

Edgartown Planning Board Minutes

Tuesday, June 20, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, June 20, 2017 at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

SITE VISITS

No site visits were scheduled.

CALL TO ORDER

The meeting was called to order at 5:35 PM, and the roll was called.

Call of Roll:

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

Absent: Michael McCourt, James Cisek (Alternate)

Also Present:

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

A quorum was declared.

SCHEDULED BUSINESS

5:30 PM Modification to SP: Sprague, 8 Haystack Ln (11A-417)

The planning board received a request for a DE MINIMIS modification to a special permit approved, April 18, 2017, 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 property is located at 8 Haystack Ln, Assessors' Parcel 11A-417.

The modification as requested was to enclose a 20' x 7'6" existing porch, installing 8 double hung windows and one 36" full view door.

Present for the applicant: Chris Alley.

Information

Mr. Alley represented Mr. Sprague. Mr. Alley stated that the request for a de minimis modification to the previously approved special permit, to allow for enclosure of an existing porch. The porch is covered, and has a railing, but is otherwise open. Mr. Sprague wishes to add eight double-hung windows, and a door. The space will have no insulation, and will not be heated. No increase in the footprint is requested.

The board reviewed a packet of information presented by Mr. Alley. Mr. Alley reported that the pre-existing porch does not meet setback requirements (within 50 feet of public way).

Mr. Cavallo: How does this project fall within the scope of 'oversight' from last time?

Mr. Alley: I'm not quite sure.

Mr. Sherman expressed concern that the project does not meet setback requirements. Further, Mr. Sherman stated that the original project described that the interior of the house will be 'gutted', and opened up. This proposal creates another room – albeit a sunroom or three-season room – but one that could be used as an additional bedroom.

Mr. Cavallo: Does this project constitute a "de minimis" project?

Mr. Sherman: No.

Ms. Morrison: No.

Mr. Mascolo: If this adds another bedroom, then, no.

Mr. Alley stated that the proposal, previously approved, does not add any new bedrooms – but will be maintained at two.

Mr. Mascolo stated that the project should be considered de minimis since it's not adding square footage.

Mr. Cavallo reminded the board that the owner was already doubling the size of the house with the previously approved project.

Mr. Sherman disagreed with Mr. Mascolo, stating that the enclosure of the porch would represent an increase of the living space of the house, and could represent a 'sleeping space', knowing how such arrangements are made on the Vineyard.

Mr. Cavallo agreed, and was suspect of the post facto request.

Ms. Morrison stated that, in her opinion, the application does not meet the zoning, and that enclosing the porch (and creating a new room) does increase the non-conformity of the structure.

Mr. Mascolo stated again his opinion that the proposal does represent a de minimis request.

Mr. Sherman suggested that the concerns of the neighbors, as relayed during the special permit process, should be taken into account.

Mr. Mascolo was concerned that the board was being overly restrictive.

Mr. Sherman suggested that the project may be approved, but not as a de minimis request.

Mr. Cavallo also suggested that the neighbors should be provided with an opportunity to comment.

Mr. Mascolo asked about neighbors concerns with the original special-permit proposal.

Mr. Alley stated that concerns were expressed about screening, and the visual impact of the project. Those concerns were addressed, and the neighbors were satisfied.

It was MOVED by Cavallo SECONDED by Morrison

That the project does not constitute a de minimis project, and that the applicant should be directed to apply for a special permit for this project.

VOTED: 3, 1 (MASCOLO), 0.

5:40 PM Indianhead Penny L.P. v. Edgartown Planning Board and MV Ocean LLC.

The board considered discussion and deliberation on a Settlement Agreement, Stipulation of Dismissal, Return of Original Special Permit Decision, and Withdrawal of MV Ocean LLC Application.

The original application submitted by Schofield Barbini & Hoehn, Inc. on behalf of MV Ocean LLC (Wrigley), requested a special permit to construct, license and maintain an 80' x 4' timber pier with one (1) 60' x 7' T and two (2) 32' x 4' L's (opposite each other), and four (4) tie spiles at a location approximately 110 feet to the south of the existing pier on the property. The property is located at 24 Ocean View Av., on three assessors' parcels 29-146; 29-149; 29-154; in the R-60 residential district, the Surface Water District, and shore zone of the Coastal District.

The original decision of the Planning Board was voted on November 1, 2016.

Present: Attorney Sean Murphy, Attorney Ellen Kaplan.

Mr. Murphy briefly summarized the history of this project. Mr. Murphy stated that the court is expected to remand the matter back to the Town, which will then allow the applicant to withdraw the application.

The applicant and appellant will agree to allow the court to remand the decision back to the town, allowing the withdrawal to occur.

Murphy: Basically, when the judge issues his order in a few days, that order will be brought to the town for acceptance, and allowance of the withdrawal of the original application.

The board agreed to sign the agreement.

Mr. Murphy and Ms. Kaplan were thanked for their time.

Ms. Greenough informed the board that Attorney Dan Perry will be representing the town in this matter, there being a secondary conflict of interest with Town's regular legal counsel.

ITEMS REQUIRING SIGNATURES

Minutes

The board reviewed the minutes from the meetings of May 20, 2017, and June 6, 2017. The board signed the minutes from May 20. Errors were pointed out in the June 6 minutes, and will be corrected for later review and approval.

Payroll

The board reviewed payroll sheets from June 13.

Decisions: Verizon/Cellco

The board reviewed the decision for Verizon / Cellco as approved on June 6, 2017.

OTHER BUSINESS *

B-II

There was no discussion on the B-II Plan.

HPP

Ms. Greenough stated that she had spent some time reviewing the Housing Production Plan, and had some notes. Ms. Greenough stated that she had some concerns with several strategies listed in the plan.

Specific strategies were reviewed and discussed.

Strategy #1: Increase allocations of local community preservation act funds.

Greenough asked how this might be done.

Morrison: The Planning Board would need to coordinate with the CPC to increase funding for this purpose. Ms. Morrison suggested that getting agreement on this use of CPC funds is unlikely. She suspects that historic preservation is going to be a significant priority.

Greenough agreed, suggesting that the use of CPC funds for housing is likely not going to be successful.

Ms. Morrison spoke briefly about the use of CPC funds as permitted by the Community Preservation Act, and the median income limits therein, and suggested that creating a way for CPC funds to be used for affordable housing would be a tall order to fill.

Strategy #2: Solicit private funding and land donations for development of affordable and/or mixed income housing.

Ms. Morrison stated that there are limitations placed on municipalities and municipal agencies preventing them from private fundraising.

* Strategy #3: "Allocate funding for wastewater infrastructure to support creation of affordable housing."

Ms. Greenough suggested this was an excellent strategy. Providing access to water and sewer facilities would enable denser projects.

After some discussion, the board generally agreed with the idea.

* Strategy #4: "Offer municipal property at little or no cost for development of affordable and/or mixed use housing."

Mr. Mascolo stated that would likely not work, given the lack of land, generally.

There was some discussion as to how the town might lease, or sell town-owned property in order to make this strategy work. The board generally agreed to pursue this further.

½ * Strategy #5: “Implement a public awareness campaign...”

Greenough: There’s no bad time to do public awareness.

Mascolo: The issues are so well known that any public awareness would be redundant.

Cavallo: Isn’t the HPP a public awareness campaign in and of itself?

* Strategy #6: “Advocate for special legislation for an increase to the real-estate transfer fee, allocating an extra 0.5% for affordable housing purposes.”

Mascolo: “I’m against this.” There were some concerns expressed that this would amount to another tax; the board will revisit.

* Strategy #7: “Advocate for special legislation for a seasonal rental excise.”

Cavallo: How would this work? Who would collect?

Ms. Greenough described the rough parameters of the proposals being considered by the state currently.

Mascolo expressed concerns that this proposal, or any variant of this proposal, would dampen tourism, and reduce incomes for tourism-based industries.

Mr. Cavallo also expressed concern, given that the plan would require self-policing, or that the ways and means of the implementation of the plan has yet to be defined.

Ms. Morrison stated that, with rentals managed by any agency, the taxes would be collected and reported by that agency.

Mr. Cavallo stated that it would not be the Planning Board that would implement such a plan.

* Strategy #8: “Advocated for the adoption of property tax incentives...”

Cavallo: How would we do this? (PB should not focus on this).

Strategy #9: “Support creation of an Island Seasonal Housing Task Force.”

Ms. Greenough asked how this would be implemented. There was some discussion as to what it might look like, or whether this was already being done.

Ms. Morrison stated that there were concerns expressed by other entities related to seasonal housing, and that many opinions were that year-round housing was equally important, if not more so. The ability of the planning board to promote opportunities for different types of housing (multi-unit housing, dormitory-style housing, etc.) was discussed.

Strategy #10: “Explore creation of an island wide or sub-regional housing trust.”

Mr. Cavallo: Absolutely not.

There was some discussion as to the benefits and detractions of property trusts, and the impact of such organizations on property values, and the availability of affordable property.

The board generally agreed not to pursue the strategy.

* Strategy #11: "Ease the requirements for accessory apartments."

Ms. Greenough suggested this might be a good matter to consider. The board agreed to look into this matter further.

* Strategy #12: "Make the Affordable Homesites Provision a more flexible tool for creating affordable housing."

Ms. Morrison: Edgartown Zoning Bylaws 11.20 ("Substandard Lots as Affordable Homesites") allows for the grant of a special permit, allowing construction of affordable housing on a substandard lot. Ms. Morrison stated that, in her recollection, seven people have applied for special permits under this provision, with three receiving permission.

Further, the ZBA is considering relaxing the restrictions on the property in these cases. However, Ms. Morrison would NOT be in favor of that.

The board agreed to pursue the strategy.

* Strategy #13: "Zone for multi-family housing."

Mr. Cavallo stated that there is already multi-family housing in Edgartown. There was some discussion as to what constitutes 'multi-family' housing, and where in Edgartown it is located. The Fisher Rd housing was mentioned.

Ms. Morrison stated that multi-family housing is not allowed by current zoning bylaws. *(Edit: See Zoning Bylaws, 11.15)*

* Strategy #14: "Specifically provide for, and make it easier to create upper-story apartments."

The board agreed to pursue this strategy.

Morrison: what about the historic district? Would they agree with apartments in the historic district? They need to have the conversation.

Strategy #15: "Consider flexible development zoning."

Morrison: How is that not spot zoning?

Mascolo: Changing the zoning for a single part of a zone would be a nightmare.

Ms. Greenough suggested that the strategy seemed to be too vague to be helpful or useful.

Cavallo: I don't like it. Too many variables.

The board will not pursue #15.

Ms. Greenough thanked the board for the discussion.

NEXT MEETING

The next Planning Board meeting was scheduled for Tuesday, July 11, 2017 at 5:30 PM.

ADJOURN

There being no further business, it was MOVED by Sherman, SECONDED by Morrison
To Adjourn.

VOTED: 4, 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

Member