

# Edgartown Planning Board Meeting Minutes

July 19, 2016 at 5:30 PM

Town Hall – 1<sup>st</sup> Floor Selectmen's Room

*Members in Attendance: Chairman Alan Wilson, Robert Cavallo, Michael McCourt and Robert Sparks  
Staff in Attendance: Georgiana Greenough, Assistant; Lucy Morrison, Clerk*

Chairman Alan Wilson opened the meeting at 5:30 PM.

## **5:30 PM: Public Hearing: MV Ocean LLC/Wrigley: SP Surface Water District. Construct a second pier**

The applicant has requested that the hearing be postponed to August 16<sup>th</sup>, 2016 at 5:45 PM.

## **5:30 PM: Old Business:**

Mr. Wilson requested that the letter from the Shellfish Committee regarding the Wrigley application be re-written onto Shellfish Committee stationary, as it was unclear as to whether Mr. Smith was representing himself or the Committee.

Ms. Greenough presented the B-II Business Plan. She suggested that the Board review it and determine whether to update it or leave it as is, and then present it to MVC to be certified.

Ms. Greenough reviewed the zoning bylaws to be amended at Town Meeting 2017: Christine Flynn will be coming to the Board soon to present some definitions to be added to the bylaws that pertain to affordable housing. The regulations in the Surface Water District regarding boathouses, sheds, and floating homes should also be reviewed. Ms. Greenough stated that floating homes especially need to be defined and regulated, and said that she would start doing research. Ms. Greenough also stated that it would be helpful to have basic definitions and a list of allowable uses and purposes for solar panels, as well as helipads and airport runways. She mentioned that Mass Aeronautics need to sanction any decisions regarding helipads and airport runways.

Ms. Greenough also stated that she would like to hold public hearings on tiny houses and dormitory housing to start getting people involved.

The Planning Board received a letter from David Young of 14 Mullen Way, who wrote about traffic concerns on that street. He requested that the town please not repair the pot holes or re-pave the road, as he believes the condition of the road is the only thing slowing traffic to a reasonable speed.

Ms. Greenough also announced that on Thursday, July 21<sup>st</sup>, there will be a review of the DRI Checklist at the MVC at 7:45 PM.

Ms. Greenough also announced that the CPTC Courses for Planning Board members have been scheduled. She stated that she will email the list to the members.

**5:48 PM: Public Hearing: Wave Lengths, 223 Upper Main St (20A-95) B-II. Review construction of a mixed use (commercial and residential) structure using plans that were not approved.**

*In Attendance: Phil Miller, Jayne Steidl, Adam Turner, Peter Look, MJ Look, James Carter, Debbie Carter, Margaret Kelley, Greg Willett, Robbie Hutchison, James Joyce*

Mr. Miller approached the Board. He stated that he was fairly new to the project, and had tried to retrace the steps taken before he was involved to bring clarity to the situation. He stated that he did not find much helpful information at the Registry of Deeds, but used minutes from the previous meetings to gather information. He stated that he found the original proposal from 2011 with the plans done by Chuck Sullivan. He stated that he also found a modification in 2014 for a change of use with interior design changes. Mr. Miller presented the floor plan from the change of use application, which showed the window locations. Mr. Miller noted that the window locations were shown in floor plan view, rather than an elevation view, and the Board may not have noticed the change in window schedule. Ms. Greenough claimed that the Planning Board did not receive a floor plan with that application. Mr. Miller quoted the minutes from September 2, 2014 which referenced a "sample plan," which Mr. Miller assumed to be the floor plan. Ms. Greenough stated that there was no copy of the floor plan in the file.

Mr. Miller stated that the goal going forward is to construct a better building that is in keeping with the neighboring structures. He stated that it appeared that at least some of the changes in the roof entries and porches were discussed and seemed to have been allowed.

Mr. Sparks asked why the new plans were not brought into the Planning Board or the MVC when the plans were changed. Mr. Miller stated that he did not know. He stated that it was apparent that the designs for the two buildings (223 and 284 Upper Main Street) were co-mingled, and then that the elevator changed the window locations.

Ms. Greenough stated that the Planning Board did not review the interior of the building, and was only concerned about changes made to the exterior, and stated again that she did not have a copy of the floor plan.

Mr. Miller stated that it is difficult to translate a plan view plan that does not have an elevation into an elevation plan, even though the footprint did not change. He explained that the floor plan precipitated the change in use, from offices to apartments, and the change in interior layout. He noted again that the sample plan shows different window locations, but that they were shown in floor plan view only.

Ms. Greenough stated that the change in use modification was only approved because it was an interior change of use, and that it likely would not have been approved if the Board was made aware that the window schedule was different.

Mr. Wilson asked if the applicants were going to work with what is physically there and make it better. Mr. Miller stated that he would.

Mr. Miller stated that he understood the nature of the meeting, and was trying to understand the process that the application went through before he became involved. He acknowledged that mistakes were made.

Mr. Wilson stated that he would like to focus on how to improve the current situation, rather than focus on the mistakes.

Mr. Sparks addressed the second and third floor decks, and requested that they be located in the back of the building. Mr. Miller stated that relocating decks would be an expensive change; since the building is modular, there is mechanical work routed through it, and a high level of complexity would be required to move any of the decks.

Mr. Wilson commented that the Board did not know that the building would be modular.

Ms. Greenough requested a written description of what has been changed, and a view of the other two sides of the building.

Mr. Sparks commented that the window schedule is back to what was approved, and asked if the applicants would be using shutters. Mr. Miller replied that there will be enhanced trim detail on the windows.

Mr. Sparks also noticed that there is now a deck over the front door. The area was originally an office, but has been converted to living space, but was not sure whether or not that dictated the change. Ms. Greenough stated that there was originally a roof over the front door.

Mr. McCourt noticed that there used to be one entrance, and now there are two. Ms. Steidl explained that the second entrance allows people to walk through the building to the unit in the back, or to the elevator.

Mr. Cavallo stated that he would like to see more plans, elevations, and a landscaping plan.

Mr. Miller stated that he can generate plans for the other two sides of the building, the window sizes, and an architectural elevation plan of all four sides of the building.

Mr. Cavallo commented on the widow's walk, and asked if it was necessary.

Mr. Miller stated that it would not be active. The building will have a rubber roof, and Mr. Cisek had requested that the space appear like a widow's walk as a decorative element. Originally, a brick veneer was going to be installed to make the area appear to be a chimney.

Mr. Miller commented that the rear elevation is a mirror image of the front.

Mr. Miller updated that Board on the site: only interior work has been done since the last meeting. He stated that the site has been cleaned up outside.

Mr. Wilson asked if the Carters were happy with the progress on the site. Mr. Carter stated that he was, that the site has been cleaned to satisfaction and that the work is happening within the pre-determined hours.

Mr. Miller estimated that there would be a couple more weeks of interior work.

Mr. McCourt stated that he would like to see detailed plans. He stated that he did not want to slow down the work, but that it was important for the Board to see progress made with the plans. Mr. McCourt asked if the applicants could have a complete set of plans ready in two weeks. Mr. Miller stated that he was not sure about the timeline, and that renderings and elevations can take some time.

Mr. Sparks stated that he was pleased with what had been presented, and felt that the applicants are moving in the right direction.

The Board is open to holding a special meeting to review the plans for the Wavelengths application.

Adam Turner, from the MVC, stated that the Commission approved the building, and that the changes need to be evaluated for compliance. Mr. Turner stated that he did not want to slow the project down, but the applicants need to go through a similar process with the MVC. Mr. Turner stated that the Commission will work together with the applicants to try to fix the situation. The MVC was especially concerned about the landscaping, especially in front.

Mr. Cavallo stated that the application cannot be forwarded to the MVC without a complete application.

Mr. Carter stated that he was still concerned about the windows facing the side of the hotel. He stated that he would like to have a better description of their appearance and sizes. He would like that they are guaranteed to be full sized, double hung. He also stated that the construction has an effect on his business, and requested that the applicants move as fast as possible. He stated to the Board and Mr. Turner that he would appreciate everything that could be done to expedite the process.

MJ Look requested clarification. She stated that the building under construction is not the building that was approved. The Board confirmed. She asked about the exterior designs, and the approved plans done by an architect. She asked who was to blame for the mistakes. Mr. Cavallo stated that all parties are a little bit at fault.

Ms. Greenough stated that Upper Main Street has a stricter code to review than other parts of town. She stated that it is governed by a separate section of the bylaws that generally have more restrictions than other districts.

Mr. McCourt stated that the permit was extended four times. He stated that the Board thought they were extending the original plans, but apparently were not.

Peter Look was present in the audience to request clarification on the language used in the public notice. He stated that he strongly objected to the proceedings, and asked how the Board planned to mitigate the project. Mr. Wilson stated that the Board represents the Town, and that the purpose of the

meeting is to determine a course of action for an applicant who violated the terms of the special permit by constructing an unapproved structure. Mr. Look asked where the Board was given the authority to mitigate, and stated that the word does not appear in the zoning act.

Mr. Sparks argued that the Planning Board is authorized to grant permits, and has the right to take actions when those plans are not followed. He invited Mr. Look to review the plans and see the many differences between them.

Mr. Look stated that he appreciate the Board's service, but believes in the separation of powers. He stated that the Planning Board cannot be the judge, the jury and the executioner. Mr. Look then left the meeting.

Robbie Hutchison stated that she appreciated the Board's concern about landscaping in the front. She stated that the area has lost the aesthetic value of the street trees. The Board agreed that the trees do not look good. Ms. Steidl stated that her project had nothing to do with the removal of limbs from the shade tree out front. The electric company was responsible, and they did a terrible job.

Mr. Wilson commented that the plans presented at this meeting are a tremendous improvement from what was built, and stated that he really liked the windows. Mr. Cavallo agreed, and stated that he would like to see details and shutters, especially for the front windows. Mr. Cavallo also requested a detailed landscaping plan.

The Board commended Mr. Miller for his good work, and looked forward to the complete set of plans.

Mr. Cavallo moved to continue the hearing to August 2<sup>nd</sup>. Mr. McCourt seconded, and the motion passed unanimously, 4-0.

**6:28 PM: Other Business**

Mr. Wilson mentioned that Simpson's Lane has five police officers monitoring the Chappy ferry line, and noted that they are doing a great job. He stated that the line is wonderful compared to last year. He suggested that a letter of thanks be written to the Police Department.

Mr. Wilson also mentioned that the Town of Edgartown has the right to tidal energy. The University of Rhode Island is doing a study on using ocean currents to generate electricity and Mr. Wilson asked to participate.

The meeting was adjourned at 6:35 PM.

Respectfully Submitted,  
Lucy Morrison

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<i>Alan O. Wilson, Chairman</i>
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<i>Robert Cavallo</i>
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<i>Fred Mascolo</i>
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<i>Michael McCourt</i>
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<i>Robert Sparks</i>
Edgartown Planning Board Date signed: _____