

Edgartown Planning Board Minutes

Tuesday, December 5, 2017

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

CALL TO ORDER

The meeting was called to order at 5:31 PM.

Call of Roll:

Present: Fred Mascolo (Chair pro temp), Michael McCourt, Lucy Morrison, Sam Sherman, James Cisek (Alternate)

Absent: Robert "Coo" Cavallo

Also Present:

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

A quorum was declared.

The board agreed that Mr. Mascolo may act as chair pro temp for the duration of the meeting.

BOARD BUSINESS

5:30 PM ANR – Elizabeth & John Balay, 32 Cottage St (20D-263.2) Lot line adjustment with approval from ZBA using a variance (granted on November 1, 2017). (Agent: Reid Silva, Vineyard Land Surveying & Engineering)

The board considered a Plan Not Believed To Require Subdivision Approval, submitted on behalf of Elizabeth and John Balay, 32 Cottage Street, Assessors Parcel 20D-263.2.

Present for the Applicant: Reid Silva, Vineyard Land Surveying and Engineering.

Mr. Silva presented the plan, as proposed. The proposal would involve two small-parcels that transfer about 936 square feet from parcel from the Steele property to the Balay property 20D 263.1 to 20D-263.2. The parcels are not in the same name, but the owners are related (mother and daughter).

The question was about the purpose of the transfer of land from one owner to the other. Mr. Silva had no specific knowledge about future plans for the property.

Ms. Greenough asked if Mr. Silva would be willing to return, in order that the board may consider future plans for the property.

Mr. Sherman asked about the variance, previously granted by the Zoning Board of Appeals. Mr. Silva didn't have information about the variance. Mr. Silva repeatedly referred to Rob McCarron, attorney for the owners of the lots, who filed for a variance and attended the

Zoning Board of Appeals meeting. The variance was granted. Ms. Greenough attested there were ZBA documents in the file approving the variance.

Mr Sherman suggested that the board review the ZBA records in regard to the variance, and take up the matter at a later meeting.

Mr. Mascolo stated that he felt that the matter was a ‘no brainer’, given that the proposal already had the approval of the ZBA, and the matter before the Planning Board was an “ANR” proposal, with a limited scope of review.

As Mr. Silva did not have the mylar for signature, the board took no action, but will address the matter at a later meeting.

5:45 PM ANR – Edgartown Harbor Nominee Trust, 305 & 311 Katama Rd (45-159.41 & 45-159.42. Combine the front two parcels and redivide. (Agent, Doug Hoehn, SBH & Greg Milne)

The board considered ANR, submitted on behalf of Dr. Robert Mitchell Trust / Edgartown Harbor Nominee Trust, re/ Parcels 45-159.41 and 45-159.42.

Present for the Applicant: Doug Hoehn, SBH, and Greg Milne.

Mr. Hoehn described the plan, which proposes a lot-line adjustment, increasing 45-159.42, and decreasing 45-159.41.

The purpose was to allow existing barn to remain (or be modified) and proposed construction of a new structure, or other permitted purpose. The proposal will not require new access, or create non-conforming lots.

It was MOVED by Morrison, SECONDED by McCourt

To endorse the ANR as presented.

VOTED: 4, 0, 1 (CISEK).

RICE, WILLIAM and MAUREEN – Application for a De Minimis Determination – 9 Briggs Road (27-9.21) De minimis Modification to approved special permit to allow proposed construction to comply with change in flood plain delineation.

The board considered a Request for a De Minimis Determination, submitted on behalf of William and Maureen Rice, 9 Briggs Road.

Present for the applicant: Doug Hoehn, SBI, Inc.

Mr. Hoehn presented the application, and described the intent. Due to a change in the delineation of the flood plain, the applicants are requesting a minor modification to the placement of a proposed construction, previously approved through Special Permit.

The project proposes to remove existing structures, and build a single family structure with a garage, pool house, and pool. All have been approved by Special Permit. All new structures were proposed just outside of the 100-year flood delineation. However, due to technical issues, the delineation of the flood-zone area, as initially measured, was inaccurate.

Therefore, the proposed structures will be moved between four and six feet further away from the flood-zone area.

Ms. Greenough reminded the board that a two-step procedure was required – determine if the change as proposed meets the ‘de minimis’ definition; and then whether the modification is acceptable.

It was MOVED by Sherman SECONDED by McCourt

To approve the request as a de minimis modification to the original special permit.

VOTED: 5, 0, 0.

It was MOVED by Sherman SECONDED by McCourt

To approve the modification of the project as defined in the de minimis application.

VOTED: 5, 0, 0.

**5:45 PM PUBLIC HEARING: Edward & Susan Mackey, 20 Thaxter Lane (45-16.32) SP:
Construct 20' x 40' in-ground swimming pool, landscaping and related site activities
on a non-conforming lot of .74 acres in R-60/Katama DCPC. (Agent: Doug Hoehn,
SBH Inc., Tracey)**

The board considered an application for a Special Permit, submitted on behalf of Edward and Susan Mackey, 20 Thaxter Lane, for the installation of an in-ground swimming pool, hot tub, enclosure for the pool equipment, landscaping and related activities.

Present for the Applicant: Doug Hoehn, SBH. Also present: Lillian Province, Landscape Architect.

Ms. Greenough read the public notice. Mr. Mascolo opened the public hearing at 6:00 PM.

Mr. Hoehn presented a revised plan, and reviewed the plan with the board.

Mr. Sherman asked about the groundwater level; Mr. Hoehn replied that the elevation is about 18 feet, with groundwater anticipated at about 13 feet below the surface.

Ms. Greenough recommended the standard conditions as established which applies to all pool installations. The checklist will be presented to the Planning Board office along with photographic representations of the proposed lighting and fencing surrounding the pool.

Mr. McCourt asked if the neighbors were contacted in regard to the plan? Answer: Affirmative. Question: Were there any issues raised by neighbors? Answer: none. Question: Closest distance from the pool to the lot line? 34 feet.

There being no further comment, Mr. Mascolo closed the public hearing at 6:06 PM and the board deliberated.

It was MOVED by McCourt SECONDED by Cisek

To approve the application as presented, with standard swimming pool conditions conditional on adherence to the pool checklist.

VOTED: 5, 0, 0.

6:00 PM HEARING: Form C. Katama Acquisitions LLC (Sean Chapps), 410 West Tisbury Rd & 4A Bennett Way (27-249.1 & 249.2) Combine two parcels and divide into three. (Agent: Doug Hoehn, SBH Inc.)

The board considered an Application for a Definitive Subdivision (Form C), presented on behalf of Katama Acquisitions LLC (Sean Chapps), for a subdivision of property at 410 West Tisbury Road and 4A Bennett Way, Assessors maps 27-249.1 and 27-249.2.

Present for the Applicant: Doug Hoehn, SBH, Inc.

Ms. Greenough read the public notice. Mr. Mascolo opened the public hearing at 6:09 PM.

Mr. Hoehn described the plan, which proposes to combine two existing lots, and redivide them into three lots. Current zoning requires ½ acre lot sizes. Other lots in the vicinity are 1-acre or more.

Mr. Hoehn described access to the lot, and how it met, or did not meet requirements for access in the Island Roads District.

Mr. Hoehn described the process by which the applicant obtained a curb-cut permit from the state, providing access off of the Edgartown-West Tisbury Road.

Mr. Greenough asked questions in regard to the ANR as approved in May of 2014, and how that factors into access to the lots.

Mr. Hoehn described the regulation re/ the Island Roads District as relates to access to the lot.

Mr. Mascolo asked about the use of Meeting House Hill Road, and how it applies to the proposal. Mr. Hoehn stated that there is no plan or intention to make use of Meeting House Hill Road for access to any of the lots. Construction that is ongoing is not happening on any of the lots under review. The plan also proposes a no-cut buffer of 15 feet along Meeting House Hill Road.

Morrison: does lot three continue to use Bennett Way for access? No.

Cisek: Do you have permission to cross the bike path? Answer: the state has given approval.

Ms. Greenough asked about the possibility of access of the lots from Bennett Way instead of the state road.

Mr. Sherman asked whether lots one and two would have no access to Bennett Way. Mr. Hoehn confirmed they would not.

Ms. Greenough: How much square footage is taken up by the driveway and the common way: 11,200 sq. feet +/-.

Ms. Morrison: What is the narrowest cross section of the proposed new road? Answer: 30 feet.

Ms. Greenough read letters of comments received from abutters (included herein by reference):

- Terry and Elizabeth Chance, 33 Meeting House Hill Road, email dated December 4, 2017, 11:48 AM.

- Mr. Rob and Nina Davis, 17 Meeting House Hill Road, via e-mail dated December 4, 2017, 11:01 AM.
- Anthony A DeSabato, 23 Meeting House Hill Road, via e-mail dated November 29, 2017, 9:59 AM
- Deborah and Russ Hawkins, 13 Meeting House Hill Road, via e-mail dated December 5, 2017, 11:37 AM.

Mr. Hoehn stated that certain individuals were under the incorrect impression that a variance was being requested. No such variance has been requested, nor is there an anticipated need for a variance.

Mr. Mascolo stated that there seems to be some confusion based on (a) the current development of another property and (b) the misunderstanding about the need for a variance.

Mr. Mascolo stated that there seems to be no problem with lot sizes – the lots as proposed will conform to zoning requirements.

Mr. Don Turnell spoke in regard to the proposal, expressed concerns related to the safety of users of the bike path, and asked if there was a possibility to access the lots from Bennett Way instead of across the bike path. Mr. Sherman pointed out that, regardless of where they access the lots, there will be an increase of traffic – either across the new access, or across Bennett Way.

Mr. Sean Chapps spoke to the board in favor of the project, and described a brief history of the project.

Mr. Cisek: Did you consider building on just two lots? Answer: We did, but realized that we could create a third lot, that we got a curb cut from the state for three lots, and have approval for three sewer connections.

Mr. Chapps described the intention to create a 15-foot no-cut buffer at the back (west) of the newly created lots, providing natural screening from Meeting House Hill Road.

Mr. Sherman: In the original plan, was lot one (1) land-locked? Mr. Hoehn: We knew that we had to get a curb cut in order to access the front (north) lot.

Mr. Don Persson – 6 Bennett way – spoke about two concerns: He felt that three ½ acre lots are unnecessary, when surrounding lots are a full acre. Mr. Persson stated that Bennett Way has seen a significant increase in traffic, and that the road is not designed to accommodate the levels of traffic. Mr. Persson stated that two homes on the lots as they exist is appropriate, but three homes in the same space is inappropriate.

Mr. Russ Hawkins – 13 Meeting House Hill Road – commented on the project, stating that it is too dense, considering that size of the lots, and access on Bennett Way. Mr. Hawkins stated that the plan was approved for two lots, and should stay at two lots. Additionally, Mr. Hawkins stated cuts across the bike path should be minimized, and that the impact of the paving of Meetinghouse Way will have an unexpected impact.

Scott Castro – 3 Meetinghouse Way – stated his preference for access to the three lots across the bike path to the main road, instead of across Bennett Way.

Mr. Persson spoke again, stating his opposition to division of two lots into three.

Ms. Morrison: At any point, was Bennett Way considered for access to three new lots?

Answer: the logistics of the use of the existing 'Lot 2' access on Bennett Way would not be practicable due to the geometry of the existing lot lines.

There being no further public comment, Mr. Mascolo closed the public hearing at 6:50 PM.

Mr. Sherman: The issue with access has been settled in a reasonable way, in spite of the extra crossing of the bike path. The same traffic, the same amount of cars. Mr. Sherman expressed his concern that the property was purchased as two buildable lots, and the request is to create three lots.

Mr. McCourt: The proposal is to create ½ acre lots, surrounded by larger (1 acre) lots. Are there building envelopes? How do setbacks factor into the project? Mr. Hoehn; The setbacks will not impact the potential to build on the lots. The setbacks are 30' in front and 10' on the side and rear setbacks.

Mr. McCourt: did you consider this when originally subdividing? Answer: only insofar as the rules were concerned.

Mr. Mascolo: The negative of the three-lot plan is that it is an increase in density. The positives are that the three lots will be on town sewer. No access to Meeting House Hill Rd or Bennett Way shall be allowed, which will reduce potential traffic on Bennett Way. The lots as proposed will meet current zoning regulations. Density is something with which the Planning Board continues to struggle.

Mr. McCourt: The proponents are attempting to minimize the impact by using a shared access to West Tisbury Road. Use of the town's sewer is a significant advantage. Mr. McCourt also expressed his concerns with the questions of density.

Mr. Mascolo asked about increasing vegetation to the 15-foot 'no cut' buffer to the west side of the proposed lots? Mr. Chapps stated that he would be amenable to the proposal.

Mr. Cisek: the proposal increases the density too much.

Ms. Morrison: The increased density is still a concern; however, the proposal meets zoning requirements.

Mr. Sherman: privacy, particularly through judicious natural screening, is an advantage to all property owners. However: wouldn't two lots with greater buffer space be more valuable than three lots with less buffer space?

Mr. Chapps: There can be as much privacy on ½ acre lot as there is on a 1-acre lot. Visual screening will help to enhance the privacy of the property owners.

Mr. Turnell: Is the proposal to build houses, and sold as finished properties? Or will the lots be sold as buildable lots? Mr. Chapps: Our intent is to build houses on the lots, and then sell the lots.

Ms. Hawkins: What is the limit on house size / number of bedrooms? Answer: Since the lots are approved for connection to Town Sewer, the limit is five bedrooms. Question: Are guest houses allowed? Answer: so long as allowed by zoning, they could be added.

Mr. Persson: Once sewer is across West Tisbury Road, will property owners on Meeting House Hill be required to connect? Answer: No.

Mr. Castro: To be clear: If approved, the potential for fifteen bedrooms would exist?

Answer: yes.

Mr. Sherman: Given the fact that the proposal does meet bylaw requirements, and that Mr. Chapps has provided a 15-foot no-cut zone, and not to access any lots on Bennett Way, the proposal should be approved.

Mr. McCourt: Still concerned with the 'density' question.

Mr. Mascolo: However, the proposal does meet the zoning rules.

Mr. Cisek: Just because it's legal doesn't make it right. The potential for fifteen bedrooms exists. Mr. Chapps replied that the largest house that he would expect to build would be a four-bedroom home.

Mr. Mascolo: an increase in number of bedrooms means a higher sewer bill for the property owner.

Ms. Morrison: Nothing more to add.

Mr. McCourt: Can we condition the approval?

Mr. Sherman: Mr. Chapps has no incentive to build a house that isn't marketable.

Mr. Mascolo: And Mr. Chapps is one of the better builders on the island, and not a builder from somewhere else.

Mr. Cisek (to Chapps): Would you be willing to accept a restriction on the lots limiting new construction to four bedrooms per lot?

Mr. Mascolo then proceeded to describe the 'gains'

- 15 foot no cut buffer to the west
- No access to Bennett Way from the three lots
- A deed restriction against guest houses
- A deed restriction limiting each lot to a total of four bedrooms..

It was MOVED by Sherman SECONDED by McCourt

To approve the application as presented, with the following conditions:

- *15 foot no-cut buffer to the west*
- *No access to Bennett Way from any of the three lots*
- *A deed restriction prohibiting guest houses.*
- *A deed restriction limiting each lot to four bedrooms.*

VOTED: 4, 0, 1 ABSTENTION (CISEK).

The applicant was thanked for his time.

At 7:15 PM, Mr. Cisek stepped away from the board as he is an abutter to the application, and as the alternate, is not allowed to vote on any divisions of land (ANR) or subdivisions.

6:15 PM ANR – Continuation. John F. and Carlene H. McGRATH, 25 Meshacket Road (28-20.1) Divide one parcel into three parcels with 3 separate accesses (George Sourati, Chuck Gilstad, Sourati Engineering Group, LLC)

At 7:16 PM, the board addressed the continuation of the application prepared for McGrath at 25 Meshacket Road, Assesors map 28, lot 20.1.

A revised plan was presented for consideration. The plan would include a shared driveway, with a deeded easement allowing access to lots 2 and 3.

Ms. Greenough described the plan as being ‘almost a Form C’, as it uses a single access to access two lots.

Mr. Sherman stated that the shared driveway was requested by the Planning Board in the first place.

Ms. Morrison stated that she had some concerns with plans that use a ‘boot’ (hammerhead) at the common way that meets zoning requirements, but narrows to a pathway toward the back property line.

It was MOVED by McCourt SECONDED by Sherman

To endorse the plan as presented and to permit a second curb cut for access to Lot 1 on the plan.

VOTED: 4, 0, 1 ABSTENTION (CISEK).

6:30 PM Discussion – Byways Committee

The board recognized members of the Byways Committee for commentary and presentation on the work of the Edgartown Byways Committee.

Mr. Robert Green, co-chair of the Byways Committee, introduced committee members: Polly Bassett, Elizabeth DeWitt, Ellen Blodgett, and Judd Jones.

Mr. Green gave the board a brief history of the formation and purpose of the Byways Committee.

- Formed in the early 1990s
- Byways / Special Ways identified by the early 2000s.
- The Committee was ‘actively in limbo’ for a time after that, due to various legal and other issues.

Ms. Bassett began meeting formally in March, walking trails, and reorganizing.

The Committee is interested in hearing from the board about concerns, or areas of interest.

Ms. DeWitt stated that money was made available for trail / path identifiers, and one has been placed to date. Trails are of significant interest to the general public.

Ms. Blodgett stated that there are larger numbers using the trails, and that restoring access to trails, and connecting one trail to the next.

Mr. Mascolo asked about the prevalence of ticks, occurrences of Lyme disease, and what could be done to reduce exposure to ticks by users of trails.

Mr. Green stated that the committee has received support from the Land Bank, and looks forward to cooperative efforts with the Land Bank.

Mr. Mascolo stated that, during the summer, he had done some walking on the bike path, and had encountered with an electric bicycle, and asked if such bicycles are permitted on the paths. Mr. Green stated that the committee's goal is to keep the paths free of motorized vehicles.

Mr. McCourt expressed his thanks to the committee for their work, stating that the trails and paths are an essential part of the island.

The committee was thanked for their work.

OLD BUSINESS

No old business was addressed.

ITEMS REQUIRING SIGNATURES

- The board reviewed and approved amended payroll sheets, related to pay rate adjustments regarding the new payroll criteria and classifications.
- No decisions required signatures.

NEXT MEETING

The next regular meeting was scheduled for Tuesday, December 19, 2017 at 5:30 PM.

ADJOURN

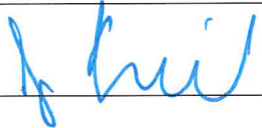

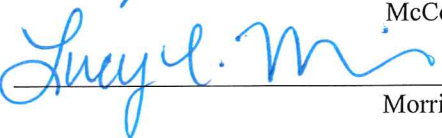
There being no further business, it was MOVED by Cavallo, SECONDED by Mascolo

To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:41 PM.

Respectfully Submitted,
Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on	
	(Date of vote)
	Cisek Cavallo
	Mascolo
	McCourt
	Morrison
	Sherman

