

Edgartown Planning Board Meeting Minutes
February 2, 2016 at 5:30 PM
Town Hall - 1st Floor Selectmen's Meeting Room

Members in Attendance: Chairman Michael McCourt, Robert Cavallo, Fred Mascolo, Robert Sparks and Alan Wilson

Staff in Attendance: Georgiana Greenough, Assistant; and Lucy Morrison, Clerk

Chairman Michael McCourt called the meeting to order at 5:30 PM.

5:30 PM: Leaf, 284 Upper Main St (20A-64) Six Month Review of SP extensions

In Attendance: Colin Young

Mr. Mascolo recused himself from the meeting and left the room.

Mr. Young approached the Board. He explained that the applicants have been focusing on the project at 223 Upper Main St, and recently closed on a loan for construction. Mr. Young stated that the applicants plan to start construction on 284 Upper Main St before September, but have no progress to show at the moment due to the focus on 223 Upper Main St. Mr. Young stated that there have been conversations with the water and sewer departments about 284 Upper Main St.

Mr. McCourt asked how much longer until applications for building permits would be filed for 223 Upper Main St. Mr. Young stated that he will be meeting with the building company soon, and would get an idea of the timeline and schedule. The Board suggested that Mr. Young return to the next meeting for more updates. Ms. Greenough also suggested that Mr. Young bring the closing documents for the loan to the next meeting on March 15th.

Mr. Sparks moved to continue the update to March 15th for more information and closing documents.

Mr. Wilson seconded, and the motion passed unanimously, 4-0.

Mr. Mascolo rejoined the meeting.

5:37 PM: Continuation: Beach St Properties, LLC, 2 Beach St (29B-84) SP: Demolish 126 year old non-conforming structure on a non-conforming lot, remove portion of structure and garage located on town-owned property and rebuild on existing footprint

In Attendance: Geoghan Coogan, Louise Brooks, Bill Senst, George Davis, Kim Naylor, Diane Durawa

Mr. Coogan approached the Board and asked if there were any questions about the changes made to the plan since the last hearing. Mr. Cavallo asked why the parking spaces were not staked for the site visit conducted the morning of the meeting. Mr. Coogan replied that the stakes for the parking spaces would be located within the existing shed structure on the property, which make it difficult to stake.

Mr. Coogan stated that the appearance and scale of the proposed structure conform to the neighborhood. He presented the Board with pictures of other properties in the area. He stated that the architecture and size fit in with the other buildings in the immediate vicinity.

Mr. Coogan stated that the Board had requested that the applicants lower the roofline, and said that those requests were met as best as possible, but added that there is a standard height for bedrooms.

Mr. Coogan stated that the building is architecturally similar to the Naylor property. He stated that there should be no argument that the plan fits in with the appearance of the neighborhood. He presented the Board with photographs and pointed out the changes and differences in the building proposals on the elevation plans.

Mr. McCourt asked about the conversations with the direct abutter. Mr. Coogan claimed that the architects and the applicants have put a lot of effort into the architecture of the building, and that there have been conversations with the neighbors on both sides. Mr. Coogan stated that after his experience with the negotiations, he was of the opinion that there will not be an agreement with the Naylor's. He stated that the proposed building is not that large, and there have been many efforts to compromise. Mr. Coogan detailed how the applicants have lowered the roofline, but it was not to the satisfaction of the direct abutters. Mr. Coogan stated that there have been a lot of discussions about old applications and neighborhood disputes. He stated that the applicants would be in favor of relieving the Naylor's from some of the restrictions imposed on their special permit, if the Naylor's are interested in having the restrictions lifted.

Mr. McCourt stated that the Board is concerned about unanswered questions regarding the application. He stated that he was disappointed that no one was present for the site visit, since it is an opportune place to have questions answered. Mr. McCourt stated that this is a unique project, and special in that the property has practically no setbacks. He acknowledged that the applicants have the right to build on their existing footprint, but the Board is trying to decide on what scale. He stated that the unanswered questions make it difficult for everyone to make decisions.

Mr. Mascolo asked about Mr. Coogan's comment regarding the relief of the Naylor's restrictions. He stated that he was 100% in favor of neighbors working together to reach compromises. Mr. Coogan clarified that the applicants have no control over their neighbor's special permit conditions from an old application, but that they would support efforts to relieve the restrictions if it were something that the Naylor's would like to pursue. Mr. Sparks stated that it seemed irrelevant to this hearing whether or not the neighbors can sit on their balcony.

Mr. Davis stated that these points were raised at the last hearing, and that the Naylor's have accepted their restrictions and conditions, and are not trying to change them. He suggested that the focus be turned back to the proposal before the Board now. Ms. Naylor commented that the restrictions placed on her renovation were difficult, but that it is not her intention to focus on what she went through. She is only concerned about the size and scale of the structure next door.

Mr. McCourt stated that he was not comfortable reviewing old approvals to justify the current application. Mr. Mascolo stated that this could be an opportunity for restrictions to be lifted, if it would help the situation. Mr. Davis stated that the proposed structure is the main concern, not the old restrictions.

Mr. Cavallo requested to be shown where the parking would be located on the plan, and stated that it would be easier to understand if it were staked. Ms. Greenough commented that the Department of Transportation recommends 18' x 17' for a parking space, and the applicants have only designated an area of 15'3" x 13'6". Mr. Coogan explained that the proposed location for the parking is the best and only area that it can be done.

Mr. Coogan stated that there are different feelings about communication between the abutters and the applicants. The abutters have said that there was no communication or compromise, while the applicants feel that there has been plenty. Mr. Coogan stated that he felt that the applicants have heard everything and have addressed as many concerns as possible. He asked the Board what specific questions are left unanswered. He added that the architects are present and can address specific issues.

Ms. Greenough read the letters submitted for the application. A letter from Kim & Barrett Naylor written on February 2nd was read. Ms. Naylor claimed that the applicants denied requests to communicate about the concerns regarding size and design. The letter also expressed concern about the overbuilding and massing of the structure, as well as parking and landscaping.

Diane & Tom Durawa wrote on February 1st to express concerns about the increase on the second floor and parking.

Ms. Greenough compiled a staff report from observations made over the application period, which she read. Mr. Coogan requested an opportunity to respond to Ms. Greenough's notes. He stated that he strongly objected to the allegation that there was no work done by the applicants to communicate with neighbors. He also claimed that the comparisons to other houses in the neighborhood were to the structures and the design of the buildings, not to the size of the lots.

Mr. Coogan stated that at the meeting in December, the architects had asked for the Board members' opinions on the design of the structure, and have not had the chance to ask if the Board approves of the new design. There were no opinions or dialogue about new look of the building.

Mr. Cavallo asked about the total square footage reduction. There was none from the last hearing. The roof reduction does not affect square footage, it only changes volume. The square footage remains 1,926 square feet.

Mr. McCourt addressed the audience. He asked if there was anyone present in the audience who was in favor of the project. There was not. Mr. McCourt asked if there was anyone present in the audience who would like to speak who was opposed to the project. Mr. Davis stated that he was present to represent

the Naylor family at 4 Beach St. He stated that many of the points he would like to make were addressed in the letter from the Naylor's. He said that there is an underlying issue with communication. After the hearing on December 1st, the applicants were told to work with the neighbors. Mr. Davis stated that there was no communication between then and the submission of the updated plan, but that there have been discussions since the proposal was submitted. He stated that nothing has changed since the second proposal, and that the requests of the abutters are not reflected in the modifications to the applications. Mr. Davis commented about the comparability of this structure to the other houses in the neighborhood, and noted that the other lots are at least twice as large. He stated that it is unfair to compare a small non-conforming house on a small non-conforming lot house to other houses on larger lots. He stated that the proposal increases the square footage of the structure by about 200 square feet and turns a ¾ story into a full second story. He stated that the appearance of the structure is boxy and not at all in keeping with the neighborhood. Mr. Davis stated that the neighbors think that the house is too big and needs to be reduced. He stated that the changes made to the plan since December are not significant, that there was no reduction in living space, and that there was no reason for the house to be as big. Mr. Davis also commented about the confusion regarding the plans and the measurements, and stated that it is difficult to understand the full representation of what is being considered. Mr. Davis also stated that it would be a shame if the property were to end up in the Historic District after recently being completely renovated and losing all historic characteristics.

Ms. Greenough reminded the Board that this application is hugely non-conforming, and could be the most non-conforming project that has ever come before the Board. She clarified with Mr. Coogan that the determination that the structure is in keeping with the neighborhood is a subjective judgement, and the Planning Board works to avoid subjective classifications. She stated that decisions are based on numbers and facts, and that the applicants make it difficult for the Board when incorrect information is submitted. She stated that there are still assumptions and confusion as to how certain numbers on the plans were calculated.

Mr. Coogan stated that the referencing standard in the decision making process is clear. He stated that the proposed structure is 132 square feet larger than current structure, and is printed on the plan, and has been printed on the plan since the beginning of the application process. He stated that parts of the building are being removed, and the space is being added to the second floor.

Bricque Garber was present to express the concerns of the Historic District Commission. She stated that the issue is not the square footage, but the massing and the loss of the façade of the building. She said that it would be unfortunate to ruin something so charming in order to gain square footage. Ms. Garber stated that the house is the last remaining historic beach house in town, and it would be a terrible shame and huge loss to the Town to demolish it. She stated that smaller homes are consistently being replaced by new, larger structures and that this is an opportunity to preserve.

Bill Senst approached the Board for clarification regarding the square footage numbers. He stated that the applicants were in no way trying to hide the square footage or mislead information. Mr. Senst stated that the proposed structure will be built on the exact same footprint, but built up to the maximum

height, from a ¾ second story to a full second story. Ms. Greenough stated that there should be no increase in space on such a non-conforming lot.

Diane Durawa stated that she appreciated the clarifications of Mr. Coogan and Mr. Senst. She also said that square footage of the structure has been a big concern, and still continues to be a concern.

Mr. Sparks stated that this was certainly the most non-conforming structure he has dealt with during his time on the Board. He said that he was disappointed in the lack of communication between applicants and abutters. After the meeting on December 1st, the Board had hoped that the neighbors could communicate and work out the issues with the proposal. He stated that this lot is tiny even by the standards of in-town properties, and the foundation is located in the road. He stated that he had hoped that there would be a meeting of the minds somewhere in the middle, and found it upsetting that the neighbors could not even agree on whether or not there have been conversations. He noted that there is only 28 feet between the houses, and hoped that this application would not create a rift between the neighbors. Mr. Sparks also said that the Planning Board will not make any decision that makes a property more non-conforming. He stated that the Board is trying to be reasonable, but it is difficult when it appears that there was no movement toward trying to resolve the neighbor concerns.

Mr. Coogan stated that he did not hear from the Board since the meeting on December 1st other than correspondence with the assistant regarding particulars about the building. He also asked if these conversations would be happening if the lot were bigger.

Mr. Mascolo stated that the application process has been going on for a while, and thought that it would be beneficial to have one more hearing to give the applicants one last opportunity to compromise.

Mr. Wilson stated that if this property were a newly created lot, it would not be buildable due to its location in the Coastal District. The only reason that the applicants are able to build anything is because there are already existing structures on the property. He stated that the Planning Board has no right to judge architecture. Mr. Wilson stated that, in general, he does not agree with maxing out a piece of property, and that this application is an oversized house on an undersized lot. Mr. Wilson also commented that the house is close to the historic district, and may become part of the historic district after Annual Town Meeting. He stated that there was nothing to be gained by continuing the hearing. Mr. Mascolo stated that this is the first time the applicants are hearing the opinions of the Board members. Mr. Wilson stated that the Board has reviewed the application extensively and called for a vote.

Mr. Coogan urged the Board to continue the public hearing. He assured the Board that the applicants will work to address any and all concerns. Mr. Cavallo and Mr. Sparks agreed to continue the hearing. Mr. Wilson disagreed.

Mr. Sparks moved to continue the hearing to March 15th. Mr. Cavallo seconded the motion to continue the hearing. Mr. Mascolo, Mr. Sparks, Mr. Cavallo and Mr. McCourt voted aye. Mr. Wilson voted nay. The motion passed, 4-1.

6:35 PM: Pre-application Discussion: 139 Meetinghouse Way (37-47), Development of 52+ acres

In Attendance: Doug Hoehn, Michele Cassavant

Doug Hoehn announced that the applicants have been named the project Meetinghouse Way, LLC and distributed the preliminary conceptual plans of the development. He explained that since the last discussion, the applicants gave an informal presentation to the MVC staff and received comments. A traffic study is currently being prepared. Mr. Hoehn stated that he has confirmed with NHESP three times that the property is not in priority habitat; however, the habitat is on the other side of the property line.

Ms. Cassavant has been working with the Edgartown Affordable Housing Committee and other groups. The project was discussed with Christine Flynn at the MVC staff meeting. The applicants are working on finding an access piece to Meshacket Rd to tie into the sewer. The applicants have also met with the Fire Chief, Peter Shemeth.

Mr. Hoehn presented the concept plan done by Dwight Demay and Hart Howerton. The proposal consists of 36 lots with common areas and amenities. Each lot has a restricted building envelope. The average lot is slightly less than 1.5-acres, and is limited to a small development area. Most building envelopes were approximately 80 feet x 160 feet. Mr. Hoehn stated that the plan also showed about 2.5-acres of community garden space, 4,000 feet of linear road winding through the development. Mr. Hoehn stated that the applicants are considering a split road to allow for green spaces in between the lanes. He also mentioned the 200 foot buffer zone from Meetinghouse Way. Mr. Hoehn also stated that a healthy buffer would be maintained along Division Rd, and along the north and eastern sides of the property that abut the affordable housing parcel. Overall, there will be 13 acres of developable land, and the property will be 60-65% open space.

Mr. Cavallo asked about the progress with town sewer. Mr. Hoehn stated that due to nitrogen loading of the Edgartown Great Pond watershed, the tie-in to the sewer is necessary as it relates to total allowable bedroom count. Without sewer, the subdivision will not be able to have as many lots, and might not happen at all.

The proposal described a series of paths throughout the development. Swimming Place Path is a Special Way that borders the northeastern side of the property. The proposal also included walking paths along the perimeter of the property. Mr. Hoehn stated that maintaining the openness of the property was a priority. The MVC has an open space plan that ranks properties for their open space value. Mr. Hoehn stated that this proposal more than meets those policies. Mr. Hoehn stated that there are paths on the site that have been used for a long time, but that are not officially ancient way or special ways. These paths will be maintained as they are, with a few more connecting to others.

Mr. Cavallo asked if the property will be tied in to town water. Mr. Hoehn stated that the applicants plan to tie in, but have not heard anything official.

Mr. Hoehn anticipated that the homeowner's association covenants will be just like any other, and state that the property owner must stay within building envelope on each lot.

Mr. Wilson asked if a developer will be building houses, or if the properties will be sold as lots. Mr. Hoehn stated that the current conversations involve construction. Ms. Greenough asked about builders and schematics. Mr. Hoehn replied that it was too early for specifics.

Mr. Mascolo asked about what the team was planning to do regarding the affordable housing contribution. Ms. Cassavant replied that the group has been thinking outside of the box, and has discussed contributing in terms of physical construction. Mr. Hoehn stated that the group plan to go beyond the Planning Board and the MVC's policies on affordable housing contributions. The Board thanked Mr. Hoehn and Ms. Cassavant for the update.

6:20 PM: Pre-application Discussion: AT&T and Chappaquiddick

In Attendance: Brian Grossman- Anderson & Kreiger, Kevin Mason- AT&T, Adam Darack

Brian Grossman approached the Board and introduced other members of the team: Kevin Mason, the AT&T area manager. They were present before the Board to discuss and address concerns with cell phone coverage on Chappaquiddick. Mr. Grossman explained that AT&T is interested in a temporary site and/or a permanent site for a cell tower on Chappaquiddick. This would provide coverage for both area residents and the beaches.

The team has been examining an area off of Pocha Rd extension for a permanent site, and using the Fynbo Tower on Sampson Ave as the temporary site. Mr. Grossman stated that the goal for the temporary site is to have it functional by as close to Memorial Day as possible, which is a tight timeline. Mr. Grossman explained that there are two options for the temporary site based on the engineering and structural analysis of the tower. He distributed the plans for the Fynbo property. He explained the public hearing process, and that AT&T will be filing the necessary permits under the personal wireless services bylaw.

Mr. Grossman stated that the permanent site would go through a different permitting process, and explained that the group would like to focus on getting the temporary site working before concentrating on the permanent site. There are currently no design plans for the permanent site.

The first plan for the temporary site showed an 80 foot tower with attachments and a 10 foot mast. The total height was 90 feet with three antennas, as described on Z-3 of the plans. This would provide Chappaquiddick with WISP, hi-fi internet. This piece of the application does not need to come to Planning Board for approval. Only AT&T subscribers would be affected by the additional coverage.

Mr. Wilson commented that cell phone service improves when the president visits. Mr. Grossman stated that this would be a little different. He stated that the temporary set up could be installed and removed with little damage to environment and surrounding area.

Mr. Grossman explained that the existing building on the site would be utilized to house the cabinet, antennas and coaxial cables. In order to function on temporary basis, a satellite dish will be used, which is not typical for AT&T. A 6 foot satellite dish will be located close to the ground.

Mr. McCourt clarified that the temporary site will be used to provide service through the summer, and then the group will focus on the permanent after the summer. Mr. Grossman confirmed.

Mr. Grossman explained the second option for the temporary site. The group could use the temporary tower to ballast a mounted tower with no foundation. Mr. Grossman distributed pictures of temporary towers. A steel platform would be created, and three guywires would be used to protect the tower from winds up to 120 mph. The location was shown on Z-2 of the Sampson property. The temporary tower will be 104 feet with antennas concealed within. The cabinet will be located on a fenced in platform, and the 6 foot satellite dish will be located outside of fence.

Mr. McCourt asked about the visibility of the tower and the mechanisms attached to it. Mr. Grossman stated that the visibility in the surrounding area is very limited. He said that he would not expect a significant increase in the visibility of the tower, especially since it will be temporary anyway. He stated that there will be a huge increase in cell coverage, and referred to the coverage plot presented in the packet.

Ms. Greenough asked if the tower is structurally fit now, without the addition of the guywiring. Mr. Grossman stated that the group is waiting for the engineering report. He stated that if the existing tower cannot accommodate the mast and antennas, then the temporary tower with ballasts and guywires will be used. He stated that the main goal is to meet the objective within the timeline.

Mr. Cavallo asked if there was anyone from the Chappy cell group present. Adam Darack was in the audience and recounted the process of trying to find a way to get cell service to Chappaquiddick. He stated that he was fully supportive of the location and height of the tower, and was excited that it will be going through the public process. He stated that he could provide the Board with a write up of the work done by the Chappy cell group if requested. Mr. Darack stated that if the temporary tower is set up for the summer, it could greatly assist emergency responders. Mr. Mascolo commented that it only has to work once to save a life.

The Board had no questions, and commended the team for a good job. It has been a long battle to try to find a way to get cell coverage to Chappy.

Mr. Grossman stated that even with different technologies, 911 will work on GSM phones. The permanent tower would have multiple carriers.

Mr. Grossman stated that he expected to file for a hearing on March 15th. He stated that he has been trying to streamline the work with the MVC, and added that Mr. Fynbo's tower has some exemptions that may be able to be taken advantage of.

Mr. Cavallo stated that the group can contact the office if there is anything the Board can assist with.

6:40 PM: Minor Modification: Alexander, Alex, 250 Upper Main St (20A-78.1), B-II Business District: Extend overhang of proposed roof by 6 feet and add fence around open staircase to basement

In Attendance: Alex Alexander

Mr. Alexander approached the Board to explain the changes to the application. He explained that there is an open staircase from the basement in the back of the building for emergencies. He proposed a six-foot extension of the roofline on the back to cover the staircase and shed some of the water into gutter system.

The applicants have not decided whether to use wood or metal for the fence. No other part of the application has changed.

Mr. Mascolo moved to approve the de minimis minor modification. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

Other Business:

Ms. Greenough stated that Mr. Jason inspected the Edgartown Lofts construction site and found that that the staging set up for the next phase of construction on the second floor is not adequate. She added that the big fence around the front of the building that was not agreed on.

Mr. Sparks stated that the fence was inconvenient.

The Board reviewed the packet of updated information on the Meshacket project. The most recent concept for the 9-acre parcel consists of 3-5 single family homes and 2-3 apartment buildings, for 18-24 units.

Mr. McCourt requested an update on the activities of the Martha's Vineyard Commission. Adam Turner responded that the public hearings for the reconfiguration of the beach and causeway have not started, but have been reviewed by staff. There are several Oak Bluffs projects, including North Bluffs and Southern Woodlands. Information for the MVRRD application was just received. Ms. Greenough and Priscilla Leclerc had a conference call with the Stop & Shop engineers.

Mr. Wilson commended Ms. Greenough for her work putting together the staff notes on Beach St.

Mr. Cavallo moved to adjourn. Mr. Sparks seconded, and the motion passed unanimously, 5-0. The meeting was adjourned at 7:38 PM.

Respectfully Submitted,
Lucy Morrison

Michael McCourt, Chairman

Robert Cavallo

Fred Mascolo

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed: _____