

Edgartown Planning Board Meeting Minutes
May 17, 2016 at 5:30 PM
Town Hall – 1st Floor Selectmen’s Room

Members in Attendance: Chairman Alan Wilson, Robert Cavallo, Michael McCourt, Fred Mascolo, and Alternate James Cisek

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

Chairman Alan Wilson opened the meeting at 5:34 PM.

5:30 PM: Continuation of a Public Hearing: MV Ocean LLC/Wrigley, 24 Ocean View Ave (29-149) SP: Surface Water District. Construct a second pier on a 3.4-acre lot in the R-60 Residential District.

The hearing has been continued to June 7th at 5:30 PM.

Mr. Wilson suggested that the Planning Board support the other local boards, and give further consideration to the Shellfish Committee’s opinion.

5:34 PM: Form O Release of a 9-Lot Subdivision. MRK Realty Trust LCC, Jordan Way. Municipal release of escrow due to completion of the installation of utilities.

In Attendance: Ina Andre, Michele Cassavant, Michael Kidder

Ms. Andre, Ms. Cassavant and Mr. Kidder were before the Board for a Form O release of lots. Ms. Greenough mentioned that she corrected the date on the form to that of the original application.

Ms. Greenough read an email from Danny Rogers detailing a brief summary of the project: the utilities have been installed and inspected, the drainage system has been completed, the road has been paved including the curbing, and the shoulders of the roads have been loamed and are ready for seeding. The only remaining infrastructure is the final paving of the road, which will be completed in one week.

Mr. Mascolo commented on the turn-around (cul-de-sac), and thought it was a great addition to the street.

Ms. Greenough explained that Mr. Fuller has chosen not to inspect roads anymore, since he has other projects. He would prefer an outside engineer to do it, with the cost sent to the applicant. She stated that unfortunately Doug Hoehn designed the road, and would not be allowed to approve it. The Board suggested John Lolley. There were no other issues with the Form O other than the road inspection, and the top coat of asphalt. Ms. Greenough explained that because the Planning Board is responsible for determining the adequacy of roads on Form A applications, members are allowed to review and release the lots themselves, without review by an engineer.

Ina Andre, applicant's associate, said that the final site plans were slightly different due to recording at both Land Court and the Registry of Deeds, noting that the Registry of Deeds stated the subdivision had lot numbers 1-9 and the Land Court site plan had lot numbers 4-12.

Mr. Mascolo moved to sign the Form O release of lots without having an engineer inspect the road. He stated that Mullen Way was a small subdivision and a short road, and it did not look like complex swales would be needed. He added that the turn-around is large enough to accommodate large vehicles.

Mr. Wilson commented that the asphalt undercoat looks great, and that it was almost as good as real paving.

Mr. Cavallo seconded, and the motion passed unanimously, 5-0. The Board signed the Form O release.

Other Business:

The Town Accountant has asked each town board to renew their signature authorization. This would allow for Ms. Greenough to sign off on vendor bills, warrants and payroll (except her own). The authorization has not been renewed in five years.

Mr. Cavallo moved to authorize Ms. Greenough's signature. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

The Board signed the letter to the accountant.

Vote to Re-appoint Alternate, James Cisek:

Mr. Mascolo moved to re-appoint James Cisek as the alternate member to the Planning Board for a three year term. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

The Board signed the letter to the Selectmen.

5:45 PM: Modification to a Special Permit. Alex Alexander, 250 Upper Main St (20A-78.1) B-II Business District. Convert 2nd floor open deck to enclosed dormer; relocate mechanicals in basement; renovate three windows from basement and fill with concrete due to water damage, etc.

In Attendance: Laura Alexander, Luke Desquenne, contractor

Ms. Alexander approached the Board to explain the application. Lenny Jason inspected second floor, where the applicants decided to fill in an open deck and enclose it as a dormer which was not included in the application. It was also necessary to change the orientation of the equipment downstairs. A 9 foot by 5 ½ foot storage area was created on the back of the building, which increased the size by 5%. These changes were not included on the original plan, and were not reported as modifications. However, all of the changes were necessary due to problems that arose during construction. The Board understood that all of the modifications were common sense, and made as a response to a rot problem. Ms. Greenough stated that the application will need to be referred to the MVC for a concurrence review. Mr. McCourt asked if the applicants were to have come to the Planning Board for modifications, if the application

would still need to be referred. Ms. Greenough replied that it would. Ms. Greenough suggested that the Board send information regarding the modifications as well as the letter for referral. She stated that it would be clear in the letter to the MVC that the size was increased due to the new location of the furnace, and that the Board determined that all of the modifications were necessary and appropriate.

Ms. Alexander asked for details on the concurrence review.

Mr. Mascolo explained that the changes made to the project trigger a review by the MVC. He stated that the Board will argue that the changes are de minimis, but it does not matter. Mr. Cavallo stated that there were changes made to the plan, and that the changes need to be reviewed by the MVC.

Ms. Alexander noted that the MVC did review the outdoor storage shed, and approved it since it did not increase the usable space on the outside of the building.

Mr. Mascolo emphasized that he did not want to refer the application to the MVC.

Ms. Alexander clarified that they were not told to stop work, and that Mr. Jason did not shut the project down. She also expressed concern about the timeframe for permitting and construction.

Mr. Cavallo moved to consider the modifications de minimis, and refer the application to the MVC for a concurrence review. Mr. McCourt seconded and the motion passed unanimously, 5-0.

Other Business:

The Planning Board received a letter from the Marine Advisory Committee regarding an application of Mr. Colacray, where a pier in the harbor was moved five feet closer to the channel. The Committee was concerned about the use of steel sheathing and the historic nature of the harbor. Minutes from their meeting where the pier was discussed were attached. The steel has already been installed. Mr. Cavallo stated that the Planning Board depends on the Marine Advisory Committee for their expertise, and that they were not informed of the steel sheathing.

Mr. Mascolo asked if the steel was intended to be temporary. Ms. Greenough replied no, that it was intended to be a cheaper option. Mr. Sparks noted that the Board does not typically review construction materials with pier applications.

Mr. Cavallo asked if the Board could bring the applicants back in. Ms. Greenough replied that the Planning Board and the Conservation Commission are the permit granting authorities.

Mr. McCourt asked how the applicant was supposed to know that using steel would be an issue, and if it was mentioned at any of the hearings. Ms. Greenough suggested that the Board could ask the Marine Advisory Committee to bring the applicants in for explanation.

The Board asked Ms. Greenough to pull the file, and find out what the Conservation Commission and the Planning Board decided, and to determine if there were any restrictions on materials listed in any of the conditions. The Board asked if the applicants ever stated what the pier would be composed of, and

noted that typically piers are made from timber. The Board decided to review the plans, and then decide what to do at a later date.

Determination if deminimis. Barbara Mason, 9 Kane Lane #K-6 (51A-2B) Install a 10'x14'x10'H prebuilt shed on a shared condominium property in Katama.

In Attendance: Chris Royal

The Board conducted a site visit the morning of the hearing. Mr. Royal explained that the townhouses are individually owned, and that owners pay fees for upkeep on the property. The townhouses are part of the Winnetu and Mattakessett.

The Board reviewed the deminimis checklist with the applicants. The shed would not change the footprint, would not change height, would not add living space, and would not increase or decrease any non-conformity.

Mr. Royal explained that the space has been cleared, and that a few stumps still need to be ground. They may decide to put crushed gravel underneath the shed. The applicants presented a picture of the shed, and explained that it will be arriving from Bourne. The shed cost about \$5,000.

Mr. Cavallo moved to consider the application deminimis for all reasons previously stated. The property meets all setbacks, there are no height restrictions, and the shared condominium neighbor is in favor. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

Mr. Wilson signed the application.

6:12 PM: Discussion: Meetinghouse Way Paving Plan prepared by Ken Abbott/Schofield, Barbini & Hoehn, Inc.

The Board has stated numerous times that it would like to be involved with the paving of Meetinghouse Way. Mr. Wilson was concerned that the road would become a speedway, and suggested the Board figure out a way to make the layout more attractive, and less highway-like. There have been issues with the right of way. At the Annual Town Meeting of 2014, Mr. Fuller claimed the road to have a 50 foot right of way, but it was later determined to only have a 30 foot right of way. Ms. Greenough suggested that the Board use funds to hire someone to review the proposal.

Ms. Greenough explained that the current thinking is to install in-road bike lanes. Mr. Cavallo asked if there was any idea of a timeline for the paving.

Ms. Greenough asked the Board how they would like to help, and suggested forming a sub-committee, or referring the project to traffic planners. She also suggested holding an informational public hearing, but would not have any approvals attached to it.

Mr. Wilson commented that Meetinghouse Way will become a major access to beaches.

Mr. Wilson stated that significant changes have been made from the Town Meeting two years ago, and suggested that the Board hold an informational public hearing.

Mr. Cavallo moved to request an information public hearing on the paving of Meetinghouse Way. Mr. Wilson requested Mr. Fuller be present. Mr. McCourt seconded the motion, and it passed unanimously, 5-0.

Other Business:

Ms. Greenough stated that she received a call from David Thompson, the Wastewater Commissioner, who had reviewed the proposal for a large subdivision off Meetinghouse Way. He determined that the wastewater plant does have enough capacity to do the 36+ lot subdivision. He suggested that sewer line be installed underneath Swimmingplace Path, which is a protected special way governed by strict bylaws. The Planning Board would obviously need to review such an idea. The Town would be granting the private developer the right to use the special way for sewer installation, but also providing access to town sewer for the abutting parcel that has been designated for affordable housing. Burt Ross recently purchased the last piece of land that crosses Henry's Path (Division Rd) and has not allowed anyone to install sewer connections in an effort to specifically inhibit development in the area. Using the special way would be the only way to install sewer to the 54-acre parcel.

Mr. Wilson stated that special ways must abide by the zoning bylaws. Mr. Cavallo stated that the Board typically preserves special ways, and that a large part of the conditions are to restore it. If approved, the Board would be in favor of the sewer line being burrowed, as opposed to being trenched. The Board awaits an application before making further comments.

Application for Change of Address: Duala, Gary. 57 Eleventh St to Tenth St. Street number to be assigned by Assessors.

In Attendance: Gary Duala

The applicant was unable to attend the hearing. The agenda item will be rescheduled.

6:28 PM: Other business:

The Planning Board received a letter from the Marine Advisory Committee letter written to the Conservation Commission on May 7th regarding 2 Main St, LLC (the Atlantic). The letter was to notify the Boards that the property was in violation of their agreement. The restaurant continuously blocks the public walkway behind the building with tables and planters.

Ms. Greenough noted that the situation has been volatile in the past, and recommended receiving legal advice. Mr. Wilson stated that the Planning Board approved the plan, and it is not being recognized. Mr. Wilson suggested that a site visit be conducted, and that Jane Varkonda of the Conservation Commission attend as well.

Ms. Greenough read a letter from Norman Rankow to the Planning Board asking for a clarification to a special permit issued in May 2007 to David Vietor, et al. regarding the expansion of a pier. The Board urged the letter be reviewed by Town Counsel prior to responding.

Ms. Greenough reviewed the violations to the no-cut, no-build buffer of the Mill Hill subdivision, and suggested that a letter to Lenny Jason be written. The Board authorized her to write and send the letter, and then get signatures later.

Ms. Greenough read a letter from Andrew Krickl about ADA violations and suggestions for the triangle parking lot. The Board noted that the applicants are starting to refinish the parking lot, and that time is a factor. Ms. Greenough stated she would forward the letter to George Sourati. The Board also commented on the thinning of the accesses to and from Edgartown-Vineyard Haven road.

Mr. Wilson moved to adjourn. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

The meeting was adjourned at 6:40 PM.

Respectfully Submitted,

Lucy Morrison

<i>Alan O. Wilson, Chairman</i>

<i>Robert Cavallo</i>

<i>Fred Mascolo</i>

<i>Michael McCourt</i>

<i>Robert Sparks</i>
Edgartown Planning Board
Date signed: _____