

Edgartown Planning Board Minutes

Tuesday, November 14, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, November 14, 2017 at 5:00 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

CALL TO ORDER

The meeting was called to order at 5:00 PM.

Call of Roll:

Present: Robert "Coo" Cavallo (Chair), Fred Mascolo, Michael McCourt, Lucy Morrison, Sam Sherman

Absent: James Cisek (Alternate)

Also Present:

*Georgiana Greenough, Planning Board Administrative Assistant;
Douglas Finn (Planning Board clerk)*

A quorum was declared.

BOARD BUSINESS

5:00 PM Adam Turner - Martha's Vineyard Commission status of Edgartown projects

Mr. Adam Turner, Executive Director, MV Commission, was welcomed.

Mr. Turner provided an update on the MV Commission's review of the Stop and Shop project. Mr Turner stated that one of the pieces of written testimony received described an easement across the western portion of the property to Hagazian. The commission is currently determining what the easement might mean, and how best to deal with the easement.

Another issue related to the project is noise at the back (north) of the property. The addition will eliminate the wooded area at the Western most side of the property. While the applicant has proposed fencing, the issue is still outstanding.

Another facet: solar energy generation as part of the project.

Mr. Turner stated that discussion about vehicle traffic generated by the project is ongoing. Some questions include the traffic generated on a seasonal basis; the expectation is that a great amount of traffic is not expected to increase as a result of the store; however, the traffic going to and from the pharmacy is expected to be a larger impact. Some commentary was received about the appropriateness of the location; however, the Commission suggests that the location is entirely appropriate for the type and scale of the business.

Traffic at the western entrance is of the largest concern.

Concerns related to the use of the Eastern entrance/exit were received from the operators of the Clarion Hotel, adjacent at the left.

While other concerns are being considered, Mr. Turner stated that, generally, “we have been able to get what we ask for.” Information being requested is being provided.

An agreement has been reached to make a payment to island agencies totaling \$50,000 per year to various housing agencies. Nearly \$1M / year is provided to support employee housing.

Final architectural plans have been received. While there have been some changes, they are broadly similar to previous plans.

A draft of a full staff report is expected within the next ten days, and will be delivered to the Planning Board for review and comment.

Mr. Cavallo: Tell me more about the easement.

Mr. Turner: The addition of the easement into the deliberation means that an area, previous acting as a buffer, and counted as open space, will no longer exist. While the adjacent neighbor is commercial, and a ‘buffer’ isn’t critical, the open space component must be addressed.

Attorney Coogan reported that the use of the land was subject to recent legal concerns, including consideration by Ms. Haigazian to file for adverse possession of the land in question. The easement agreement was reached, and the legal issues are largely resolved.

McCourt: The issue with the parking lot and drainage: Our understanding is that the store will remain open through the entire process. A major overhaul on the parking lot will be part of the project. How will that work?

Coogan: the eastern drainage fields will remain.

Cavallo: The brick portion of the parking lot will remain?

Coogan: Generally, yes, with some changes.

Mascolo: re/ noise: currently, there is no real ‘inside’ parking for trailers that come in – not enough inside refrigeration. This results in trucks that must run to maintain the frozen goods outside. The expansion is planned to have sufficient refrigeration inside. Will reefer trucks continue to be used?

Coogan: Only when delivering. Long-term operation of reefer trucks will not be needed.

Mascolo: Will the new facility – including sound abatement strategies - result in an overall quieter facility?

Coogan: Yes, our studies show that to be the case.

Turner: The western side of the design is still something we’re looking at.

McCourt: More discussion on traffic flow in front?

Turner: We continue to review traffic impacts, looking at year-round impacts, as well as summer seasonal traffic. It’s a difficult situation now. Several studies over the years demonstrate that there is a lot of traffic funneling into a small area over the summer season;

mitigation can be considered. Pinehurst Road was considered. Separate entrances and exits were considered. We've done as much as possible.

Greenough: Is Pinehurst planned to be one-way or two-way?

Turner: It is expected to remain a two-way road; that's something that the Planning Board might consider.

Mr. Turner stated that he would report back to the board on the progress of the project on a regular basis.

Mr. Cavallo commended Mr. Turner and the staff of the commission has done a tremendous job throughout the process, and have been very thorough in their work.

Mr. Turner stated that some applicants fail to provide information as necessary; in this case, he felt that Stop and Shop has been responsive to the requests from the Commission.

Mr. Turner was thanked for his time.

5:15 PM De Minimis Modification to a SP: FLAM, 18 Garden Cove Lane (59-3)

An application for a De Minimis modification to a special permit was received from Sean Dougherty, Hutker Architects, on behalf of Pamela Flam, to change language in a Special Permit approved on August 29, 2017. The change requested would amend wording in conditions #2 and #3, replacing "prior to applying for a building permit" with "prior to completion of the project".

Present for the applicant: Greg Ehrman, Hutker Architects.

Mr. Ehrman requested a minor or 'de minimis' determination related to a previously approved special permit, which would allow the applicant to submit a landscaping plan, and an acceptable fire plan submitted to the fire chief related to grasses around the housing prior to the landscape getting built. An original condition stated that such plan be submitted prior to building permit.

It was MOVED by Mascolo, SECONDED by Sherman

To approve the de minimis determination as requested.

VOTED: 5, 0, 0.

5:20 PM Approval Not Required Plan: John F. and Carlene H. McGrath, 21 Meshacket Road (28-20.1)

An "Approval Not Required" plan was submitted for endorsement Charles Gilstad from Sourati Engineering Group LLC, on behalf of John F. and Carlene H. McGrath, 25 Meshacket Road. The plan proposes to divide one parcel into three parcels.

Present for the applicant: Chuck Gilstad, Sourati Engineering Group, LLC.

Mr. Gilstad presented a Plan not believed to require Planning Board approval. The property in question is 1.6 acres, and is expected to be divided into three conforming lots.

Mr. Cavallo asked why the plan is not subject to Planning Board review.

It is the opinion of the state that any division that creates lots on a public way may be divided, provided they have adequate frontage on a public or private way.

The expectation is that a common driveway will be likely be negotiated. This is the concern that the board might wish to consider.

Morrison: Any ANR that creates three or more lots is a referral to the MV Commission.

Sherman: The issue is that you are going to be creating three cub cuts in a short span on the road. A single roadway that serves all three lots is preferred.

Gilstad: That's been considered.

Mascolo: It might not be a good idea to muck about with driveways; once we begin this, where does it end?

Sherman: I've been to the site. I do have concerns about the access to the site across a single driveway, or three separate driveways.

Mascolo: This isn't a 'dead zone' – visibility isn't much of an issue. This area is wide open, visibility isn't a concern.

There was some discussion related to potential subdivisions that are expected to go into the same area, and the potential for those plans to fall through.

Sherman: Our role as a planning board is to anticipate. When you anticipate, you look at all of the options. Some of the subdivision plans may fall apart, or may come to fruition. Our role requires us to anticipate, look ahead, and see what's on the horizon.

Question – do we want to condition the plan?

Mascolo: In this situation, with a wide open plan, I don't see any objections.

McCourt: I think that, for safety reasons alone, a plan that shows a single driveway to serve all three lots would be preferable.

Sherman: We are looking to have the safest possible situation result from this subdivision.

Mascolo: should we be looking at driveways at this time? This is a plan to divide land.

Sherman: We should be considering curb cuts – a single curb-cut, instead of three, is safer.

Mr. Gilstad stated that the proposal was a plan to subdivide.

Mr. Cavallo asked for a motion from the board.

No motion forthcoming, the applicant chose to withdraw the application without prejudice, to be resubmitted at a later time (likely December 5, 2017).

Mr. Gilstad was thanked for his time.

5:30 PM PUBLIC HEARING: Modification to a Special Permit. Christina S. Chapin et al. 21 Boldwater Rd (38-3.22) SP

The board considered an application from Christina S. Chapin et al, 21 Boldwater Road, to modify a Special Permit, approved on January 31, 2017, to renovate and enlarge an existing 2 bedroom guesthouse, over the 900 sq. ft. restriction, to 1,426 sq. ft. The current application

asks for a modification to increase the existing porch and construct a second floor deck (128 sq. ft. second floor deck) over the proposed roof, all located on an 8.2 acre parcel.

The chair opened the public hearing at 5:50 PM. The public notice was read.

Present for the applicant: Joanne Gosser, Synergy MV, agent.

Ms. Gosser presented the plans as submitted, and described the proposed changes.

The plan does not propose to add living space, but simply to create / expand outdoor decks.

Sherman: However what are the changes expected to the main house?

Gosser: A new roof is being planned, along with other additions. However, the Building Inspector has concluded that a special permit is not needed, as the zoning, and the proposed work to be done, does require it.

Sherman: How much is being added in square footage to the main house? Answer: about 30%, mostly on the second floor.

There being no further comment from the public, the hearing was closed at 5:57 PM.

It was MOVED by Sherman, SECONDED by Mascolo

To approve the Special Permit as proposed, with no conditions.

VOTED: 5, 0, 0.

5:45 PM PUBLIC HEARING: Continuation from 8/29/2017: New Cingular Wireless, LLC (AT&T): Fynbo, 14 Sampson Av (34-197) SP: PWSF.

The Chair continued a public hearing at 5:55 PM, accepting public input on an application from New Cingular Wireless (AT&T), requesting a special permit for the placement of a permanent cellular (PWSF) tower at 14 Sampson Avenue.

Ms. Greenough advised the members that the matter was still before the MV Commission, and recommended that the board further continue the public hearing to a date certain without accepting input at this time.

The Chair reminded members of the public that written testimony may be submitted at any time.

It was MOVED by Mascolo, SECONDED by McCourt

To continue the public hearing to December 19, 2017, time to be determined.

VOTED: 5, 0, 0.

6:00 PM PUBLIC HEARING: M. Alexandra Bayha. 105 Edgartown Bay Road (51-50) SP

The board held a public hearing on the application of M. Alexandra Bayha, requesting a Special Permit to construct a 16'-7" W x 12' D addition to garage, and a covered porch to the front entrance. The property is located at 105 Edgartown Bay Road, Assessors' Parcel 51-50 in the R-60 District, and within the coastal district. The hearing was held in accordance with MGL Chapter 40A, Edgartown Zoning Bylaws 11.9.d, and 14.1.

Present for the applicant was Charles Sullivan, and Thomas C. Pierce, TC Pierce Enterprises, Inc., agent.

The public notice was read, and the chair opened the public hearing at 6:03 PM.

Mr. Sullivan, architect for the applicant, presented the plan.

There were questions related to the percentage of living space that was added.

There were questions related to past work on the property that may have contributed to a '10 percent' expansion of aggregate floor area.

There being no further public comment, the chair closed the public hearing at 6:11 PM.

Mr. Mascolo stated that he did not have a problem with the plan.

Mr. McCourt stated that he had no problem with the plan.

Sherman: What is the expectation for the back part of the original garage? Answer: It's used for storage.

Mascolo: Two issues: The construction of 39 square foot addition to the living space in the shore zone, but also the construction of the addition to the garage.

There was no further comment

It was MOVED by Mascolo SECONDED by Sherman

To issue a special permit the application as presented, with the condition that the use of the former garage remain as storage space.

VOTED: 5, 0, 0.

Mr. Sullivan and Mr. Pierce were thanked for their time.

OLD BUSINESS

Review Meeting Schedule through end of year.

The board reviewed and approved the following meeting schedule:

- November 28, 2017 – 5:30 PM
- December 5, 2017 – 5:30 PM
- December 19, 2017 – 5:30 PM
- January 2, 2018 – 5:30 PM

Review proposed zoning amendments & public notices

Various zoning amendments and public notices for same were presented to the board for review.

Pattavina Letter

A copy of the letter sent to Mr. Pattavina regarding adding square footage for storage space without a permit and without approval from the condominium association was reviewed and approved.

ITEMS REQUIRING SIGNATURES

Minutes

The board reviewed and approved the minutes from October 17, 2017.

Payroll

The board reviewed and approved payroll sheets, for the periods ending October 31, and November 14, 2017.

Decisions

The board reviewed and approved decisions for the Herring Creek Road / Verizon Wireless special permit (approved on October 17, 2017), and the modification to the McCaslin special permit.

BOARD ANNOUNCEMENTS

The board was reminded about the special town meeting to follow at 7 PM.

NEXT MEETING

The next regular meeting was scheduled for **Tuesday, November 28, 2017 at 5:30 PM.**

ADJOURN

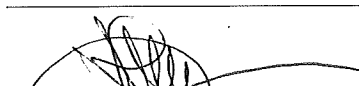
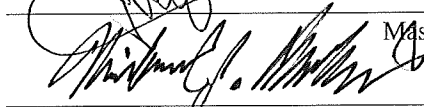
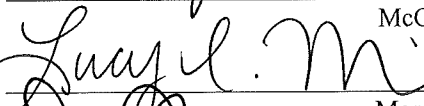

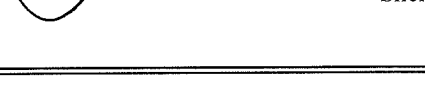
There being no further business, it was
MOVED by McCourt, SECONDED by
Mascolo

To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:19
PM.

Respectfully Submitted,
Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>04/17/2019</u>	(Date of vote)
	Cavallo
	Mascolo
	McCourt
	Morrison
	Sherman

