

Planning Board Meeting Minutes

Tuesday, April 18, 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: Alan Wilson (Chair), Robert “Coo” Cavallo, Michael McCourt, Sam Sherman, Fred Mascolo

Absent: James Cisek (Alternate)

Also Present:

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

SITE VISITS

Site visits were scheduled as follows:

- ~~10:00 AM — Lowenthal — 100 Mattakesett Way~~
- ~~10:15 AM — Langley — 12 Mattakesett Wy — Katama Airfield, Right Fork Diner~~

PUBLIC HEARINGS

5:30 PM Public Hearing: Right Fork Diner/Jamie Langley, 12 Mattakesett Way; Katama Airport (45-25) SP

The Edgartown Planning Board scheduled a public hearing on Tuesday, April 18, 2017, at 5:30 PM in the Selectmen’s Meeting Room, 1st Floor, Edgartown Town Hall on the application of Jamie Langley for a special permit to continue operation as an 80-seat diner under new ownership. The application has requested a special permit to

- replace front entryway deck;
- convert former airfield office space into food prep area;
- rebuild deck;
- convert prior office to outside bar;
- continue use of takeout window next to front door;
- serve ice cream, beverages, and prepared sandwiches and salads, and
- maintain an outside freezer.

The property is located at 12 Mattakesett Way, Assessors’ Parcel 45-25 in the R-60 residential district and the Katama Airfield overlay district. The hearing is held in accordance with MGL Chapter 40A and Edgartown zoning bylaw article 11.9.d.

The Chair opened the public hearing at 5:31. A quorum was declared.

PRESENT FOR THE APPLICANT: Ms. Langley.

Ms. Langley spoke about the renovations, in particular bringing the property into compliance with ADA.

Question: Does the trailer go away?

Answer: Not until the new hanger is built- it is used for storage.

Ms. Langley talked about her attempts to find options for refrigeration, which would represent the only expansion to the footprint.

Mr. Edward Vincent, Jr. was present as chair of the Edgartown Conservation Commission, and a member of the Airport Commission. Mr. Vincent stated that, according to the original agreements, the airport was never to be enlarged, and the activities would never be expanded. Mr. Vincent stated that an expansion of the snack bar would be in violation of the original agreement related to the original land transfer. Mr. Vincent suggested that the matter needed to go to Town Council for a recommendation, and to the Nature Conservancy, and the DEP, for clarification on that matter. Mr. Vincent also suggested referring the matter to Town Counsel for his opinion.

Mr. Sherman clarified with Ms. Langley that there would be no expansion of the footprint.

Mr. Vincent stated that an expansion of the snack bar's activities – expanded hours, expanded menu, etc. - may still be a violation of the original agreement.

Ms. Langley stated that she had been operating the restaurant as it is for the past twelve years.

Mascolo: We recognize that the town worked for years to Permit the Hanger at the Katama airfield, and that the matter should be referred to the Town Council for opinion.

Mr. Vincent stated that, while not speaking directly about this proposal, the Nature Conservancy has already expressed concerns about other renovations at the airfield.

The public hearing was continued to May 2, 2017.

Action:

It was MOVED by Mascolo SECONDED by McCourt

To refer the matter to Counsel for opinion on a clarification on how to proceed; further, the Applicant was granted permission for the replacement of the deck, and replacing the front door in order to meet ADA compliance.

VOTED: 5, 0, 0.

5:45 PM Public Hearing: Lowentheil Residence, 100 Mattakessett Way (52-7)

The Planning Board scheduled a public hearing on Tuesday, April 18, 2017, at 5:45 PM in the Selectmen's Meeting Room, 1st Floor, Edgartown Town Hall on the application of Sanford Loewentheil for a special permit to

- remove existing dwelling and garage,

- construct new dwelling, pool, cabana, garage and barn, and
- perform landscaping and other related site activities.

The property is located at 100 Mattakesett Way, Assessors' Parcel 52-7 in the R-60 residential district and the Katama Airfield overlay district. The hearing was held in accordance with MGL Chapter 40A and Edgartown zoning bylaw article 11.9.d.

The Chair opened the public hearing at 5:47 PM. A quorum was declared.

PRESENT FOR THE APPLICANT: Mr. Doug Hoehn

Discussion:

Mr. Doug Hoehn addressed the project, presented an updated packet of plans, and photos of the site. The lot was clarified to be a conforming lot. Mr. Hoehn introduced Mr. Patrick Ahearn who spoke about project details.

Mr. Patrick Ahearn stated that the house and other structures would be below the height restrictions. He also stated that the project was similar in scope to existing houses and properties in the neighborhood. Mr. Ahearn also described landscaping that would be completed as part of the project. The house would be a two-story house, with a total of four bedrooms.

Mr. Hoehn provided details of the pool, an associated dry-well for disposal of water at the end of the season.

The existing house is 24 feet in height; the new structure would be 2 feet higher. The existing house was described as being in fair condition; certain windows have failed, there is some mold issues.

There being no further comment, Mr. Wilson closed the public hearing at 5:59 PM.

Action:

It was MOVED by Cavallo SECONDED by Sherman

To approve the special permit as requested with standard conditions related to installation of pool, and all standard conditions related to outdoor lighting.

VOTED: 5, 0, 0.

6:00 PM Public Hearing (Continued from April 4, 2017): Sprague, 8 Haystack Ln (11A-215) SP

The Planning Board continued a public hearing in relation to an application for a special permit, submitted on behalf of W. Sprague, 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.

The Chair declared the public hearing continued at 6:00 PM, and a quorum, consisting of Wilson, Cavallo, McCourt, and Sherman, was declared.

PRESENT FOR THE APPLICANT: Mr. Chris Alley presented a summary of the project. The project is an expansion of a non-conforming dwelling, on a non-conforming lot. The project would not be result in any new bedrooms. Mr. Alley reported that the Conservation Commission returned a Negative Three determination.

There was some objection initially raised by folks to the west of the property; however, the Sprague's agreed to provide some screening, and the objections were withdrawn.

Mr. McCourt stated that neighbor's 'view' might be of some concern.

There being no further comment, the public hearing was declared closed at 6:04 PM.

Discussion:

There was no discussion.

Action:

It was MOVED by Cavallo, SECONDED by McCourt

To approve the special permit, as presented.

VOTED: 5, 0, 0.

OTHER BUSINESS

Form A Plan Endorsement

The Board took up a request for endorsement of a Form A ("Approval Not Required") plan, submitted on behalf of the Edgartown Land Bank, and would make a property line adjustment to Assessor's Parcel 34-237, in advance of transfer of the property.

PRESENT FOR THE APPLICANT: Doug Hoehn, Schofield, Barbini and Hoehn

Mr. Hoehn presented the "ANR" plan, and described the reason for the division.

The ANR would not create non-conforming lots, and the division was being done in order to convey the property to the immediate abutters.

No new buildable lots would be created.

There was some discussion about the history of the various properties abutting the parcel.

Both lots would be protected by conservation restrictions.

It was MOVED by Cavallo, SECONDED by Sherman

To endorse the Form A plan, as presented.

VOTED: 5, 0, 0.

The plan was endorsed by the board members present. Mr. Hoehn was thanked for his time.

UPDATE: AT&T / Fynbo, 14 Sampson Avenue (34-197)

Mr. Finn stated that the project had been referred to Martha's Vineyard Commission, and would likely be addressed at their May 4 Meeting. Mr. Finn suggested that public hearing be continued at the next possible meeting after May 4, – May 16, 2017.

Discussion: Decision Letter execution

Mr. Finn requested that the board approve one or two people to sign “Decision Letters” - on behalf of the board - either the Chair of the board, or the Administrative Assistant (currently Georgianna Greenough) – in order to improve the time for processing of decision letters.

The board declined to delegate execution authority.

Discussion: Holly Bear Lane, legal counsel opinion

The board reviewed a legal opinion, given by Town’s Counsel, in regard to their options related to Holly Bear Lane:

- The board does not have the option to withdraw their endorsement of the ANR.
- The appeal may be done through a certiorari action, through the courts.
- The board may refer the matter to the MV Commission.

Ms. Greenough suggested that the board refer the matter to the MV Commission.

There was some discussion related to the accuracy of the original plan, and the benefits, or hazards, of the matter.

Lucy Morrison asked if the matter should be referred to the commission, given the potential for related legal issues.

Ms. Greenough stated that the original engineer should be requested to resubmit a corrected ANR plan.

Q: Should it be referred to the MV Commission?

A: They can always send it back to us, without taking any action.

It was MOVED by Sherman, SECONDED by Cavallo

To refer the original ANR application to the MV Commission for consideration.

VOTED: 5, 0, 0.

Ms. Greenough asked if the office should contact the original engineer to submit a revised plan. No further action or direction was given.

Update on “Wavelengths” Project:

Mr. Colin Young presented an update on the project, including roof work, shutters, siding (shingling), low-voltage systems; sprinkler systems are being updated in accordance with Fire Chief’s recommendations; sewer connection will be installed by the town, when installation of on-site ‘grinding pump’ is complete. Elevator and lift are on order, and will be shipped; due to be in the second week of May.

Machine room for elevator and electrical room in basement is framed out. Door to entrance of basement has been approved by Fire Chief.

Mr. Young presented some pictures of the site, and the current progress, related to the ‘shed dormer’.

Lucy Morrison, MV Commission

Ms. Morrison spoke about the new DRI checklist, now in effect. The checklist will be distributed with the next meeting.

Ms. Greenough stated that the B-II district plan is still in progress, and needs to be approved prior to sending to the commission. Sending the plan will allow for less DRI referrals.

Mr. Cavallo requested that the plan be added to the next agenda. Ms. Greenough suggested that the bylaws also need to be reviewed, and that step might logically precede the review of the plan.

Ms. Greenough stated that the plan will be distributed to board members prior to the next meeting.

APPROVAL OF MINUTES

Minutes from April 4, 2017 were distributed.

ELECTION OF CHAIR

Mr. Wilson stated that, with the elections being complete, a new chair should be elected.

It was MOVED by Sherman, SECONDED by Mascolo

To elect Mr. Cavallo as chair for the coming year

VOTED: 4, 0, 1.

RECOGNITION

Mr. Cavallo recognized Mr. Mascolo for his comments.

Mr. Mascolo asked everyone in attendance to rise and join him in a standing ovation for outgoing Planning Board Member, Mr. Alan Wilson.

The board joined Mr. Mascolo in expressing their gratitude to Mr. Wilson for his service on the board.

Mr. Wilson thanked the board for their support during his term on the board, stating that he was departing "...just around the time that I started to get the hang of things..."

Mr. McCourt also expressed thanks to Mr. Wilson, and congratulations to incoming board member, Lucy Morrison. Ms. Morrison expressed her gratitude to Mr. Wilson for his service.

ITEMS REQUIRING SIGNATURES

The board reviewed and signed payroll sheets, as well as a number of decision letters.

ANNOUNCEMENTS

The next Planning Board meeting is on Tuesday, May 2, 2017 at 5:30 PM.

ADJOURN

There being no further business,

It was MOVED by McCourt, SECONDED by Sherman

To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:49 PM.

Respectfully Submitted,

Douglas Finn, Clerk

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

(date of vote)

Member

Member

Member

Member

Member