

Planning Board Meeting Minutes

Tuesday, April 4, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, April 4, 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), Michael McCourt, Sam Sherman, Fred Mascolo, James Cisek (Alternate)

Absent: Alan Wilson (Chair)

Also Present:

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

Site Visit Schedule – April 4, 2017

Members of the board conducted site visits earlier in the day, as follows (times are approximate):

- ~~9:30 AM~~ ~~15 Butler's Cove Rd~~
- 10:00 AM 39 6th St N.
- 10:30 AM 8 Haystack Lane
- 10:45 AM 17 Chapman Av
- 11:00 AM 282 Upper Main St
- 11:10 AM Stop & Shop, Upper Main Street.

There was no deliberation, and no action was taken.

CALL TO ORDER

Mr. Cavallo called the meeting to order at 5:30 PM, and a quorum was declared. The board voted to appoint Mr. Cavallo as Chair Pro Temp.

BOARD BUSINESS

Preliminary Subdivision Plan (Form B): Chapman, 17 Chapman Av (20C-111)

The board continued deliberation on a Preliminary subdivision plan submitted by Richard Barbini, on behalf of Schofield, Barbini and Hoehn, on behalf of Ethel Chapman, Applicant. The subdivision proposes to divide .52 acres into two parcels by extending Chapman Lane or creating a road by 22.47 x 77.54 (1,736 sq. ft.) of existing parcel to create frontage for both lots. (Richard Barbini, SBH)

Mr. Barbini was present, and spoke to the application, entertaining questions. Mr. Barbini spoke about the reasons for the subdivision, and the potential materials that will be included with the Form C (forthcoming).

It was MOVED by McCourt SECONDED by Sherman

To approve the preliminary plan as presented.

VOTED: 4, 0, 1 (MASCOLO).

Mr. Barbini was thanked for his time.

Modification to a Special Permit: Stop & Shop (29A-57.1, et al.) SP: B-II.

The board considered an application by Mary McEvoy, Manager of the Stop and Shop store, 225 Upper Main Street; the application requested a renewal of a special permit to display and sell garden products on sidewalk in front of store.

Mary McEvoy, Manager, was present to answer questions. The board asked about location and orientation of bicycle racks; Mr. Mascolo asked about cleaning the gutters. Ms. McEvoy spoke about recent work on drainage cisterns, and the landscape work being done.

It was MOVED by McCourt SECONDED By Mascolo

To approve continuance / extension of the modification for special permit, as presented.

VOTED: 4, 0, 0.

Ms. McEvoy was thanked for her time.

DISCUSSION: Holly Bear Lane ANR

The board discussed information in regard to an ANR, submitted to the Board by Chris Chambers, and Endorsed on March 21, 2017.

Mr. Cavallo admitted that the board made a mistake in regard to the ANR.

Travy Smith, Schofield, Barbini and Hoehn, spoke in regard to the matter. Ms. Smith stated that Holly Bear Lane is a private road. Further, the property is within the island roads district, which would require referral to the Martha's Vineyard Commission.

There was ongoing discussion related to the material presented originally with the plan.

Mr. Adam Turner (MV Commission) was present and offered commentary about the topic, and the benefits of referring a project to the MV Commission.

Mr. Mascolo suggested that the board should explore all options with legal counsel, and that referral to the MVC should be considered.

Mr. Mascolo also raised the issue of verification of information on ANR and other site plans, and asked whom the responsibility for such action.

The planning board requested clarification on –

- Whether an endorsed ANR can be rescinded, when the endorsement was based on inaccurate information, and
- What authority the MVC has in a referral to alter or rescind Planning Board endorsement of an ANR plan.

Mr. Finn asked Ms. Smith for any information on the original subdivision plan, and any other information that may be helpful. A copy of the original subdivision plan was provided to the clerk.

No further action was taken.

6:00 PM - Public Hearing: Shantz Realty Trust. 282 Upper Main St (20A-65.11)

The board held a public hearing on the application of Sean E. Murphy, Trustee of Shantz Realty Trust for a special permit to construct two (2) 780 sq. ft. apartments, each with two (2) bedrooms attached to an existing garage on a 15, 077 sq. ft. lot. The property is located at 282 Upper Main St, Assessors' Parcel 20A-65.11 in the B-II Business District.

Mr. Finn read the notice of public hearing. Mr. Cavallo opened the public hearing at 6:03 PM.

Present: Attorney Sean Murphy.

Mr. Murphy made a brief presentation about the proposal, and detailed information about setback restrictions, access to the proposed parking area, and the potential for access through the parking lot at the west of the lot.

The board briefly discussed whether precedent existed for allowing access to a private lot through a separately owned / operated parking area.

The plan would add two, two-bedroom units; Mr. Mascolo suggested that small apartments (1/2 bedroom) in the B-II district were recommended.

A firewall will be constructed between the garage and the apartments.

A question was raised as to whether the project should be referred to the MV Commission. After conversation, it was determined that the project did not need to be referred.

Joe Gervais spoke in regard to the project, and spoke in favor of the project, as Edgartown needs more rental units. No other public comment was received.

Mr. Cavallo closed the public hearing at 6:13 PM.

It was MOVED by Mascolo SECONDED by McCourt

To approve the special permit, allowing the construction of two apartments as proposed, and to grant a variance allowing a reduction of boundary setback from ten feet to five feet.

VOTED: 5, 0, 0.

Continuation-Public Hearing: Sprague, 8 Haystack Ln (11A-215)

The board continued a public hearing in regard to 8 Haystack Lane.

Due to the absence of Mr. Wilson, the board could not take up the continuation of the public hearing in regard to an application submitted by Chris Alley, to construct a conforming two-story addition to a pre-existing non-conforming single family dwelling on a non-conforming lot in the Coastal District.

It was MOVED by Sherman SECONDED by Mascolo

To continue the public hearing on the application by Chris Alley in regard to 8 Haystack Lane to April 18, 2017, 6 PM.

VOTED: 4, 0, 0.

Discussion/Presentation: Colin Young, Update on the “Wavelengths” project

Mr. Colin Young was present to give an update on the project.

Three phase power has been completed. The elevator and a lift needed for construction will arrive on site on or about May 8.

Heat is being installed; once complete, flooring work will commence. Sprinkling system is installed, and the low-voltage alarm system, with approval of the fire chief.

The basement door has been reviewed by the fire chief as well.

Q: Will anything be on top of the elevator shaft

A: Other than the ‘widows’ walk’ railing, no.

There was some discussion about further arbor work on trees on the site.

Q: Can a business operate temporarily out of a trailer in the parking lot, during construction?

A: That is a matter that should be referred to the building inspector.

Mr. Young was thanked for his time.

DISCUSSION: Adam Turner and Lucy Morrison - Update on new DRI checklist.

Mr. Adam Turner, Exec. Director for the MV Commission, spoke about the newly updated checklist, approved by the state. There is a new checklist, new forms, and an annotated list of changes. Ms. Morrison elaborated on some of the changes, and confirmed transmission of information to the Planning Office.

There was further discussion about various projects, including the MV Museum, the Edgartown Stop and Shop.

Modification to a Special Permit: AT&T/Fynbo

The board considered an application for a modification to a special permit, submitted by AT&T / Fynbo, 14 Sampson Av (34-197), requesting an extension to the existing 12-month temporary tower use for additional 12 months.

Mr. Cavallo stated that, as the original special permit was referred to the MV Commission (mandated under DRI Checklist, item 9.1), that any modification of a special permit must also be referred to the MVC. (Grossman)

Mr. Mascolo suggested that the antenna is critical, to maintain communication for emergency response to Chappaquiddick.

Mr. Brian Grossman was present, and offered to provide any information that might be helpful. Also present was Mr. Adam Turner (MV Commission), who participated in the conversation.

Mr. Grossman stated that the company anticipated being able to file an application for the permanent tower within a year; that application is forthcoming.

AT&T has explored various alternatives for tower placement, and that due diligence would continue.

Q: would the fire-station location work for a tower?

A: No (Too small).

There was some discussion as to the results of the ‘discovery’ process, and whether other sites are being considered. Mr. Grossman stated that, while AT&T has and will continue to research alternative locations, the current site could likely become the site for the permanent tower, as it provides adequate coverage, and there is now fiber to the site. Coverage on Chappy has been acceptable with the temporary site.

Q: Can other carriers lease space on the current tower?

A: Yes, and will be able to on the new tower.

There was some discussion about the use of the tower by other carriers.

There was also some discussion about the availability of space on the tower for repeaters for public safety radios.

Mr. Turner stated that the referral to the MV Commission should ONLY refer to the continuance of the temporary permit, and not address any other tower issues.

It was MOVED by McCourt SECONDED by Cisek

To refer the application to the MV Commission for review.

VOTED: 5, 0, 0.

Mr. Turner and Ms. Morrison were thanked for their time.

Form A – Town of Edgartown – Selectmen: 39 6th St N. (11A-165).

The board took from the table a Form A Application submitted by the Edgartown Board of Selectmen, to create three lots on 6th Street North.

The board briefly discussed the condition of the road, and the approval of same by the Fire Chief and Police Chief. Underground water has been installed.

There was additional discussion about qualifications of potential buyers for purchase of the lots, and the non-qualification of the project as ‘affordable housing’.

Several board members discussed the necessity of referring the project to the MV Commission, being in the “Island Roads District”; however, the board declined to do so.

Finally, several board members expressed reluctance to act on the application with the presence of Mr. Alan Smith.

It was MOVED by McCourt, SECONDED by Sherman

To table discussion on the application until the next regular meeting on April 18, 2017.

VOTED: 5, 0, 0.

Modification to a Special Permit: Slough Farm Foundation

Mr. Finn reported that the application has been withdrawn without prejudice by the applicant. No further action or deliberation was taken.

ITEMS REQUIRING SIGNATURES:

The board reviewed and signed payroll sheets.

ANNOUNCEMENTS

The Annual Town Meeting will be held on Tuesday, April 11, 2017 at 7:00 PM

The next Planning Board meeting is on Tuesday, April 18, 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 7:00 PM.

Respectfully Submitted,

Douglas Finn, Clerk

<p>APPROVED by vote of Planning Board at a regular meeting, held on</p> <hr/> <p><i>(date of vote)</i></p> <hr/> <p><i>Member</i></p> <hr/> <p><i>Member</i></p> <hr/> <p><i>Member</i></p> <hr/> <p><i>Member</i></p> <hr/> <p><i>Member</i></p>
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