

**Edgartown Planning Board Meeting Minutes**  
**September 6, 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, Robert Sparks and James Cisek, Alternate*

*Members Absent: Fred Mascolo*

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

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

**5:30 PM: Public Hearing - McCourt, David: 85 & 93 Chappaquiddick Rd (30-63 & 30-34) SP: Coastal, Island Roads, etc. Modifications to a guesthouse and detached bedrooms.**

*In Attendance: Chuck Sullivan, Mark Ellis, Peg and Bill Austin, Bob Stafford, Joan Adibi, Posy Bass*

Ms. Greenough read the public notice.

The application was originally approved in October 2010. Chuck Sullivan has been working on the designs with the property owners since then, who have decided to make some changes to the original proposal. The Building Inspector decided that the changes were significant enough to trigger a review by the Planning Board.

Mr. Sullivan approached the Board to explain the changes. The square footage of the guesthouse and two detached bedrooms will be reduced by 133 square feet. An outdoor deck will be increased by 95 square feet. Two bay windows were removed from the guesthouse entryway to make it more spacious. Six dormers will be added to the guesthouse; three each on the north and south sides of the house to increase light and ventilation. The dormers will not increase the square footage of the structure, and the ridge height will remain at 18 feet 7 inches. Mr. Sullivan explained that the buildings are essentially the same as what was approved in 2010.

Bill and Peg Austin, abutters to the project, reviewed the plans. They stated that they were supportive of the modifications, and were before the Board to with questions about the view channel that was mandated by the Conservation in 2010. Mr. Austin stated that a small portion of the property, off of the road, has been cleared. The Austins were not sure what the agreement was for the view channel; but were under the impression that it should be broader than that what currently exists.

The Board mentioned that the view channel was discussed at the site visit. Mr. Sparks stated that the vegetation was just cut in June. Mr. Austin clarified that only a narrow area was trimmed, and that large fir trees have been planted nearby. He was also curious about what could be done to request an expansion of the area of lowered vegetation.

Ms. Greenough stated that there were two view easements on file; one listed a 209 foot channel, the other mentioned a 119 foot channel. It was unclear which was active, and did not specify how low the vegetation must be kept. The Board agreed to help enforce what had been agreed to, and Mr. Sparks stated that the Board could discuss the possibility of expanding the area of lowered vegetation with the owners.

Mr. Wilson asked if anyone in the audience would like to speak on behalf of the application.

Bob Stafford, partners with Mark Ellis, was one of the contractors on the project. He stated that the applicants lost focus on the project, and after a couple of years, wanted to make some changes. He mentioned that a new architect was brought onto the team. Some minor changes were made to the structures: in order to make the entry larger, square footage was removed on the waterside of the house. Two bedrooms were surrendered to provide more space for the kitchen and pantry. The dormers will increase natural lighting. Mr. Stafford mentioned more thoughtful use of the walkways and approaches to the house. The main walkway was moved back towards road.

Joan Adibi stated that she was concerned about location of the addition to the water and dunes.

Mr. Sparks clarified that the additions were already approved, and would not be encroaching any further towards the water. Mr. Cavallo added that the buildings already exist, and that the applicant specifically mentioned that square footage was removed from that side of the house.

The Board asked about the timing of the project. The contractors stated that they plan to begin as soon as the permitting is complete.

Mr. Cavallo moved to approve the modified set of plans because they meet all of the criteria for a special permit, conditioned with an administrative review for the view easement dated October 6, 2011. Mr. Sparks seconded the motion, and it passed unanimously, 5-0.

Ms. Greenough read the old conditions on the view channel easement.

Mr. Sparks stated that the abutters may need to go back to Conservation Commission with the request to expand the view channel.

Mr. Austin stated that he would open a dialogue with the Conservation Commission to see if they would expand view easement.

Joan Adibi asked if a well on the property would need to be decommissioned in order for the applicants to obtain the special permit. Ms. Greenough replied no, and that wells are not a Planning Board issue. Posy Bass stated that there is already a new well drilled on the property. Ms. Greenough stated that she had been informed that the old well will be used for irrigation since it no longer contains potable water. The new well will have potable water that can be used to supply the house. She stated again that wells are not within the purview of the Planning Board.

**5:56 PM: Conway, Karen Swett, 75 Edgartown Bay Rd (46-53) SP: Coastal. Replace existing detached non-conforming garage with new attached conforming garage and kitchen addition to pre-existing non-conforming structure.**

*In Attendance: Doug Hoehn*

Mr. Hoehn approached the Board and clarified that the garage is conforming, and that the corner of the house may be considered non-conforming, depending.

The large parcel is 1.75 acres. There is an abutting triangular piece of land on the corner of Edgartown Bay Road that is also owned by the applicant. A portion of the house on the main lot does not meet 50 foot setback from middle of Edgartown Bay Road; but considering that the applicants also own the abutting parcel, the non-conformity has less of an impact on the neighborhood.

Mr. Hoehn also presented a letter from Dick McCarron that read that the Town never took the land under Edgartown Bay Road when they created the layout, so the ownership of the road is questionable. Mr. Hoehn stated that he decided to obtain a special permit, even though it may not be necessary.

Mr. Hoehn explained that the plans involve completely demolishing the existing garage. The new garage will have a second floor that will connect it to the body of the main house. The first floor will not be connected, and will be open underneath. Mr. Hoehn mentioned that a bedroom will be eliminated in the house to allow for a bedroom above the garage. Mr. Hoehn also stated that there will be a small addition to the kitchen, which will be expanded by three feet on either side.

Mr. Hoehn stated that the application was already approved by the Conservation Commission. He stated that materials, finishes and details to will be made to match the original building with cedar shingles, mahogany windows and trim.

Mr. Hoehn explained that the addition will meet the setbacks. He stated that there was 51.6 feet to the northwest corner of the house to the middle of the road, where the probable non-conformity was.

There was no one in the audience to speak on behalf of the application either in favor or opposed, and there were no letters received.

Mr. Wilson closed the public hearing at 6:03 PM.

Mr. Cavallo moved to approve the application because the non-conformity is negligible. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

**5:30 PM: Public Hearing: Bucci/Rice, 9 Briggs Rd (27-9.21) SP: Ponds District. Construct in-ground swimming pool and boat house.**

*In Attendance: Doug Hoehn, Kristen Reimann, Maureen and Bill Rice, Joe Pioggi, Leslie Heidt*

Mr. Sparks recused himself from the hearing because he is involved in the sale of the property. The applicants decided to proceed with four Board members.

The property is located off of Pohogonot. The application consists of the reconstruction of a pre-existing non-conforming structure and a pool installation. A portion of the existing main residence is within Zone One of the Edgartown Ponds District, and within the Shore Zone, and is considered non-conforming.

Mr. Hoehn stated that there are a lot of good changes being made to the property that are not part of the Planning Board application. He stated that the old guest house will be removed and rebuilt, and the boat house will be moved further away from the pond. He stated that the new dwelling will be slightly farther away from the pond and wetlands, and larger on the inland side.

Mr. Hoehn introduced Kristen Reimann, the landscape designer on the project.

She stated that trees are noted on the landscaping plans, and that the goal is to save as many of the existing trees as possible.

Mr. Hoehn stated that the application has been approved by the Conservation Commission, but will need to return prior to the building permit issuance to present the finished landscaping plan.

Mr. Cavallo asked if there would be a basement. Mr. Hoehn replied that the dwelling is located outside of the flood zone, and that a basement was planned.

Mr. Cisek inquired as to how many bedrooms would be on the property. Mr. Hoehn stated that 8 bedrooms were proposed. It was noted that the lot was 5 acres.

Ms. Reimann stated that the proposed pool will be located outside of the flood plain. She stated that the area around the pool will be raised with grade. The proposed retaining wall will also serve as the safety fence. She stated that there will likely be changes made to the plans as the overall design develops. She stated that she will return to the Board after the plans have been reviewed on site to present the list of changes made to the landscaping, especially as they relate to pool safety.

Mr. Hoehn stated that the details of the pool are standard. The bottom foundation of the pool is at least one foot above maximum high groundwater. The elevation of the property is 5 feet; groundwater is located between 3 and 4 feet.

The pool equipment will probably be located on the side of pool house, but the plans are still developing. Mr. McCourt stated that for noise reasons, the Board would like for the equipment to be enclosed in a sound-proofed building.

Mr. Hoehn stated that the outdoor lighting has been conditioned by the Conservation Commission, and that all lighting will be downward lit and shielded, as required by code. Installation of a dry well has also been approved.

Mr. McCourt asked if there will be an insulated building to house the pool equipment. Ms. Reimann stated that one was not included on the plans, but that a sound-proofed structure will be added, since it is required by the Board.

Mr. McCourt asked if the pool house would be equipped with electricity and plumbing. Ms. Reimann replied yes, that there will be a bathroom.

Mr. Hoehn mentioned that the applicants were present in the audience and introduced Mr. and Mrs. Rice.

Joe Pioggi stated that he was concerned that the lighting from the pool would be visible from the pond. He asked if the retaining wall would be sufficient to block the view of the pool from the water.

Ms. Reimann explained that the lower side of the retaining wall will be four feet tall, and satisfies all requirements of a safety fence. She stated that even less of the pool will be visible from the water because of the retaining wall, than if a normal fence were installed. Mr. \_\_\_\_ was concerned about the outdoor lighting. Ms. Reimann stated that a light in the pool is required by code, and that all measures have been taken to avoid light pollution in the area.

Mr. Cisek asked about the square footage of the main house. Mr. Hoehn stated that the house will be about 5,500 square feet, but that it was not part of this application.

Mr. Wilson closed the public hearing at 6:20 PM.

The Board deliberated. It was confirmed by the applicants that they would return to the Board as the details of the plan develop.

Mr. Cisek moved to approve the plans as presented, with the normal set of pool conditions, and that the landscaping and lighting plan be brought back for review. Mr. McCourt seconded, and the motion passed unanimously, 4-0.

**Other Business:**

Ms. Greenough mentioned the curb cut application on the Alexander LLC property on South Summer St. She stated that she took pictures of the property this morning.

She read a letter from the Board of Selectmen regarding the tree planting.

Ms. Kristen stated that Eversource needs to remove a utility pole, and has been very slow to switch services to the new underground service. Ms. \_\_\_\_ stated that she was unable to plant any trees until that issue has been resolved. She stated that further, the trees that were specified by the Selectmen were not available in August of this year. She stated that the trees, three special cultivar of elms, will be available soon, and can be planted next spring. Ms. \_\_\_\_ stated that the project has gone on longer than anticipated, but that a cobblestone apron will begin to be installed tomorrow.

The next door neighbor insisted that no work be done until after Labor Day.

Mr. Cavallo asked to confirm that the curb cut will be 16 feet. Ms. Greenough said that it would. She stated that curb will not be installed in the old space, but that it will be planted sufficiently to deter access. A large tree will also deter people from using it.

Ms. Greenough mentioned that the applicants have tried to work with neighbor, but there were too many complaints about dust and noise, and so work was stopped until September 5<sup>th</sup>.

Mr. Leo Convery was present in the audience. Ms. Greenough read his letter to the Board dated August 17, 2016 regarding the traffic at the triangle. Mr. Convery suggested that Pinehurst be made a one-way exiting onto Upper Main St.

Mr. Sparks asked which Board has the authority to make a decision of this caliber. Ms. Greenough stated that changing traffic patterns is a joint effort between the Board of Selectmen, the Highway Department, the Planning Board, and possibly others.

Mr. Cavallo asked about the new Stop & Shop plan.

Mr. Convery commented that the new Stop & Shop could be years, and may or may not even happen.

Ms. Greenough mentioned that a Stop & Shop agent had called to alert the Board to expect an application within the next month.

Mr. Sparks asked about the easiest solution to that traffic congestion. Mr. Convery stated that he thought not allowing people to enter onto Pinehurst would help alleviate some of the traffic.

Ms. Greenough encouraged Mr. Convery to get onto the agenda for an upcoming Board of Selectmen meeting to discuss the idea with them.

Ms. Greenough mentioned that a letter from Mass. Audobon was overlooked on the Rice/Bucci application. Ms. Greenough apologized and read the letter.

Mr. McCourt stated that it was not in the purview of the Planning Board to determine access. He stated that the letter had no bearing on the public hearing. He stated that the letter should be forwarded to the Conservation Commission.

Mr. Sparks mentioned that he knew a title search was done.

Mr. Cavallo asked sternly if Ms. Greenough attended the recent Conservation Commission meeting as a representative of the Planning Board or as a citizen of Edgartown. It was mentioned that she spoke against the Rankow/Barbini application. Ms. Greenough stated she read what the Planning Board had said. Mr. Cavallo asked if the Planning Board had asked her to attend that meeting. Ms. Greenough replied that the Board had not specifically asked her to go, that she went on her own as the Planning Board administrator. She felt that her attendance was necessary to explain the Planning Board's actions. She was asked questions, and she responded to them.

Ms. Greenough stated that she wrote a letter to Mr. Hajjar, but was unable to locate an address to send it. Mr. Sparks said that he would find an address.

Mr. McCourt moved to adjourn. Mr. Sparks seconded, and the motion passed unanimously. The meeting was adjourned at 6:49 PM.

Respectfully Submitted,

Lucy Morrison

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*Alan O. Wilson, Chairman*

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*Robert Cavallo*

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*Fred Mascolo*

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*Michael McCourt*

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*Robert Sparks*

Edgartown Planning Board  
Date signed: \_\_\_\_\_