

Planning Board Meeting Minutes

Tuesday, May 30, 2017

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

SITE VISITS

The following site visits were scheduled on the day of the meeting:

9:30 AM – Bokat / Giordano, 108 Peases Point Way

The board reviewed the location of the stakes in relation to not interfering with the growth of the three huge trees on the property. No deliberation was conducted at the site visit.

CALL TO ORDER

The meeting was called to order at 5:32 PM, and the roll was called.

Call of Roll:

Present: Robert “Coo” Cavallo (Chair), Michael McCourt, Sam Sherman, Lucy Morrison.

Absent: Fred Mascolo, James Cisek (Alternate)

Also Present:

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

Public “sign-in” sheet included herein by reference.

A quorum was declared.

PUBLIC HEARINGS

5:30 PM Public Hearing: Subdivision Form C. Ethel J. Chapman, 17 Chapman Ln (20C-111)

The Planning Board scheduled a public hearing at 5:30 p.m. to consider the application of Schofield Barbini & Hoehn Inc. on behalf of Ethel J. Chapman, for approval of a definitive subdivision plan entitled: Plan of Land in Edgartown, Mass Prepared for Ethel J. Chapman, March 2, 2017.

The plan proposes to create 50 feet of frontage for two conforming lots by using 1,736 sq. ft. of the original parcel on Chapman Lane, assessors’ parcel 20C-111 in the R-5 district. A copy of the plans and application have been made available to the public through the Town Clerk and the Planning Board offices at Town Hall.

The chairman opened the public hearing at 5:33 PM. Ms. Greenough read the public notice. Present for the Applicant: Richard Barbini. Also present: Ms. Ethel Chapman.

Mr. Barbini presented the definitive subdivision plan, the result of a preliminary plan previously submitted and approved. Mr. Barbini stated that there are utilities at the road already, and the only remaining steps are to build the driveway. Mr. Barbini described some options that the board might consider, including holding approval on the plan until the road is fully completed, or a Form F covenant.

Ms. Greenough suggested that the board could include particulars in the conditions of the approval of the subdivision.

Ms. Greenough asked if there was enough separation underground between utilities. Mr. Barbini stated that there likely is, as the utilities have already been placed on Chapman Lane.

Mr. McCourt asked about the existing road, and the proposed road. Mr. Barbini stated that the subdivision would be extending the existing road about 50 feet, in order to provide access to the proposed second lot.

Ms. Greenough stated that there was no comments received by the office.

No one was present to speak on the issue.

The applicant asked if there was a time limit on implementation of the subdivision. Ms. Greenough stated that, because of the nature of the plan, and the likely conditions of approval, so long as the plan is approved, and recorded with the registrar within the time frame defined by statute, there should be no time limit for implementation of the plan.

Ms. Greenough suggested that the board could place a condition on approval, stating that no building permit be issued for the newly created lot until the roadway is complete, including appropriate installation of utilities.

There being no further comment, the chair declared the public hearing closed at 5:39 PM.

It was MOVED by McCourt SECONDED by Morrison

To approve the Subdivision Plan as presented, with the condition that no building permit will be granted until the road is completed.

VOTED: 4, 0, 0.

At 5:41 PM, Mr. Mascolo arrived, and the chair conducted a role call:

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

Absent: James Cisek (Alternate)

A quorum was declared.

Curb Cut, 108 Peases Point Way (22B-72) 2nd curb cut to serve 3 lots (Reid Silva)

Deliberation continued on the proposal.

Mr. Reid Silva was present on behalf of the applicant. Mr. Silva presented the plan, including the modified location for the driveway to be placed. Mr. Silva described the efforts to avoid the root systems of existing old-growth trees, have places for plantings and screenings, but not compromise the usefulness of the house site.

The driveway as planned is roughly 25 to 30 feet in width.

Mr. Sherman stated that there is an easement for planting and vegetation, and was identified by stakes on the site. Mr. Silva described the negotiation of an easement for that purpose.

Mr. Cavallo suggested that the 'parent' lot would be impacted the most, and presumed that they would do what they could to minimize impacts; however, Mr. Cavallo also stated that he was concerned with the location of the drive in relation to the trees. He asked if an arborist could be consulted in order to provide an opinion?

Mr. Silva stated that the proposal for the driveway couldn't be moved any further away.

Mr. Cavallo again expressed his concerns about the survivability of the trees.

Mr. Cavallo stated that he would like one of the conditions be submission of a formal opinion by an arborist; further, Mr. Cavallo suggested that, where open trenching would not be possible, that horizontal boring be used in order to protect the root systems of the trees.

Ms. Morrison stated that, across from the proposed driveway, there is a telephone pole. How would that affect the turning radius of cars coming out of the proposed driveway?

Mr. Silva stated that the turning radius was considered when establishing the curb-cut plan.

Mr. Sherman asked if placement of the utilities along the edge of the property might be a better plan, and less detrimental to the old growth trees. Mr. Silva stated that it was worth consideration, but expressed concern about disturbing the existing screening along the property line (shared by the Yacht Club).

It was MOVED by Mascolo SECONDED by Sherman

To approve the curb cut as requested, with the following contingencies:

Submission of an opinion by a professional arborist stating that the placement of the curb cut, and installation of the driveway, would not be detrimental to the existing trees; the plan might include provisions for horizontal boring.

VOTED: 5, 0, 0.

Public Hearing: AT&T/Fynbo, 14 Sampson Av. (34-197)

The Planning Board scheduled a public hearing on May 30, 2017, at 5:45 PM, to amend condition #1 on a special permit, issued to AT&T, dated May 2, 2016, to allow the applicant to operate and maintain an existing temporary 104 ft. ballast mounted

concealed antenna monopole and wireless communication facility for an additional one-year period.

The chair opened the public hearing at 5:54 PM. Present for the applicant: Brian Grossman, from Anderson and Krieger LLP, Boston, MA.

Mr. Grossman stated that, at the present time, he was looking for an extension of the original Special Permit. However, Mr. Grossman also briefly reviewed the status of the application for a permanent tower: The application package is 98% complete, and he expected to be ready to submit in the next few weeks.

Ms. Greenough asked about maintenance.

Mr. Grossman stated that routine maintenance might take place, but nothing is scheduled in terms of upgrades or renovations.

Mr. Sherman asked if there were any changes to the existing site since initial approval.

Mr. Grossman stated that fiber communication cabling has been run to the site, as planned, but no further changes have been made.

Ms. Greenough stated that the continuation has been approved by the MV Commission, and read into a letter dated May 25, from Paul Foley (MV Commission), which stated that the Commission declined to take up the matter, and that the Special Permit may be extended at the discretion of the Planning Board through May, 2018. (Letter included by reference).

Ms. Greenough further read into the record a letter from Mary Spencer, dated May 28, 2017; Ms. Spencer spoke favorably about the application, citing improved service, and increased communication capacity in the case of emergency. (Letter included by reference).

Ms. Greenough further read into the record a letter from Robert B. Colvin, MD. Mr. Colvin spoke in favor of the project, citing improved service, and the benefits of reliable emergency communication.

Ms. Greenough further read into the record a letter from Robert Gurnitz. Mr. Gurnitz spoke favorably about the project, citing improved service, and the essential need for wireless communication services for first responders and emergency service personnel.

The chair recognized Mr. Hanley Clifford, Sampson Avenue. Mr. Clifford described an incident in which he needed immediate emergency service. Clifford: "Thanks to cellular service, emergency responders were there inside ten minutes."

Mr. Chris Kennedy, an employee of the Trustees of Reservations, spoke in favor of the application, and cited the improved communication as essential for emergency services.

There being no further public input, the chair closed the public hearing at 6:03 PM.

Mr. Sherman asked if he could vote, as he was not at the original meeting. The Chair stated that, when the application was submitted, no information was received nor deliberation conducted; the only action prior to the public hearing was referral of the application to the MV Commission. As both Mr. Sherman and Ms. Morrison had been

present for the entirety of the public presentation and public hearing, the chair declared that both had received all information, and were therefore qualified to vote.

It was MOVED by Mascolo SECONDED by Morrison

To approve the amendment to the special permit, to continue the duration of the special permit for an additional one-year period, the application in keeping with the Town's zoning bylaws, and the communications services enabled by continued operation of the facility being essentially necessary for the public welfare.

VOTED: 5, 0, 0.

The applicants were thanked for their time.

ITEMS REQUIRING SIGNATURES

Review of documents requiring signatures:

The Board reviewed and signed the following:

- Payroll sheets for staff
- Decisions for McCaslin
- Decision for Walsh
- Decision for Serio

EXECUTIVE SESSION (6:15 PM)

Ms. Greenough requested an executive session to discuss strategy with respect to pending litigation.

It was MOVED by Cavallo, SECONDED by Sherman

To enter into executive session in order to discuss strategy with respect to pending litigation, namely the Chambers ANR, in accordance with MGL Ch. 39§23B(3), the chair so declaring that discussion of the matter at an open meeting may have a detrimental effect on the litigating position of the town.

VOTED: CAVALLO: YES
MASCOLO: YES
MCCOURT: YES
MORRISON: YES
SHERMAN: YES

Mr. Adam Turner, from the MV Commission, was invited to participate in the Executive Session.

The board entered into executive session at 6:15 PM.

EXECUTIVE SESSION MINUTES

Ms. Greenough briefly described the suit that has been brought to the town. Ms. Greenough described the potential outcomes of the suit, and what the Planning Board might expect to have to do later.

Ms. Greenough described that, with an ANR, the board must trust the information that they are presented on an ANR plan.

Ms. Greenough stated that there were issues with the property that were not clear at the time the ANR.

Mr. Turner stated that he spoke with Attorney Rappaport, and suggested that the abutters had the only standing to appeal the decision, through a suit, which they have done.

The board asked about the use by Mr. Chambers of Holly Bear Lane to access the proposed lots detailed on the ANR plan, and whether such use had been established by past practice.

The Board generally agreed that the matter was out of their hands, and would have to be litigated in the courts.

There being no further business appropriate for executive session.

It was MOVED by Mascolo, SECONDED by Sherman

To leave executive session.

VOTED: CAVALLO: YES
MASCOLO: YES
MCCOURT: YES
MORRISON: YES
SHERMAN: YES

The board ended executive session at 6:26 PM.

OLD / OTHER BUSINESS

6:27 PM: Discussion: Mr. Adam Turner, MV Commission

The board welcomed Mr. Adam Turner from the MV Commission, for an update on recent MV Commission projects.

Stop & Shop Proposed Renovation Plan

Mr. Turner stated that the MV Commission had reviewed the plan in February; a traffic engineer was hired by MVC to analyze traffic. The standard for the review was to determine if the traffic plan as submitted by Stop and Shop was reasonable. The response was that it was. Mr. Turner stated that their review concluded that there was no need for a third "turning" lane, and no need to do much improvement or modification of the public way. Mr. Turner stated that, except in a few minor cases, the proposal would result in no

significant increase in traffic; the renovations would not be attracting large numbers of new customers.

Therefore, the MVC agreed to use the Stop and Shop traffic study data as presented.

Mr. Turner addressed the intersection of Edgartown-Vineyard Haven Road and Beach Road. Mr. Turner: the MVC has concluded that “The triangle is going to be the triangle”, and that traffic would be a continuing ongoing issue. No significant impact was expected at that intersection as a result of the Stop and Shop proposal.

Mr. Turner stated that the MVC did take notice with some details of the plans. Stop and Shop is expecting to put in 200 parking spaces, whereas Edgartown’s code only requires 130. TURNER: Common practice in retailing is to never turn away a shopper for lack of a parking space.

MASCOLO: Overbuilding the parking lot might justify or allow for expansion later on...

TURNER: A second concern that the MV addressed is concerns about additional noise. The MVC received one complaint from an abutter; however, that abutter built an adjacent house only recently, and Stop and Shop was already in existence at the time.

Further, the MVC insisted that the Stop and Shop design, build, and maintain a good looking store that meets the visual expectations of the Vineyard – and required specifics as to design details, landscaping, etc.

Mr. Turner stated that the changes near Pinehurst Road are expected to relieve some of the traffic congestion; another condition that the MV Commission will likely impose is the construction of an appropriate bus-stop at the site, as it is a well-used bus stop.

Turner stated that Edgartown National Bank will remain on the site across from Pinehurst Road, but the existing building will be demolished, and rebuilt by Stop and Shop, as part of the proposal.

TURNER: We haven’t yet seen a real site plan, or a real application. That is expected in June. The public hearing will be in Edgartown, and likely will be at the Old Whaling Church. Mr. Turner requested that the board attend, in order that their comments are well considered, and the public hearing process is as seamless as possible.

CAVALLO: The lack of a plan at this point – is that because delays due to Stop and Shop?

TURNER: This is Stop and Shop holding items up. We (the MVC) are ready to go.

TURNER: The MV Commission will also require that the renovation take water runoff management into account, and provide accommodations for their older clientele.

MASCOLO: We’ve suggested both of those for years.

TURNER: A lot of small details will need to be addressed in the site plan, once it’s submitted. However, traffic is not expected to be a large factor in the deliberation process.

MASCOLO: A third lane would help a great deal.

TURNER: The MV Commission’s position is that, based on the Traffic Study, Stop and Shop should not be required to provide it.

CAVALLO: The Traffic study calls for an increase of 15 more cars...

TURNER: ...per hour, and only for 45 days per year. The MVC has provided a traffic report to the Planning Board office, if the board members are interested in reviewing it.

TURNER: Again, we do not have any formal site plan in hand yet; however, I did want to update the board on the status of the project.

Housing Production Plan Executive Summary

Mr. Turner addressed the Edgartown Housing Production Plan Executive Summary, included herein by reference. Mr. Turner suggested that the board should review carefully before approving the plan. If the board was not comfortable with any part of the plan, or the proposals it provides, then there would be time to consider changes.

Mr. Turner wanted to talk about goals of the town in relation to year-round housing, seasonal housing, and other matters.

Mr. Sherman stated that the board would need to review the summary, and have a discussion later on.

Mr. Turner stated that, in spite of any changes that might be made, he encouraged the board to consider stating the Board's goals in the plan.

There was some discussion about the provisions to provide for upper-story housing (Strategy 14) in the B-I district, and (Strategy 11) in the B-II district.

Mr. Turner also spoke about the efforts in Boston to tax "Air B-n-B" rentals at rates comparable to regular lodging establishment.

Question: how would that be monitored, or enforced?

The town might choose to opt out of the program, but it would lose the revenue that could be received.

Mr. Turner stated that there would be a public hearing in relation to the proposed tax will be in Barnstable, June 16, and invited the board to join him in attending that meeting.

Mr. Turner also stated that the MV Commission was lobbying "hard" against the practice by utility companies of spraying herbicides in their rights of way. The practices of same was described and discussed, and the board briefly discussed how such practices came into being. Alternatives to spraying (such as the mechanical removal of shrubs and trees) was discussed.

Mr. Turner updated the board on Medical Marijuana; he stated that it has "come through in Tisbury" The retail location is not expected to be in the same location as the medical dispensary.

Mr. Turner stated that Schofield, Barbini and Hoehn had approached the commission in regard to a possible subdivision at 139 Meetinghouse Way, and that he would keep the board apprised on the status of that proposal.

Ms. Greenough asked if the MV Commission still published a newsletter describing current projects. Mr. Turner stated that it was likely a good idea; however, time was a bit of a constraint. However, he would continue to meet the board personally to discuss ongoing projects and upcoming initiatives.

Mr. Turner thanked the board for their continued patience and willingness to work on projects.

The board thanked Mr. Turner for his time.

LAND BANK AND CPC REPRESENTATIVES

Ms. Greenough spoke briefly about the requirements for the appointment of a representative to the CPC, and the Land Bank. Ms. Greenough stated that, although the board wished to keep Mr. Alan Wilson on as the Board's representative to the CPC, statute required that the representative be a current member of the board.

It was MOVED by Cavallo, SECONDED by Sherman,

To elect Mr. McCourt as the Planning Board representative to the Community Preservation Committee.

VOTED: 5, 0, 0.

As an aside: Ms. Greenough expressed her desire to publicly recognize Mr. Alan Wilson, as a thank-you for his years of service, and acknowledge his years of service. The chair strongly agreed, and encouraged board members to coordinate with Ms. Greenough, and decide on a suitable gift, and an appropriate way to present it.

B-II BUSINESS PLAN

Ms. Greenough delivered to the board members copies of the B-II Business plan, as retyped by Lucy Morrison. Ms. Morrison provided comments on certain items in the plan, related to content, typographical changes, and suggested changes to some language.

Mr. Cavallo stated that the board should review the document, and be ready to discuss it at a future meeting.

Mr. Mascolo asked for electronic copies of the document; Ms. Morrison stated that she will work with staff to make that happen.

NEW OR UNANTICIPATED BUSINESS

There was no new business discussed.

ANNOUNCEMENTS

The next Planning Board meeting was scheduled for Tuesday, June 6, 2017 at 5:30 PM.

EXECUTIVE SESSION (6:52 PM)

Ms. Greenough requested an executive session for the purpose of contract negotiations with non-union personnel; further to discuss strategy with respect to pending litigation

It was MOVED by Cavallo, SECONDED by Sherman

To enter into executive session in order to conduct contract negotiations with non-union personnel, in accordance with MGL Ch. 39§23B(3), the chair declaring that an open session may have a detrimental effect on the Town's bargaining position.

VOTED: CAVALLO: YES
MASCOLO: YES
MCCOURT: YES
MORRISON: YES
SHERMAN: YES

The board entered into executive session at 6:52 PM.

EXECUTIVE SESSION MINUTES

Ms. Greenough requested that she be allowed to reduce her regular hours by five per week, and that Mr. Finn be allowed to add five hours per week.

Mr. Sherman asked that, once the time goes away, would it be able to come back if needed?

Ms. Greenough suggested it likely could, so long as the fiscal impact doesn't change.

Cavallo: Does the board need to approve it?

Greenough: The board should agree to it on a trial basis, and request that the personnel board approve on a trial basis, with a review in a year's time.

Mr. McCourt discussed the potential for more hours in any given week, and whether there would be flexibility as needed.

Sherman: How often do you go over 40 hours per week?

Greenough: Not often.

Sherman: Maybe we need to add five hours to the clerk's time, without reducing the Admin Assistant by five hours.

Ms. Greenough stated that she actually would like to reduce her hours, for personal reasons. Further, having Mr. Finn take on more hours, and more of the workload, would be a benefit.

Mr. Cavallo suggested that Ms. Greenough work with the Town's HR office on a suitable plan, and come back to Mr. Cavallo for final approval.

There being no further business appropriate for Executive Session.

It was MOVED by Mascolo, SECONDED by Sherman

To leave executive session.

VOTED: CAVALLO: YES
MASCOLO: YES
MCCOURT: YES
MORRISON: YES
SHERMAN: YES

The board ended executive session at 7:04 PM.

ADJOURN

There being no further business, It was **MOVED** by Mascolo, **SECONDED** by Sherman
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:04 PM.

Respectfully Submitted,

Douglas Finn, Clerk

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