

**Edgartown Planning Board Meeting Minutes**  
**October 4, 2016 at 5:30 PM**  
**Town Hall – 1<sup>st</sup> Floor Selectmen’s Room**

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

*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, 24 Ocean View (29-149) SP: Surface Water District. Construct, license and maintain a 2<sup>nd</sup> pier on lot. Proposed structure is 87’ x 4’ timber pier with one 60’ x 7’ “T” and two 32’ x 4’ “L”s, lateral access stairs and four tie spiles.**

*In Attendance: Sean Murphy, Ellen Kaplan, Carole Fonseca*

Mr. Murphy approached the Board to request a two-week extension. The neighbors are working on a compromise, and the applicants will either return with an agreed upon plan or a withdrawal of the application.

Mr. Cavallo moved to continue the hearing to October 18<sup>th</sup>. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

Mr. Mascolo announced that he will not be able to attend the meeting on October 18<sup>th</sup>.

**5:32 PM: Form A – Kanter: Divide 3.1 acre barrier beach lot into two unbuildable lots in Katama**

*In Attendance: Mike Tomkins, James Joyce*

Ms. Greenough gave a brief history of the application. The property is located between Edgartown Great Pond and South Beach. The Planning Board referred the Form A to the MVC for their opinions of divisions of land on barrier beaches. The MVC stated in a letter that the Planning Board should continue with the permitting process.

Mr. Tomkins explained that the property has been divided into two pieces. There are currently two families that use the property, and with the division, only the same two families would continue to be able to use the beach.

The plans clearly state that the lots are unbuildable.

Mr. Cavallo moved to endorse the Form A.

James Joyce asked if the public was allowed to have input on this application. Ms. Greenough stated that a Form A is not a public hearing, and that public input was up to the discretion of the Board. Chairman Wilson stated that he would like to hear Mr. Joyce's opinion.

Mr. Joyce stated that there are too many private beaches on the island already, and that he was opposed to the Board creating more private beaches. He stated that the two separate lots could be sold separately, which would perpetuate private beach ownership.

Mr. Sparks stated that the beach was already private, and that nothing has been taken away from the public.

Mr. Joyce stated that by subdividing, the Board is creating another private beach lot.

Mr. Mascolo asked if the MVC had any issues with the application. Mr. Joyce, a Commissioner, stated that the MVC decided to let the Edgartown boards handle the application. He was present at the meeting because he wanted to voice his opinion that there are enough private beaches on the island already.

Mr. Sparks stated that there's the same amount of private beaches.

Mr. Cavallo stated that he agreed that everyone should have access to the beach, but that this was not the right place for the argument. Mr. Cavallo stated that this subdivision was more about estate planning.

Mr. Joyce stated that he was concerned about multiple subdivisions, like what has happened on Quansoo beach, where 50 or more people own tiny slivers of an acre of beach.

Mr. Sparks stated that this Form A does not involve one acre cut into 100 slots, and it takes nothing away from public ownership.

Mr. Joyce stated that the division perpetuates the use of private beaches. Mr. Joyce added that this Form A is also about the sale of property on the pond that deeds the beach lot to the buyer.

Ms. Greenough asked if the applicant would agree to a no further subdivision clause. Mr. Tomkins stated that it was not likely.

Mr. McCourt seconded Mr. Cavallo's motion to endorse the Form A, and the motion passed unanimously, 5-0.

**5:44 PM: Curb Cut: Caraboolad, 63 Fuller St/Thayer St (20B-106) SP to allow two curb cuts in R-5 under zoning bylaw 11.24.**

*In Attendance: Steve Pogue, Julia Celeste, Bricque Garber*

Ms. Greenough stated that the application exceeds the curb cut bylaw by one curb cut; but also noted that there were multiple pre-existing curb cuts on the property, and that the property is located on a corner.

Steve Pogue approached the Board. He stated that the previous application had six curb cuts, and that he has submitted a new application for two curb cuts. He stated that the driveways have been configured in such a way so that backing onto the street would no longer be required. He also stated that the garage doors on Thayer St have been removed, and decorative panels have been installed to give the appearance of a carriage house. Mr. Wilson asked where the garage doors would be located. Mr. Pogue stated that the garage doors were moved to Fuller St.

Mr. Pogue stated that there is an existing 27 foot curb cut on the property. The new one will be in the same location, but smaller. There will also be a new 12 foot curb cut on Fuller St that will face towards the front of the house and will serve as the entrance. The Thayer St curb cut will be the exit.

The Board reviewed the site plan.

It was noted that the decorative panels on Thayer St would not be able to open.

Members of the Historic District Commission approached the Board to view the plans.

There were no comments from the audience.

Mr. Wilson closed the public hearing at 5:49 PM.

Mr. Cavallo moved to accept the application for two curb cuts. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

Mr. Sparks asked to confirm that none of the other pre-existing curb cuts would be used. Mr. Pogue stated that there was a third pre-existing curb cut, but that it will be closed.

#### **5:51 PM: Memorial Wharf – Update on Renovations**

*In Attendance: Richard Barbini*

Mr. Barbini was present before the Board as a member of the Restoration Committee, and would like to update the Board on the progress made to the restoration of Memorial Wharf.

The Committee hired an engineering consultant to do a structural analysis. The consultant stated that the ground level of the structure and below is in sound condition. There are a couple of things that need to be fixed, but nothing that would require immediate attention. The main focus has been to refurbish and renovate the upper portion of the Wharf. Mr. Barbini stated that the goal is to keep it looking as close to what exists as possible. He stated that there will need to be some changes made, specifically to the lighting and railings. The Committee is working with the Conservation Commission to work out the details. All of the lighting will be downward shielded. Mr. Barbini also stated that it was important to the Committee that all of the light fixtures be the same.

Mr. Barbini stated that the railings and the staircases no longer meet the building code. He mentioned that the Historic District Commission already approved the new railings, and presented a rendering that showed the new railings. The top rail will be wood colored "azek," a composite material. Mr. Barbini also pointed out the copper downspouts, and stated that the entire building will be re-shingled. He stated that the floor of the upper pavilion will be new wood paneling, and that the staircase will be rebuilt up to code. The risers will have to be closed.

Mr. Barbini stated that he has been to all of the appropriate Boards. He stated that the Conservation Commission, the Historic District Commission and the Board of Selectmen are all up to speed and on board with the project. The Committee is hopeful to have the project ready to bid in the fall, and have it ready for spring and summer.

Mr. Sparks stated that he thought the railings were replaced recently. Mr. Barbini stated that they may have been, but that they were not done up to code.

Mr. Cavallo asked about the bait cutting station. Mr. Barbini stated that they plan to pigeon proof and refurbish the cutting station, and replace the sign.

Mr. Mascolo asked about the budget for the project. Mr. Barbini stated that the project received CPC funds, and has been quoted far under budget. He stated that there are no firm prices yet.

Mr. McCourt asked if the construction would be done locally. Mr. Barbini stated that the Committee was hopeful for a local bid, but noted that public construction projects can be difficult for local contractors due to prevailing wages and bonds.

Mr. Sparks asked about the use of "azek." Mr. Barbini stated that the HDC approved its use, since it will be painted to look like wood. It was noted that unpainted "azek" turns yellow with age.

Mr. McCourt stated that he was happy the Wharf would be brought up to code.

Mr. Cavallo stated that Memorial Wharf is a major attraction in Edgartown.

Mr. Barbini added that there would be two hoses available, so that the Wharf would have plenty of water for two fish cleaning stations. He also stated that the Committee was pleasantly surprised to find that there were no issues with the structure below the water.

The Board thanked Mr. Barbini for the updates.

**5:59 PM: Public Hearing: Christopher Robin, LLC, 32 Caleb Pond Road (30-45) SP: Add 6' x 18' seasonal float to existing licensed pier.**

*In Attendance: Richard Barbini*

Mr. Barbini explained that the original permit for the dock was approved about a year and a half ago.

This application is to place a seasonal float between the existing pile and dock. The application has already been approved with no conditions by the Marine Advisory Committee and the Conservation Commission. A letter from the abutter was submitted, which expressed concerns about negative effects on his pile. These concerns have been dismissed, because the neighbor's pile is located more than 60 feet away.

Mr. Wilson expressed concern about shellfish. Mr. Barbini stated that the float would have no impact on the shellfish in the area.

Mr. Cavallo stated that the addition would fall within the range of existing docks, and that nothing would be placed outside what already exists. It was noted that Steve Ewing brings the floats out for the summer, and removes them in the winter.

The Southern neighbor is the one with issues. The Board noted that the float would not be located any closer to the neighbor's property, and won't have any effects.

Mr. Wilson asked if there was anyone in the audience to speak on behalf of this application. There was not. Mr. Wilson closed the public hearing at 6:05 PM.

Mr. Cavallo stated that there are no navigational issues with the pier addition.

Mr. Mascolo stated that the modifications are seasonal, and will not create a problem.

The Board stated that all previous pier conditions will apply.

It was noted that there is already a jim buoy located on the pier.

Mr. Cavallo moved to approve the application with all previous pier conditions. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

**6:06 PM: Public Hearing: Lisa A. Gilligan, 87 North Water St (20D-283) SP: Surface Water District. Add 20 square feet to an existing deck**

*In Attendance: Richard Barbini*

Mr. Barbini stated that this was the smallest project with the most review in his history of working on Martha's Vineyard. He stated that the Conservation Commission and the Historic District Commission have already approved the application. Mr. Barbini stated that the purpose of the addition is to square off the existing deck. The Board reviewed the photograph of the location.

There were no issues with the project from the audience.

Mr. Cavallo moved to approve the addition with standard pier conditions. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

**6:15 PM: Public Hearing: Jacobs, 106 Edgartown Bay Rd (51-17) SP: Coastal District/Ponds District. Expansion of a single-family residence and attached garage, installation of a swimming pool with stone terrace and related site improvements on a non-conforming lot.**

*In Attendance: Sean Murphy, attorney; Louise Brooks, architectural firm; Chuck Willett, architectural firm; Ted Rosbeck, swimming pool contractor; and Virginia Ballou, abutter*

The Clerk read the public notice. Mr. Murphy approached the Board. He stated that the property is non-conforming, because it is slightly larger than ½ acre, and is located in a 1½ acre zoning district. The property is also located in the Coastal District, but is not located in the shore zone. The application has been approved by the Conservation Commission with no issues. Mr. Murphy stated that if the lot were conforming, all of the special permit requests would be allowed by right.

He stated that the existing house is 2,480 square feet with 1,544 square feet of living space on the first floor, and 1,296 square feet on the second. The existing garage is 632 square feet. The proposed addition would add 613 square feet to the livable space on the first floor, 576 square feet to the second floor, and 274 square feet to the garage. Mr. Murphy stated that the roofline would remain below 26 feet.

Ms. Brooks approached the Board to explain the application. She reviewed the elevations with the Board. On the elevation plans, the existing structures were depicted above, and the new proposed additions were overlaid below with details. She stated that the additions would be in keeping with the existing house.

She stated that all of the additions were single-story structures, with a pool and expanded terrace in the back of the house. The proposed pool is 15 feet by 30 feet, and is located within the setbacks.

Ms. Brooks explained that the additional living space on the second floor would be to expand the master suite over the garage. It was noted that all of the balconies are located over living space.

Ms. Brooks stated that the applicants worked within the existing roofline. There was a new gable added, and a small portion is slightly higher than the existing roofline.

Ms. Brooks stated that the applicants are re-detailing the existing terrace, and that none of the construction requires any variances.

Mr. Mascolo commented that the additions were modest, and all located within the setbacks and height requirements.

Mr. Rosbeck stated that the pool equipment will be housed in a soundproofed enclosure in accordance with the pool regulations. There will be adequate fencing, alarms, and a rescue pole on site. All of the outdoor lighting will be downward shielded.

Ms. Greenough asked if a pool checklist had been submitted. Mr. Rosbeck stated that he had not submitted it, but will put one together.

There was no one in audience to speak on behalf of the application.

Ms. Ballou, an abutter, asked about the location of the wetlands. The Board referred to the plans, which showed that the wetlands are located on the other side of the street.

Mr. Wilson closed the public hearing at 6:24 PM.

Mr. Mascolo stated that the proposal is a modest addition, and is in keeping with neighborhood. He stated that he had no issues with the application.

Mr. Sparks stated that he supported the application because no part of it that creates more non-conformity on the property.

Mr. Cavallo stated that the applicants made efforts to keep everything tastefully within the setbacks.

The Board asked about the process of draining the pool. The applicants stated that they only planned to drain a little bit of water out of the pool before winters. There is a standing issue with the Conservation Commission, since pumping has to occur in an upland area. The drained water will be dispersed on the property, away from the wetlands. The applicants will need to wait until the water has stabilized before pumping.

Mr. Mascolo moved to approve the plans as presented with the standard pool conditions. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

**6:33 PM: Continued Public Hearing: Wave Lengths, 223 Upper Main St (20A-95) SP: B-II Business District. Mixed Use Building. Provide Planning Board with revised plans to satisfy list of requests.**

*In Attendance: Phil Miller, Jayne Steide, Colin Young, Joseph Roberts, Chief Shemeth, Mort Fearey, Adam Turner, James Joyce*

Mr. Wilson opened the hearing.

Mr. Miller distributed packets that included the landscaping plans, elevations, and architectural renderings. Mr. Miller also presented samples of the trim, window boxes, and flood lights.

Mr. Cavallo asked if anyone of the applicants had spoken to the Carters. Mr. Young said that he spoke to them after the last meeting, and received some feedback.

Ms. Greenough distributed list of the Planning Board requests from the meeting on September 15<sup>th</sup>.

Mr. Miller stated that he brought materials generated from the list at the last meeting. He also revised the landscaping plan, and added a second handicapped access in the rear of the building. He stated that the planting plan was replicated from the neighboring dance studio, as was suggested by the Board. He also stated that he drew inspiration from the Yellow House, as was also suggested by the Board.

The Board reviewed the list of issues with the applicants:

AC units and electrical boxes screening: The applicants proposed to fence the property from the existing fence across the front with a traditional, non-porous fence with access through the rear. Mr. Miller stated that the compressors and electrical boxes will be hidden from the street.

Lighting: The applicants proposed to place hooded flood lights on the corners of the building on the left side. Mr. Miller presented the sample light, and showed that they have a 10 foot range, and would be activated by a motion sensor. The lights will be downward facing and shielded to prevent light pollution.

Railings: The applicants proposed traditional PVC railings with metal reinforcements for support. All of the railings would be the same with traditional white posts and caps.

Window boxes: Mr. Miller stated that he tried to replicate the white flower boxes on the neighboring dance studio. The window boxes were shown on the architectural renderings. Mr. Miller also presented the revised window scheme. Mr. McCourt asked if all of the windows were the same size. Mr. Miller replied that they were. He also presented an unpainted sample box. Mr. Miller mentioned that the planting scheme duplicates the neighbor.

Handicapped access: The applicants have added an electric lift with a backup battery on a pad in the rear of the building. There will be one handicapped parking space, as required.

Joseph Roberts, an ADA representative, was present in the audience to review the handicapped access. He stated that everything looked fine and up to code. He asked if the intent was to install an elevator for it to be completely accessible.

Mr. Miller stated that the applicants will be asking for some relief on the elevator.

Mr. Roberts stated that he would be willing to write up a professional assessment, if the Board would like. Mr. Cavallo stated that he did not feel a report was necessary, but was thankful that Mr. Roberts attended the meeting and provided input. The Board thanked Mr. Roberts for attending the meeting.

Dormer in front: Mr. Miller stated that modifying the dormer would cause structural issues and cannot be changed. The building is specifically built to be a high energy performing structure. Mr. Miller stated that the performance standards exceed stick-built structures by 300% on the energy scale. He stated that the building is made of panels, and since the area in question is now a kitchen, the panel contains a lot of mechanicals that are complicated and would be difficult to re-configure. Mr. Miller stated that the construction is much different than stick-built structures.

Mr. Cisek reviewed the architectural renderings and was concerned about sitting water and snow on certain areas on the roof.

Mr. Miller referred to the drainage plan included on the site plan, which showed gutters with downspouts. The site drainage will be managed by grade and structure. There will be two catch basins in sequence at the rear of the building.

Mr. Miller stated that white cedar shingles would be used. He added that the trim would be white, and the windows would have dark green shutters. The Board asked if the driveway would be asphalt. Mr. Miller said no, that native peastone embedded in recycled material was planned for the driveway.

Mr. Sparks suggested clapboarding the front gable.

Mr. Cisek asked if columns would be used to divide the units on third floor. Mr. Miller stated that there was only one unit on the third floor.

It was noted that the Fire Chief had some issues with the building, and was working to resolve them with the sprinkler company. Mr. Shemeth stated that there were some fire code issues, but that there wasn't anything that couldn't be corrected. Mr. Cavallo stated that the fire code does not fall within the purview of the Planning Board.

Adam Turner stated that the original building plan was already approved. He stated that if it was built differently than the approved plans, he hoped that the Planning Board would modify the appearance so that it would be closer to what was initially approved. He mentioned that the application needs to be referred to MVC again.

Mr. Wilson asked Mort Fearey why he was in the audience. Mr. Fearey replied that he wanted to see what would happen when an applicant builds an unapproved structure.

Mr. Wilson closed the public hearing at 6:59 PM.

Ms. Greenough asked if the applicants had any information about a condominium association. Mr. Miller stated that the information on the association was provided in the packet.

Mr. Sparks stated that the building fronts on Main St. He stated that he understood that the building could not be torn down because of the mechanicals. He stated that of the 13 issues listed, the applicants have addressed every one. He thanked the applicants for their detailed work on resolving the Planning Board's concerns.

Ms. Greenough asked if the MVC will examine the interior of the structure. Mr. Turner said no.

Mr. Joyce asked about the outstanding issue with height restriction. He stated that he wanted that issue referred to the Commission as well.

Ms. Greenough explained that there are two separate applications, one for the mixed use structure, and the other to exceed the height restriction.

The Board decided to wait to refer the mixed use structure application to the MVC until the next meeting, and then refer both applications at once.

The Board asked about access to the basement. Mr. Miller explained that there was an outdoor exterior stairway to get into the cellar. The exterior bulkhead will have a single swing door at the bottom of the stairway. Mr. Miller stated that the door and stairway were required by fire code.

Mr. Sparks moved to continue the hearing to October 18<sup>th</sup>. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

Mr. McCourt moved to adjourn. Mr. Sparks seconded, and the motion passed unanimously. The meeting was adjourned at 7:09 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: _____