property.

There being no further deliberation, it was MOVED by McCourt SECONDED by Morrison

To approve the application as presented, the board finding that the proposal, expanding a preexisting nonconforming structure, will not be more objectionable to, or detrimental to, the character of the neighborhood than the original preexisting nonconforming use or structure. Approval is granted subject to the following conditions:

- *This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Planning Board and Building Inspector.*
- *The construction shall conform to the application considered by*

the Planning Board, and approved on November 27, 2018, including all plans and documents submitted to the Planning Board in support of said application.

- *This special permit shall run with the land.*
- *Outdoor lighting shall be limited to that required by the building code and shall be down-lit only and fully shielded when viewed from the top and sides. Mercury vapor lighting and “bug zappers” are prohibited.*
- *Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.*
- *Construction activities must commence no later than one year after the Special Permit is issued.*
- *No construction activity will take place earlier than 7:30 AM or later than 5:30 PM, or on Sunday, or from June 15 through September 15.*

VOTED: 4, 0, 0.

6:00 PM DISCUSSION: MILL HILL ROAD

At the request of Fred Mascolo, the planning board opened deliberation on the subject of Mill Hill Road, with the intention of examining the current condition and regular maintenance of the road, and impact of the road’s condition on public safety.

Invited to attend: Bill Chapman (Water Superintendent), Police Chief Bruce McNamee, Fire Chief Alex Schaeffer, Highway Superintendent Stuart Fuller, and some residents of Mill Hill Road, including Charlie Blair, David Burke, and Donna Bettencourt.

Present: Police Chief Bruce McNamee, Highway Superintendent Stuart Fuller, Water Department Superintendent Bill Chapman, and others (see attendance sheet).

The board entertained commentary and deliberation related to the current condition of road, potential work necessary to widen road, future development of properties adjacent to road.

Commentary and Discussion

Robert Edwards, 31 Mill Hill Road, spoke about his concerns related to the width of the road; further Mr. Edwards spoke about the easement granted to the town along Pease Point Road, and across property currently owned by Mr. Timothy Connelley (15 Pease Point Road, Assessors parcel 29-57.81), and asked if someone had particulars related to the easement.

Mr. Bill Chapman (Water Superintendent) described two easements, related to two water mains, travelling through Mr. Connelly’s property: One roughly parallel to a fence on the western boundary of Mr. Connelly’s property, running south towards the boat yard; and one along the length of Pease Point Road.

The Town enjoys the easements for the purposes of accessing and maintaining the water mains, solely.

Mr. Chapman stated that there may be language pertaining to access from the Town’s water tower

property to Pease Point Way in the easements, but Mr. Chapman did not have specifics related to them. Mr. Chapman stated that he is satisfied with the current arrangement, provided that the water mains remain, and that the Water Department continues to enjoy access to maintain them.

Mr. Edwards: A previous emergency necessitated access to the top of Mill Hill Road through Pease Point Road. Mr. Edwards requested that it be maintained.

Mr. Sherman asked Mr. Chapman if the obstruction of the roadway would prevent him from accessing the utilities in place.

Mr. Chapman stated that he has had ongoing discussions with the property owner, and continues to do so. One water main crossing Mr. Connelly's property (heading due south) feeds fire hydrants in the immediate environs, and other areas of town. The Fire Chief has been so informed.

Mr. Chapman stated that the water main is currently protected.

Mr. Morgan: the Water Department has an easement to the water main, not necessarily a public way or an easement for travel? Response, yes, generally. Mr. Chapman recommended that Town's Counsel review the status of the easement.

Mr. Chapman: There is a lot of language in the easement documents; the town enjoys right to access the easements for repair and maintenance; otherwise Mr. Chapman did not venture an opinion as to rights to access.

Mr. Chapman provided further history:

- Six months prior, Atty Norton contact Mr. Chapman, regarding the placement of the water main specifically travelling south along the west side of Mr. Connelley's property, and requested it be moved.
- Mr. Chapman retained a copy of the original easement, and had SBH, Inc. determine the lot lines, and determined that the water main should not be moved. Mr. Chapman further identified private fence and greenery that had been placed on town property.

Ms. Donna Bettencourt, 46 Mill Hill Rd Extension, described a fire that happened years ago that travelled west to east across the Wilson field, and around the water tower. Ms. Bettencourt further requested that the Pease Point Way access be maintained open.

Mr. Joe Alstad, 103 West Tisbury Road, spoke a bit more about the impact of fire potential.

Mr. David Burke, 17, Mill Hill Road, provided a plan showing a '20 foot way' extending east from the Town's water tower property.

Mr. Burke described Mill Hill Road as a way that does not meet town's minimum specifications for public roads. Mr. Burke also described the certification of Mill Hill Road as a public way, and presented a copy of a letter from Town Clerk, from 2014, certifying the road as a public way.

Mr. Burke described a number of concerns related to the use of the road by contractors, construction equipment, and residents, further limiting the means of access to the road.

Mr. Burke reviewed some numbers for the cost of the roadway, including surveying, subsurface preparation, materials, and final paving. Mr. Stuart Fuller (Highway Superintendent) was present, and spoke to some of Mr. Burke's concerns.

There was some discussion about the history of access on Mill Hill Road. Mr. Burke was thanked for his comments.

Mr. Sherman: No one has any doubt that there are matters of concern related to emergency access to Mill Hill Road.

Ms. Bettencourt: Is there some way to get a better estimate for the reconstruction of the road, other than the estimate provided as preliminary information to a proposed warrant article?

Mr. Fuller addressed the procedure that would be necessary to bring the road up to a minimum safe condition.

Ms. Bettencourt asked the Planning Board to assist with determining a cost for bringing the road up to adequate specification.

Mr. Cisek: What is the legal width of Mill Hill Road? Generally: 20 feet for most of it, but the exact width at any point is undetermined.

Mr. Burke spoke about the history of a right-of-way that he previously abandoned, causing some legal difficulty on his part, and asked that it be considered as part of the deliberations.

Mr. Sherman asked if there was any further comment.

Ms. Bettencourt suggested that the Water Department might have money that could be used to pay for a survey of the road.

Mr. Burke stated that he already submitted a warrant article to provide \$25,000 for engineering expenses related to Mill Hill Road.

Mr. Chapman stated that no 'free money' exists in the Water Department, and described the process by which water department revenues are appropriated.

There was some discussion related to ways to appropriate money for the purpose of surveying and planning upgrades to Mill Hill Road.

Mr. Stuart Fuller: Would it be worthwhile to go through Town Counsel to insure that Mill Hill Road is a properly accepted public way?

Mr. Sherman stated that the matter needs further consideration.

McCourt suggested that, as far as Town's Counsel is concerned, it might be appropriate to review the access from the water tower property to Pease Point Way, and determine if that is a through way, a public way...

Mr. Chapman stated that he needs to maintain access to the water mains. Whether Pease Point Way is opened for public travel or not is outside of his scope of interest.

There was some discussion related to the matter of whether Pease Point Road is a public way, a private way, or a developed easement.

Mr. Sherman: Pease Point Road does not solve the issue as to Mill Hill Road is an acceptable road for public travel.

Mr. Sherman suggested that Town Counsel should look into Pease Point Road, and determine what kind of 'way' it is, and whether the Town has right of travel. Mr. Finn was directed to draft a letter to counsel to that end.

There was some discussion related to the Warrant Article as submitted by Mr. Burke; Mr. Morgan suggested that the Town should take responsibility for the maintenance of the Town Road.

The Board will continue to review the situation. Members of the public were thanked for their time.

OTHER BUSINESS:

ANR: JOB’S NECK TRUST & AUCTION REALTY TRUST (43-3.1 AND 43-3.21)

Andrea Tierney, Vineyard Land Surveyors, presented a plan not believed to require subdivision approval (“ANR”). The plan proposed a lot-line adjustment between the two parcels. No new lots would be created.

Present for the applicant: Reid Silva, VLS, Agent

Ms. Tierney presented the plan and explained the purpose.

No lot would be left without adequate frontage, access, or dimensions.

It was MOVED by Morrison SECONDED by Morgan

To endorse the plan, as all lots shown thereon has the amount of frontage, area and depth required by the Town of Edgartown Zoning by-law, and is on a private way, namely Swan Neck Road, having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

VOTED: 5, 0, 0.

REVIEW ZONING BYLAW RECOMMENDATIONS

The board were presented with further recommended changes to the Edgartown Zoning Bylaw:

- Removal of building permit limitation.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

None

ITEMS FOR REVIEW / SIGNATURE

MINUTES

Minutes for the following meetings were distributed:

- October 2, 2018
- October 16, 2018

It was MOVED by McCourt, SECONDED by Sherman

To approve the minutes for October 2, 2018 and October 16, 2018, as presented.

VOTED: 4, 0, 0.

PLANNING BOARD REPRESENTATION ON THE LAND BANK

Mr. Finn was asked to research whether the Planning Board has an appointment to the Land Bank, and if so, who the current appointee is.

PAYROLL

Payroll for the period ending November 27, 2018, was reviewed and signed.

DECISIONS

A draft "Form E – Certificate of Amendment of Definitive Subdivision Plan – Mill Hill Farm" was presented for review and signature.

A draft "Decision – 24 Navy Way Realty Trust" was presented for review and signature.

SCHEDULE OF UPCOMING MEETINGS

The following meetings were tentatively scheduled:

- December 4, 2018, 5:30 PM
- December 18, 2018, 5:30 PM
- January 8, January 22, 2019

ADJOURN

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

To Adjourn.

VOTED: 5, 0, 0.

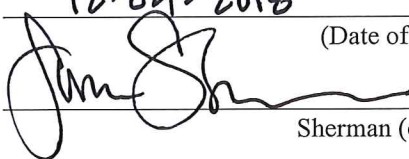
The meeting was declared adjourned at 7:05 PM.

Respectfully submitted,

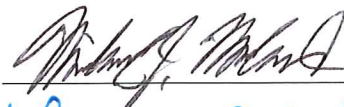
Douglas Finn,
Administrative Assistant

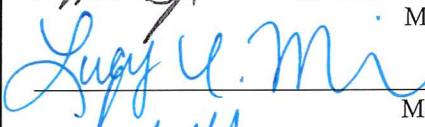
APPROVED by vote of Planning Board
at a regular meeting, held on

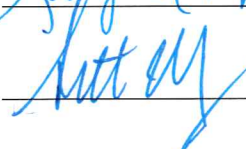
12-04-2018
(Date of vote)


Sherman (chair)

absent
Maseole


McCourt


Morrison


Morgan

Cisek (alternate)

PLANNING BOARD

11/27/2018

PUBLIC MEETING SIGN-IN SHEET MEETING DATE:

Name (Please print legibly!)

Street Address

Agenda Item

Name (Please print legibly!)	Street Address	Agenda Item
Chris Arvey	SP346	SISSECOMAN
BRUCE SIMONSON	EDC	MILL HILL RD
Noah Asimov		
ROBERT EDWARDS	31 MILL HILL RD, EDG	MILL HILL RD
Diane Edwards	" "	" "
Hann Zing	37 Mill Hill Rd Edgartown	
JOE ALSTADT	103 W. Tisbury Rd	OB served
Bill Chapman	Edgartown Water Dept.	Mill Hill Rd.
P. CONDWIN	1 MEETING HOUSE CIR	MILL HILL RD.
Troy BETTENCOURT	46 MILL HILL RD. EXT	
Dinnalwell-Bettencourt	46 Mill Hill Rd ext. Edg.	Mill Hill Rd
DAVID BURKE	17 MILL HILL RD	MILL HILL RD

Fwd: Re/ Meeting on November 27, 2018

1 message

Karen Zingg <zingger@comcast.net>
To: dfinn@edgartown-ma.us

Wed, Nov 21, 2018 at 1:34 PM

Sent from my iPad

Begin forwarded message:

From: Karen Zingg <zingger@comcast.net>
Date: November 21, 2018 at 1:11:33 PM EST
To: David burke <burkepia@msn.com>
Subject: Re: Re/ Meeting on November 27, 2018

I have been a resident of Mill Hill Rd for over 30 years. It was a quiet dirt road when we came in 1985. It is still a beautiful private road, but one that requires going very slowly around each curve, due to poor visibility. It needs to be widened badly.

It was my deck that collapsed and it was quite evident that something needs to be done. How the emergency vehicles made it out is a miracle, saving many from permanent injury. I am also concerned about the easement to Pease Pt Rd that has been reconfigured and blocked. We and our children on the street have been continually using that path for over 30 years

Thank you, Karen Zingg
Sent from my iPad

On Nov 20, 2018, at 12:28 PM, David burke <burkepia@msn.com> wrote:

FYI

David Burke
Burke Public Adjusters, Inc.
508-627-9158
Fax 508- 627- 9681
IAUA Certified Insurance Appraiser
IAUA Certified Insurance Umpire

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immediately to the sender and delete this copy from your system. Thank you for your cooperation.

From: Douglas Finn <dfinn@edgartown-ma.us>
Sent: Tuesday, November 20, 2018 4:33 PM
To: William Chapman; bmcnamee@edgartown-ma.us; aschaeffer@edgartown-ma.us; sfuller@edgartown-ma.us
Cc: Sam Sherman; burkepia@msn.com; Charlie Blair
Subject: Re/ Meeting on November 27, 2018

By CC to Sam Sherman, David Burke, Charlie Blair; by BCC to Planning Board Members)

Good morning all:

At the request of the Planning Board, you are cordially invited to attend their regular meeting, to be held on Tuesday, November 27, 2018. A draft agenda is attached.

At about 6 PM, the Planning Board will be conducting a discussion related to Mill Hill Road.

Given recent development of properties abutting or served by the road, and recent incidents where emergency services encountered difficulty responding to calls for assistance in that area, the Planning Board is seeking input from Town Departments and property owners, and will be considering what action could be appropriate and recommended in order to improve the condition of the road, and make the road more accessible for emergency response agencies.

Your experience and input will be invaluable to the Board, and your attendance would be appreciated. If you are unable to attend, please take a moment to reply with any thoughts, concerns or suggestions that you feel might be useful.

Please contact me if you have any questions.

Thanks,

- Doug.

Douglas Finn, Administrative Assistant
Edgartown Planning Board
[70 Main Street](https://www.edgartown-ma.us/70-Main-Street), PO Box 1065
Edgartown, MA 02539
508-627-6170
dfinn@edgartown-ma.us

<Agenda 2018-1127 - DRAFT.pdf>

Re: Mill hill rd

1 message

Douglas Finn <dfinn@edgartown-ma.us>
To: gswan@aol.com

Mon, Nov 26, 2018 at 9:35 AM

George -

Message received. I'll be sure to read it into the record at the meeting tomorrow night. I will also send a copy of the minutes to you when they are prepared.

Regards,

- Doug.

Douglas Finn, Administrative Assistant
Edgartown Planning Board
70 Main Street, PO Box 1065
Edgartown, MA 02539
508-627-6170
dfinn@edgartown-ma.us

On Mon, Nov 26, 2018 at 8:44 AM George <gswan@aol.com> wrote:

Hello Doug

I received the Mill Hill Road notice unfortunately after I had already left for my winter residence in Florida. After I read your minutes of the meeting I will send you more informed comments.

But briefly for now:

- There are natural pull over shoulder areas which drivers currently use when other vehicles approach. These areas can be paved and maintained. This would Alleviate a lot of the problems on the upper end of mill hill rd
- the lower end of mill hill rd should be widened
- We also need the area up by the water tower reopened as an emergency access entrance or exit for official vehicles. If it weren't for that area access by the water tower my house would have burnt down in April of 1998. That was the route of many fire fighters and equipment

Regards

George Swan
617-413-8585

On Nov 26, 2018, at 8:06 AM, Douglas Finn <dfinn@edgartown-ma.us> wrote:

Received - will do.

Are you informed about the meeting this Tuesday, November 27, 2018? I've attached an agenda for the meeting. I strongly encourage you to attend the meeting, in order to understand the concerns, and be able to participate in the conversation about the road.

Thanks,

- Doug.

Douglas Finn, Administrative Assistant
Edgartown Planning Board

70 Main Street, PO Box 1065
Edgartown, MA 02539
508-627-6170
dfinn@edgartown-ma.us

On Wed, Nov 21, 2018 at 1:49 PM George <gswan@aol.com> wrote:

Hello Doug

George Swan here from 40 Mill Hill rd. Doug please include me on all correspondence about the planning board and Mill Hill rd I have lived on 40 Mill Hill since 1995. I am getting e mails from third parties about the subject.

Thank you.

George Swan
617-413-8585

<Agenda 2018-1127 - POSTED - with TC Stamp.pdf>