

# Planning Board Meeting Minutes

Tuesday, March 14, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, March 7, 2017 at 5:30 PM which was postponed due to a lack of quorum to Tuesday, March 14, 2017 at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

## Call of Roll:

Present: Robert "Coo" Cavallo (Chair pro temp), Fred Mascolo, Michael McCourt, James Cisek (Alternate)

Absent: Alan Wilson, Sam Sherman

## Also Present:

Georgiana Greenough (Planning Board Assistant), Douglas Finn (Planning Board clerk)

## Site Visit Schedule – March 14, 2017

- 9:15 AM - 59 Seth's Way
- 9:30 AM - 8th Street & Edg-VH Rd
- 10:00 AM - 38 Meshacket Rd - location for Affordable Housing project.
- 10:15 AM - End of Plantingfield Way
- 10:30 AM - 223 Upper Main St

## CALL TO ORDER

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

## BOARD BUSINESS

### **5:30PM - Subdivision: Mark H. Taylor, 27 Mill Hill Rd (29-57.41)**

The board signed a subdivision plan related to 27 Mill Hill Road (29-57.41), as approved on January 31, 2017, and the 20-day appeal period having expired.

PRESENT: Doug Hoehn, agent for the applicant.

Mr. Hoehn has reported that the 20-day appeal period had expired, and no comment or appeal had been made through the Planning Board.

Ms. Greenough explained that the Select Board expressed an interest in seeing the road widened. Mr. Cavallo reiterated that the road should be wide enough for emergency vehicles to pass without issue.

Mr. Cavallo directed Ms. Greenough to write a letter to the Selectmen, stated the Planning Board's recommendation that the Bettencourts have raised an issue of safety, in regard to access along the road by fire and other emergency vehicles. The board asked the Selectmen to address this issue, and endorsing the widening of the road, in order to

keep it passable for emergency vehicles, in accordance with applicable standards for subdivisions.

The Board signed the mylar of the plan. Mr. Hoehn stated that he would make a copy of the signed mylar for permanent record at Town Offices.

**5:35 PM - Public Hearing: Ann B. Floyd et al.1 Dyke Rd (37-51, 52 & 53)**

The board conducted a public hearing in relation to an application from Ann B. Floyd et al, to modify the Certificate of Approval of a Definitive Plan, and the Cluster Development Special Permit Decision, both approved on August 18, 1999, with subsequent extensions. The purpose of the modification request is revise the building envelopes as shown on plan recorded at Dukes County Registry of Deeds Book 15, page 131. The property is located off Tom's Neck Farm Way, Assessors' parcel 342, Lots 51, 52 and 53.

Ms. Greenough read the public notice, included herein by reference.

PRESENT: Doug Hoehn, agent for the applicant, Ms. Leslie Floyd, and Ms. Ann Floyd.

The chair opened the public hearing at 5:35 PM.

Ms. Floyd provided a plan of the requested modification. Ms. Floyd noted that, in two of the cases, the houses would be sited further away from wetlands. All buildings will still require conservation commission approval. The building envelopes will be modified closer to the properties owned by the applicant.

Ms. Floyd stated that nothing in the original decision provided for specific setbacks. The reasons for the specific setbacks (on the 1999 plan) were not documented at the time, and the cause is unknown.

Mr. Hoehn stated that the new setback lines, as proposed, meet current regulations.

Ms. Leslie Floyd stated that the proposed change to the setback does not change other development limits (number of bedrooms, etc.)

A large copy of the plan was presented and examined.

Ms. Greenough stated that the reasons for the original setbacks could not be conclusively determined.

Mr. McCourt asked if the larger setbacks, as originally proposed were required.

Mr. Hoehn stated that due to the nature of the proposal as a 'cluster' development, lesser setback requirements would make more sense.

Mr. Cavallo reiterated that the only change being made was to the building envelope, and that the change did not interfere with the setbacks.

No letters were received.

The public hearing was closed at 5:46 PM.

It was MOVED by Mr. Mascolo, SECONDED by Mr. McCourt

*To approve the change to the definitive subdivision plan, allowing for a larger building envelope on the three lots, the change is in accordance with the current zoning laws.*

VOTED: 4, 0, 0.

**5:47 PM - Form A – Ahni C. Warner, 142 Plantingfield Way (13-16.2)**

The Planning Board reviewed a Form A application and plan, submitted by applicant Ahni C. Warner et al, related to property at 142 Plantingfield Way (13-16.2) intended to divide one non-conforming lot into two lots, conveying the larger lot to the abutters (13-16.22) and creating a non-conforming beach lot to be retained by the owner.

PRESENT: Ken Abbott, Agent for the applicant.

A site visit scheduled for 10:15 AM was cancelled due to weather.

Ahni Warner presented a plan to the board. The reasons for the request were discussed. An abutter needed additional square footage in order to satisfy a building requirement. The owner will convey one part of the parcel to the abutter, and retain the remainder, as well as an easement to access the remaining lot.

It was noted that the action would create two non-conforming lots. The question was whether the board could approve this change.

Ms. Greenough: Yes, the action is appropriate, if the parcels are marked as unbuildable on the plan.

Mr. Cavallo: Can we endorse the Form A without knowing about the specifics related to the access easement? Yes.

The bottom line: This is a transfer of land will increase the square footage of the property to allow the abutter \_\_\_\_\_ to build a house as they are planning, while allowing the original owner to retain waterfront property, and access to same. The board reiterated that there will be no buildable lots created.

Mr. Cavallo asked for a recommendation to approve the plan, and to sign.

It was MOVED by McCourt, SECONDED by Mascolo

*To recommend the Form A application, and to endorse the plan, with the understanding that this action will not create buildable parcels.*

VOTED: 3, 0, 0

The plan was signed, and the applicant was thanked for his time.

**5:45 PM - Public Hearing: Katilus, 59 Seth's Way (27-7)**

A public hearing was held to hear comment on an application from Christine and George Katilus III, 59 Seth's Way (27-7) regarding an application for a special permit to demolish a non-conforming dwelling, construct new conforming dwelling and conforming garage with detached bedroom, on a pre-existing nonconforming lot. The

1.82-acre property is located at 59 Seth's Way, Assessors' Map 27 Lot 7 in the RA-120 District.

PRESENT: Doug Hoehn, agent for the applicant.

Mr. Cavallo read the public notice.

A site visit scheduled for 9:15 AM was cancelled due to weather.

The public hearing was declared open at 5:59 PM. Mr. Hoehn reviewed the plan as presented. Generally, the applicant wishes to demolish an existing cottage and small garage, located a certain distance from the waterline, and to replace it with a new structure located further away from the water-line. The lot is non-conforming, but the new structures will conform with current zoning.

Elevations and floor plans of the proposed house were presented.

The garage is expected to include a detached bedroom.

The existing non-conforming dwelling is estimated to be about 700 square feet; the new, conforming dwelling is expected to be about 3,000 square feet, and the detached bedroom over the garage is about 1,100 square feet. (max allowance for detached bedroom is 400 s.f.)

No letters regarding the project have been received.

There being no further comment, the public hearing was closed at 6:06 PM. The chair asked for comments from the board.

The board clarified that, while the lot remains a pre-existing, non-conforming lot, the proposal does meet set-back requirements.

Mc. McCourt expressed concern with the size of the house proposed for an undersize lot. Mr. Cavallo stated that the house will fit sufficiently on a lot of that size.

It was MOVED by McCourt, SECONDED by Cisek

*To grant a special permit to construct the 3,000 foot house, and 1,100 square foot garage with detached bedroom, on the property as proposed.*

VOTED: 4, 0, 0.

#### **5:55 PM - Discussion: Meshacket Rd Affordable Housing Project, 38 Meshacket Rd (28-225)**

There was a discussion in regard to the Meshacket Road Affordable Housing Project at 38 Meshacket Road (28-225). (Affordable Housing Committee)

A site visit scheduled for 10:00 AM was cancelled due to weather.

Ms. Lucy Morrison represented the Affordable Housing Committee, and provided an update to the plan. The expectation is that, once proposals are submitted, they will be evaluated at scheduled public meetings.

Ms. Morrison presented a history of the property and the various changes to the plans. The changes were discussed, and the most current plan was presented. The current plan calls for 32 rental units, and 6 ownership units. The scope and form of these units would

be up to the developer to delineate. At that time, the developer would be expected to come back to the planning board for review.

The board asked about the form of the project (number of lots, number of structures on each lot, application requirements, income requirements for qualification, etc.) The expectation is that most rental units will be two-bedroom units; however, fair housing laws require at least 10% of the units be three-bedroom units.

The RFP is in development, and is in draft form. The board requested a copy of the RFP as soon as it is complete.

Mr. Cavallo asked if the Affordable Housing Committee was happy with the pace of the project. Ms. Morrison suggested that there was really no other option.

Mr. Carvallo asked if the Selectmen approved of the most recent proposal – Ms. Morrison confirmed same.

The specifics as to the layout of the plan were discussed.

Various ways to access the property were reviewed; the speed of traffic on adjacent roads was discussed, and there was some discussion related to a recent traffic study.

Ms. Morrison stated that the first concern about the project is the safety of the road. Signage, speed mitigation, and etc., are expected to be considered.

The composition of the current Affordable Housing Committee was reviewed. Ms. Morrison was thanked for her time.

A Selection Committee will be created with members of the Affordable Housing Committee, Selectmen, Planning Board, etc. Mr. Cavallo agreed to be the Planning Board member of the Selection Committee.

**6:05 PM - Continuation of Public Hearing: To see if the Planning Board recommends adaptation of a zoning bylaw, Affordable Housing Definitions, and review Town Counsel's recommendations.**

A public hearing was continued in regard to adaptation of a zoning bylaw, affordable housing definitions, and to hear Town Counsel's recommendations in regard to the matter.

PRESENT: Lucy Morrison on behalf of the Affordable Housing Committee, Christine Flynn, from the MV Commission.

The public hearing was resumed at 6:22 PM.

Ms. Morrison spoke the status of the definitions as proposed.

Ms. Flynn spoke about an internal review of the definitions, and the status of same. The original goal would be to have the terms and definitions on annual Town Meeting this year; however, the new proposal is to propose the new definitions in combination with the changes to the existing zoning bylaws, reflecting the new definitions.

The use of similar terms by other island towns was discussed.

Ms. Morrison spoke about the subsidized housing inventory, as mandated by MGL Chapter 40B. The law describes that there should be 10% of all housing stock meet 80% of AMI limits. Currently, Edgartown is currently at 4.54%.

West Tisbury is 5.5%; Oak Bluffs 6.8%.

Question: Is this requirement enforced? Answer: The MV Commission, as a regional entity that has authority over some projects, helps to mediate the issue. A failure to meet this issue could result in a forced '40B' housing development, without any ability of the town to refuse the proposal.

The Meshacket proposal, adding 32 units, would help meet the state requirements; however, Ms. Morrison stated that Edgartown needs about 200 units of affordable housing units to meet the 10% goal.

The impact of other housing developments were briefly discussed in relation to their impact to the 10% goal.

Question: How can the town comply with these requirements?

Answer: By adopting affirmative fair-housing guidelines; changing certain "duration of residency" requirements. The recent three-lot proposal on sixth street was mentioned as not helping to meet the Affordable Housing requirement.

Ms. Flynn stated her goal was to provide uniform definitions for all island towns.

The impact of certain housing developments, in Edgartown and other island towns, was briefly discussed. The definition of "affordable" housing was discussed, as was the impact of 'elderly' housing on the state 10% requirements.

Ms. Flynn stated that her next steps would be to work with Ms. Greenough et al. to continue the work, in anticipation of a slate of recommendations for the 2018 Annual Town Meeting.

The board generally approved continuance of the work.

Mr. McCourt asked about what efforts were being done to help with the current housing crisis. Ms. Flynn described certain work that had been done island-wide, including certain CPA-funded projects, programs through the Dukes County Regional Housing Authority, etc.

The sale price of housing stock was discussed; a proposal to create a 'housing-bank' fee (applied to house sales of \$1M or more) was discussed.

The actions being considered in Nantucket were discussed, and will be watched; the difficulty of getting all towns to agree on options was discussed.

Ms. Flynn and Ms. Morrison were thanked for their time.

#### **6:10 PM - Public Hearing: American Tower, 59 North St (29A-95)**

A public hearing was scheduled in relation to the application of East Coast Communications on behalf of American Tower to replace damaged diagonals, conduct structural and non-structural work, plumb and tension tower. No carriers were involved with this application. The property is located at 59 North St, Assessors' Parcel 29A-96 in

the R-20 residential district. A copy of the plans was made available in the Planning Board office. The hearing was held in accordance with MGL Ch. 40A, Edgartown zoning bylaw article 23. (Wireless Services Facilities) and Section 6409(a) of the Spectrum Act of 2012.

At the request of the applicant, due to the absence of two board members, the board postponed the public hearing to March 21, 2017, 5:30 PM.

### **6:30 PM - Wave Lengths, 223 Upper Main St (20A-95)**

The board discussed the so-called “Wave Lengths” project, located at 223 Upper Main Street (20A-95).

PRESENT: Colin Young, representing the agent.

A site visit scheduled for 10:30 AM was cancelled due to weather

Review decision related to approval of a special permit, allowing the project to exceed the height limitation in B-II under article 11.3 of the zoning bylaw

Ms. Greenough presented a draft of the decision letter related to the special permit. The project as proposed exceeds the height limitation by 1’ 10-3/4” (one foot, ten and three quarters inches). Specifics related to the “widow’s walk” railing was discussed, with a reduced height of 12” recommended by the board.

Various elevations of the project were presented by Mr. Young, with some variations in window placement still to be determined by structural necessity.

Review of work performed since January 31, 2017

There was some discussion related to the work on the project since January 31, 2017. Mr. Young reported that some flooring had been done, as had some electrical work; the goal is to complete work on the exterior as quickly as possible. Mr. Young spoke briefly about some of the damage that had occurred over the fall and winter due to exposure to the elements.

The bulkhead was discussed, and the future use of the basement had been discussed. Mr. Young described his solution: an exit-only fire door, which would provide an emergency exit, while allowing entry only through the inside stairs.

The board considered the proposal of the one-way door.

Mr. Cavallo asked if Mr. Young understands the reasons for the basement access being an issue. Mr. Young stated that he did, and that he understood the reasons.

Mr. Cavallo suggested that the board table the ‘door’ issue for the time being, until the Fire Chief can be consulted in regard to emergency egress from the basement, and how the proposed door fits into good practice.

The only facilities in the basement will be the mechanical room for the elevator, with no other partitions.

Mr. Cavallo asked if the proponents would come back to the next meeting to provide an update on the project.

Mr. Young was thanked for his time.

Mr. Cisek asked about two limbs from trees on the property; Mr. Young stated that he would like to see the issue addressed. The board suggested that he speak with Stuart Fuller, Edgartown Tree Warden, in regard to the issue.

7:00 PM - Change of Address: Josef & Ayanna Sorett. (11A-195.1)

The board heard an application from Josef and Ayanna Sorett, for a change of address and access from 599 Edgartown-Vineyard Haven Road, to a new access off of Eighth Street.

PRESENT: Lucy Morrison (for the applicant).

A site visit scheduled for 9:30 AM was cancelled due to weather.

Ms. Morrison presented the request; the property will be a 'new construction', and the applicants would prefer to have their address changed to reflect the current location of the driveway – on eighth street.

Mr. Cavallo confirmed that this is just a change of address, with no physical changes.

It was MOVED by McCourt, SECONDED by Mascolo

*To approve the change of address from 599 Edgartown-Vineyard Haven Road to 4 Eighth Street North.*

VOTED: 3, 0, 1 (CISEK)

**OTHER BUSINESS**

There was no other business.

**ADJOURN**

There being no further business,

It was MOVED by Mascolo, SECONDED by McCourt

*To Adjourn*

VOTED: 3, 0, 0.

The meeting was declared adjourned at 7:10 PM.

Attest:

Douglas Finn, Clerk