

# Edgartown Planning Board

Tuesday, May 2, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, April 18, 2017 at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

## Call of Roll:

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

Absent: James Cisek (Alternate)

## Also Present:

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

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

## SITE VISITS

The following site visits were scheduled for the morning of May 2:

- 9:30 AM Chappy, 104 Washque
- 10:00 AM 2 Beach Street
- 10:15 AM Right Fork Diner, Katama Airfield
- 10:30 PM 108 Peases Point Way

## **5:30 PM: PUBLIC HEARING: FAGER RESIDENCE, 104 WASHQUE AV (50-6) SP**

The planning board held a public hearing on the application of Jeffrey and Melinda Fager, requesting a Special Permit to construct an addition to an existing single-family structure with new wood landing. Structure and lot are non-conforming. (Richard Knight, agent) The property is located at 104 Washque Avenue, Assessors' Parcel 50-6 in the R-120 District, and within the coastal district. The hearing was held in accordance with MGL Chapter 40A and Edgartown zoning bylaws.

A full copy of the plans have been available in the Planning Board office, and public notice and notice to abutters has been given.

The proposal was presented, and details were discussed. Specifics in relation to the project's location in relation to the coastal district, and the specifics in regard to whether there was an 'expansion of a non-conforming use' (described as not).

There being no other public present, and no comment having been submitted, the chair closed the public hearing at 5:35 PM.

It was MOVED by Mascolo, SECONDED by McCourt to approve the application as presented. VOTED: 5, 0, 0.

Mr. Knight was thanked for his time.

## **FORM A – 6TH STREET LOTS, 39 6TH ST N. (11A-165)**

**At 5:36 PM, Ms. Morrison recused herself, and left the room. Ms. Morrison was the administrative assistant to the Affordable Housing Committee who did not support the 6<sup>th</sup> St. project.**

The board reviewed a request by the Town of Edgartown for endorsement of a Form A “Approval Not Required”, to create three new building lots on 6<sup>th</sup> Street North, assessor’s parcel 11A-165. Ken Abbott, Schofield, Barbini and Hoehn, Inc. presented the application.

There were a number of questions asked in regard to the condition of the road as improved by the town. The road was up to grade, the sides were finished with a berm of dark mulch. The undeveloped and preserved part of the paper road was cleared of brush and laid with dark mulch. Three (3) large boulders were installed at the end of the portion of 6<sup>th</sup> Street facing Edgartown-Vineyard Haven Rd to prevent through traffic. The water has been installed, and the utilities would be installed along the side of the finished portion of 6<sup>th</sup> St.

McCourt asked why the road is blocked in the middle. The Town wishes the road to end at that point due to existing abutters who wanted to keep the undeveloped portion of the road to stay the same. One of the abutters has encroached onto portions of the Town owned property by up to 15 feet. The board confirmed that the portion of 6<sup>th</sup> St that is accessed off The Boulevard accesses different properties than the road off the Edgartown Vineyard Haven Rd. It was noted that these two accesses that each dead-end in the middle have been in existence for some time. It was never developed as a ‘through road’. Additionally, the board was informed that 6<sup>th</sup> St. is not a public road, and that the Town will not maintain it. It was recommended that the proposed families who access their property on 6<sup>th</sup> St. be informed that they need to set up a road association.

Mr. Sherman asked if the project need to be referred to the MVC in regard to the Island Roads District. The Island Road District affects only 5 feet of the 1<sup>st</sup> lot, the setback requirements are 10 feet for the side and rear lot lines therefore the building limitation of 26’ for structures built in the 200’ setback from the Island Road; and the board declined to refer the project because the lot would not be affected by the 1,000 foot distance between accesses off Edg-VH Rd as each of the three lots are accessed off 6<sup>th</sup> St.

It was MOVED by Mascolo, SECONDED by Sherman because each of the 3 lots have 50 feet of frontage on an adequate private road.

*To endorse the Form A as presented.*

VOTED: 5, 0, 0.

The Planning Board requested that the Fire Chief provide a letter, to be entered into the project file, stating his approval of the 6<sup>th</sup> Street configuration, (two accesses blocked in the middle), and that no issues exist in relation to emergency responses.

**At 5:46 PM, Ms. Morrison returned to the room, and rejoined the meeting.**

**5:45 PM: RIGHT FORK DINER (JAMIE LANGLEY) KATAMA AIRPORT. SP: CONTINUATION**

The board continued a public hearing from April 4<sup>th</sup> to April 18<sup>th</sup>, in regard to an application for a special permit, to continue to operate a restaurant and conduct construction for various improvements at the Katama Airport.

The Chair continued the public hearing at 5:47 PM.

The chair welcomed Mr. Peter Vincent's comments. Mr. Vincent stated that a special permit could be allowable, and defensible, provided there is no expansion of use, and no expansion of footprint.

Ms. Greenough stated that the original special permit approved from the Zoning Board of Appeals in 1983, issued to Steve Gentle, did not include regulations or conditions. Over time, and without any complaints, the business had expanded in services, if not scope.

**Parking:** Ms. Greenough stated that the conservation commission asked that parking be reviewed, for any restrictions like in B-II Business District, where one (1) parking space would accommodate 3 seats. Currently there are 15 parking spaces including one (1) handicapped parking space. Although not originally permitted, the parking lot was paved when Roy Hayes was manager.

Ms. Langley stated that, since much of her business is from folks travelling on bicycles, limitations on the parking spaces may not impact her business significantly.

Mr. Cavallo asked if spaces could be added behind the building; Ms. Greenough stated that it could not, since that would constitute an expansion of the business. Ms. Greenough stated that parking behind the building may be available for staff only.

Ms. Morrison asked if there was considerable business from folks who travel there on bicycles. Ms. Langley confirmed. She asked about how many bike racks were available. Ms. Langley said she thought the bike racks provided for approximately 10-15 bikes.

**Take-Out Window:** Ms. Greenough also stated that the applicant had asked for a 'take-out' window; however, the deck immediately in front of the window might also constitute an expansion of the footprint. It was determined that the small unattached step under the proposed take-out window was not an expansion of the footprint.

Mr. Sherman: Wasn't the take-out window there, and hasn't it been there for a while? Ms. Langley said it has existed for years, and she believed it was an approved use. There was some question as to the permissibility of the take-out window. Mr. Vincent stated that the restaurant was originally permitted as a 'take-out' restaurant.

**Walk-In Cooler:** The other issue would be the 'walk-in' cooler that would be proposed; Ms. Greenough also suggested that also would constitute an increase in the footprint. Mr. Vincent also stated that adding a walk-in cooler would legally be an expansion of the business. Ms. Morrison expressed her concern that the walk-in cooler would be considered an expansion of the footprint, as the cooler seemed to be a critical need for the restaurant. Ms. Morrison asked if there could be any other options to consider. Ms. Langley stated that a 20'x20' room in the hanger could be used as a potential substitute for the proposed outside cooler.

**Seating Capacity:** Ms. Greenough discussed that, in 2006, the restaurant size was 60 seats; that number increased to 90 sometime after; however, for the last three or four years, the size was limited to 60 again. There might be limitations on the use of the property due to the size and capacity of the septic system. Any increase to the capacity of the septic system would be considered an expansion to the use of this application. Mr. Sherman added that the question of seating capacity is determined by the Building Inspector using square footage and the capacity of the septic system determined by the Board of Health.

**Outdoor Lighting:** There is no outdoor lighting currently on site. Jane Varkonda, agent for the Conservation Commission, provided a letter of her understanding and concerns of the project and believes that outdoor lighting should be prohibited on the deck and the area of picnic tables.

**Hours of Operation:** Mr. Vincent stated that the covenant requires that the restaurant only be open while the airport is open. The airport is only open during “daylight hours”, from May 15 through October 15; therefore, the restaurant should be limited to the same hours. Ms. Langley stated that, generally, she does abide by those recommendations. Ms. Greenough stated the board may want to prepare appropriate conditions on the special permit with the caveat that the airport commissioners also agree with the board’s decision.

Mr. Sherman asked to clarify the issues that the board could consider.

Mr. Cavallo asked for the applicant for the concise list of improvements being requested.

Response:

- Rebuild & redesign front entry doorway – to make it ADA compliant
- Access to front deck – to make it ADA compliant
- To change front office into a prep room
- To allow for the take-out window
- Rebuild the existing deck – 2018
- Hours of operation - Daylight
- Seasonal operation – May 15 – October 15 or the same days the airport is functioning.

Mr. Sherman clarified that the large deck would be rebuilt next year, not now. Ms. Langley confirmed that timetable.

Ms. Gayle Poggi spoke on behalf of the applicant, stating that the owner continues to run a decent and honest business.

Ms. Greenough confirmed that the Town is working to formalize the allowable activities on the site, so as to protect both the Town and the applicant.

Ms. Greenough stated that, since the plans for the airport hanger are now under reconsideration, participation of the planning board should be part of that process.

Mr. Vincent stated that, in essence, what is needed is a permit to formally approve the operation as it has existed for some time. Mr. Vincent stated that, largely, the approval of the project by the state, and the Nature Conservancy were key.

Mr. Cavallo stated that the only issue would be with parking. Mr. Mascolo stated that the parking could be left to the discretion of the airport commission.

Mr. Sherman asked as to whether the conversion of the office into a prep area would constitute an expansion of the use or the facility. The board determined that it would not.

There being no further public comment, Mr. Cavallo closed the public hearing at 6:06 PM. The board deliberated. Mr. Mascolo MOVED to approve a special permit for Jamie Langley & Right Fork Diner application with conditions because it will establish operational regulations and conditions for the restaurant operator and related stakeholders such as the Nature Conservancy, the Edgartown Conservation Commission and the Edgartown Katama Airfield Commissioners. Mr. McCourt SECONDED, and was unanimously passed.

- To make the hours coincide with airport hours;
- To permit 15 parking spaces, including 1 handicap parking space;
- To permit the reconstruction of the deck, scheduled to happen next year (2018);
- To permit the replacement of the access to front door to meet ADA requirement;
- To permit the replacement of the deck access to meet ADA requirements
- To permit the use of the take-out window;
- To permit the use of the airport office as a kitchen prep area;
- To deny placement of a walk-in cooler outside the building footprint.

VOTED: 5, 0, 0.

#### **5:55 PM: PUBLIC HEARING: MAIN STREET DENTAL (JOHN HARTLEY/ROBERTA HUTCHISON), 207 UPPER MAIN STREET (20C-26) MODIFICATION OF SP: B-II**

The Planning Board conducted a public hearing to receive comment on an application by Main Street Dental Nominee Trust (John Hartley and Roberta Hutchison), requesting a modification of a Special Permit, granted on March 17, 1998, to reflect that the property has been used as a three (3) chair dental office since it opened, and to remove the language regarding granting an easement to the town originally to comply with a proposed B-II concept to attach commercial parking areas with abutters. The property is located at 207 Upper Main Street, Assessors' Parcel 20C-26 in the B-II business district.

Present for the applicant: Sean Murphy.

Mr. Murphy explained that the original permit, restricting the business to two-chair dental offices, was due to the capacity of the septic system. An advanced, low-water use system, permitted the use of three chairs, and was approved by the Board of Health.

Further, the B-II master plan from 1989 showed a bicycle path crossing the back of the property, cutting into Stop and Shop; however, this did not happen. Therefore, the applicants are requesting that the provision for an easement to the Town be removed from the special permit.

There was no comment from the public.

Mr. Cavallo asked if the office was on septic or town sewer. Mr. Murphy confirmed that they are currently using septic, but are moving forward with a connection to the public sewer system.

Mr. Sherman requested confirmation of the decision of the Board of Health from 1998; that was confirmed by Ms. Greenough.

The chair closed the public hearing at 6:25 PM.

It was MOVED by Sherman SECONDED by Mascolo to approve a modification to the original special permit, allowing three chairs in the dental office, and removing language regarding the easement.

VOTED: 5, 0, 0.

### **MEL WEISBLATT, 9 THAXTER LN (45-16.21) DE MINIMIS DETERMINATION**

The board considered an application received from Mel Weisblatt, 9 Thaxter Lane, for a “de minimis” determination, in regard to a proposed change to the size of a pool equipment shed from 10’ x 10’ to 8’ x 12’. The new shed would meet existing setbacks.

Present for the Applicant: Mr. Mel Weisblatt.

It was MOVED by Sherman, SECONDED by Mascolo to approve the application as presented as a de minimis determination as it would be 4 feet smaller than the approved shed.

VOTED: 5, 0, 0.

### **CURB CUT PERMIT: BOKAT/GIORDANO, 108 PEASES POINT WAY (20B-72)**

The board considered an application by Julie Bokar, 108 Peases Point Way, to allow a second curb cut to an endorsed Form A. Present for the applicant: Sean Murphy.

Mr. Murphy described the history of the project, including the ANR plan that was approved a year previous. The applicants are seeking permission to construct an additional driveway, to simplify traffic flow to and from three of the four dwellings on the abutting properties with an easement.

All utilities shall be placed underground. The second driveway would not be a subdivision road, but a simple driveway. Drainage concerns will be addressed by the applicant.

The board examined the proposed route for the driveway, and considered the driveway plan in relation to existing old-growth trees on the property. Mr. Murphy stated that the driveway would come straight in through lot # 2, so as not to interfere with, or damage the root systems of the trees.

Mr. Murphy stated that he would submit a finished plan, showing the revised placement of the driveway, overlaid on the original ANR plan.

Ms. Morrison stated that the utilities should also run along the side of the driveway, so as not to interfere with the root system.

It was MOVED by Mascolo, SECONDED by Sherman to approve the second curb cut accessing 3 abutting properties, with the understanding that the path of the shared driveway will be modified so as not to disturb the root system of the existing trees.

VOTED: 5, 0, 0.

## **OTHER BUSINESS:**

### **Update: Beach St Properties, 2 Beach St (29B-84) SP: Special Permit-April 20, 2016**

Mr. George Davis was present on behalf of abutters, Ms. Diane Durawa and Barret & Kim Naylor.

Ms. Greenough updated the board on the project. According to a neighbor, a 'pool shell' was listed on a plan, and requested clarification on the project. Ms. Greenough stated that the schedule, as submitted, was in error – no pool will be installed.

Mr. Davis requested confirmation that the rest of the schedule is accurate.

Mr. Cavallo stated that was outside of the scope of the Planning Board.

*Question: If there are changes to the project?*

*Answer: The applicant would have to come back to the Planning Board for approval of any changes.*

Ms. Greenough suggested the applicant talk to the Project Manager for the original applicant.

Mr. George Davis stated that the building permit application has errors; Ms. Greenough stated that these concerns should be brought up with the Contractor, or the building inspector.

Ms. Greenough stated that she would see that Mr. Patrick Ahearn, and Mr. Rosbeck would be given copies of the original decision that contain the list of conditions.

### **Presentation / Update: Colin Young, "Wavelengths" Project.**

Mr. Colin Young was present to provide an update of the project, and the work that has been done since the last Planning Board meeting. There was some discussion on electric service.

Mr. Young stated that the elevator inspectors would be present on Thursday to inspect the shaft. The 'grinder pump' associated with the sewer installation will be installed this week. Flower boxes are being placed under the first floor windows. Low Voltage and sprinkler systems are installed, and inspected. The Fire Chief has done his own inspections, is satisfied with the work so far, and will continue to work with the installers. The main water supply is connected.

Mr. Young stated that the water service on the side of the building will be 'boxed in' and landscaped. The electric boxes on the side of the building shall be completed hidden.

Further, a detailed landscape plan is in place, and once all drainage has been installed, the landscaping will commence.

Mr. McCourt expressed his appreciation for the regular updates. The board generally concurred.

Mr. Young asked for a clarification: On the third floor, where a balcony has been removed, an open space has been created inside. The Planning Board had no comment on the change, as it is an interior change, and does not affect the exterior of the project.

Mr. Young was thanked for his time.

### **Community Preservation Committee – Appointment**

Ms. Greenough stated that the current appointee, Mr. Wilson has been very ill.

Mr. Mascolo stated that the board should wait until Mr. Wilson could be consulted, and preferred that he be asked if he would like to continue to serve as the Planning Board's representation to the CPC.

It was MOVED by Morrison, SECONDED by Sherman to appoint Michael McCourt as the Planning Board representative pro temp to the Community Preservation Committee; said nomination to become permanent in the event of Mr. Wilson's resignation.

VOTED: 5, 0, 0.

Mr. McCourt accepted the appointment.

### **Signature Authority for Bills**

Ms. Greenough asked for an update on the signature authority for the departmental bills. Mr. Cavallo and Ms. Greenough were approved as signatories, and the board signed the appropriate form.

### **B-II District Plan – Review for proposed modifications & submission to MVC**

The board reviewed the B-II District plan.

Ms. Morrison described concerns related to comparisons of Upper Main Street with the Historic District.

Mr. Sherman described his concerns about language in the document that are outdated (having been originally drafted in 1989).

The board generally agreed that the plan should be updated to reflect emphasis on mixed use, including second-floor apartments, mixed retail and office on first floor, etc.

There was some discussion about the retention of Stop and Shop on Upper Main Street, traffic studies of the area, and suggested ways to manage traffic (loading lanes for left-turns, etc.)

The board engaged in discussion about the use of the area, the variance in traffic over any given year, etc.

Ms. Greenough stated that, as a resident in the summer, she rarely visits Stop and Shop, given the availability of other shopping options.

Mr. Cavallo stated that, in the summer season, traffic is fairly busy island-wide.

Ms. Morrison detailed various language choices should be revised.

Question: Why are we cleaning up this document?

Ms. Greenough stated that the plan would help to drive necessary changes to the Zoning bylaws.

Mr. Sherman stated that the Planning Board should be focusing on revision to the B-II plan, a process would likely take two years, if not more. Ms. Morrison and Mr. Sherman described the current plan, including language, descriptions, and maps, are out of date, and should be revised.

There was some discussion related to previous traffic studies, and concerns about police control of traffic. There was conversation in relation to various traffic patterns, and adaptation of island drivers to traffic congestion.

Ms. Greenough highlighted a peer-review report, included in the packet, about the proposed renovations to Stop and Shop, specific to a traffic study. There was some discussion in relation to details about traffic in that area.

The board discussed the proposed entrances and exits from the Stop and Shop, and the possibility of staggering the entrance, so as not to line up with the side-street across the way, Pinehurst Ln.

Ms. Morrison described that the B-II plan also talks about 'historic structures', and what buildings might qualify for consideration for historic preservation or protection. There was some discussion as to the scope of the historic district.

**SIGNATURES**

The board approved and signed payroll sheets and a special permit decision for Schreiber pool which was misplaced.

**ANNOUNCEMENTS**

The next Planning Board meeting is on Tuesday, May 16, 2017 at 5:30 PM.

**ADJOURN**

There being no further business, it was moved by Cavallo and seconded by Mascolo to adjourn at 7:30 PM

VOTED: 5, 0, 0.

Respectfully Submitted,  
Douglas Finn, Clerk

<p><b>APPROVED by vote of Planning Board at a regular meeting, held on</b></p> <p>_____ (date of vote)</p> <p>_____ Robert M. Cavallo, Chairman</p> <p>_____ Fred Mascolo</p> <p>_____ Michael McCourt</p> <p>_____ Lucy C. Morrison</p> <p>_____ Sam Sherman</p>
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