

Edgartown Planning Board Meeting Minutes

Tuesday, December 6th, 2016 at 5:30 PM

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

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

Chairman Alan Wilson called the meeting to order at 5:30 PM.

5:30 PM: Continuation of a Public Hearing: Stop & Shop (WJG Realty Company, LLC) 245 Upper Main St (20A-57.1 et al.) SP: B-II Business District. Construct a 15,945 square foot addition to existing store. Redesign parking lot.

In Attendance: Geoghan Coogan, Lisa Davis, Greg O'Brien, Randy Hart, David Taglianetti, Adam Turner, Bill Veno, Priscilla Leclerc, Jon Doyle, Kathy Pagoda, Fielding Moore

Randy Hart, the transportation consultant, presented the traffic study that was submitted to the Board on November 23rd. The study conforms to Mass Department of Transportation Transportation Impact and Access Study requirements. The study concluded that the Stop & Shop expansion would have a minor impact on the traffic in the area.

The study had three layers including an examination of the existing conditions, and two future conditions, one with the expansion, and one without. The team could then assess the impact by comparing the conditions. The study area was established; there are 13 intersections in the vicinity of the site. Peak traffic counts were taken on an August Friday from 3 PM to 6 PM, and on the following Saturday from 10:30 AM to 2:30 PM. There were also detailed inventories of the existing pedestrian, bike, and bus movements. Mr. Hart used these figures as the base condition.

Mr. Hart explained that there are currently three points of access to the site: the eastern entrance/exit, the western entrance/exit, and a third far western exit for the bank. Under the proposal, the western access would be reconfigured to align with Pinehurst Rd across the street. Mr. Hart stated that this would vastly improve the on-site circulation. Mr. Hart also showed that the crosswalks would be also be redesigned to be perpendicular across the road, rather than diagonals.

Mr. Hart explained the projected changes in traffic patterns, and explained the traffic generation table. The projections showed an average of 76 new vehicle trips, and 93 new trips during peak hours. Mr. Hart explained that these projections were calculated as if the store was located in Central Massachusetts, where the store would draw customers from surrounding areas. Mr. Hart explained that since Martha's Vineyard is an island, there is a finite customer base, and he stated that he thought the actual increase in vehicular traffic would be about a half to a third of what was presented in the projections.

Mr. Hart added that a bus turn out would be added along the curve of the road with a concrete pad, and perhaps a bus shelter. Mr. Hart stated that the western side of the parking area would be opened up to create a new parking field. This shift to the west would create another circulation path that would be beneficial to the general circulation of the site.

Mr. Hart stated that the concept minimized and consolidated conflict points, and would allow for safer operations. Mr. Hart concluded that the project would generate some new traffic, but that the estimates were fairly low and conservative. He stated that there would be improved on-site circulation for vehicles and pedestrians.

Mr. Wilson stated that the pharmacy would be moved over to the site, and that there could be up to 12 customers at any given time. He asked if the plan included extra spaces to accommodate these customers. Mr. Hart said that there should be enough spaces to fill the needs of the pharmacy and the general market.

Mr. Cavallo also noted that there was another entrance at Shiretown Meats, and asked if it had been included in the plan. Mr. Taglianetti stated that there would be a designated walkway through the parking lot to allow for people and carts to pass easily through the lot, but did not include the Shiretown Meats/Marriott lot in the calculations.

Mr. Cisek commented that the VTA is an important element for customers. He thought that a bus shelter would be very beneficial.

Mr. Coogan stated that since last meeting, there has been an ongoing conversation about keeping the bank, but not in its current location. Mr. Mascolo asked where the bank would be moved. Mr. Coogan stated that details still need to be worked out, but will update the Board on the progress.

Mr. McCourt asked if the parking configuration would be changed if the bank remained. Mr. Taglianetti stated that the plan is not final, and that there would still be a lot of parking on the western side.

Mr. Hart stated that currently, the eastern side is used more heavily, but that the expansion would help to balance the circulation.

Mr. Mascolo asked if there were any plans for the interior of the building yet. Mr. Taglianetti said yes, that the team has assembled a fixture plan. Mr. Mascolo asked if the parking requirements would still be met if the bank were to remain on the property. Mr. Taglianetti replied yes, that the proposal includes 80 more spaces than what is required by zoning, and that only about 25 of those would be lost to the bank. He stated that there would be no impact on either driveway, and only minor impacts to the parking on the western side. Mr. Cavallo asked if the bank would affect the reconfiguration of the western access to line up with Pinehurst Rd. Mr. Taglianetti said no. Mr. Sparks asked if the bank would have an impact on the movements of the delivery trucks. Mr. Taglianetti said no.

Mr. Mascolo stated that a snow removal plan was very important to the Board. Mr. Taglianetti stated that the team will have designated areas for snow storage, and that the snow may be hauled off site. He stated that there will be a snow remediation plan included in the application. Mr. Mascolo stated that it

is important to the Board to make sure that everyone, especially the elderly population, can get to the grocery store easily in the winter.

Mr. Taglianetti stated that typically snow management areas are in the areas of the parking used most infrequently. He anticipated that the northeast and northwest corners would be the likely designation points. He said the snow would be stored on paved areas as far away from the entrances as possible.

Mr. Cavallo asked to confirm that the front parking area would basically stay the same. There would still be angled parking spots, and still a one-way traffic configuration. Mr. Taglianetti confirmed, and stated that the spaces in front may possibly be widened.

The Board discussed the easement with the Department of Transportation for the front spaces. There is a dense strip of land owned by the Department of Transportation; the easement allows Stop & Shop to utilize that property for parking, and a fee is paid every month.

Mr. Wilson asked if the trees in center of the parking lot would stay. Mr. Taglianetti mentioned that at the last meeting, Mr. Donaroma had expressed wishes that the landscaping and the parking lot be more functional. He stated that the team will try to keep the established trees in place, including the 12 trees along the front. Mr. Taglianetti stated that the front parking field does not function well today, and that the team will try to enhance the area from a functionality standpoint.

Mr. Wilson asked if the team would make the front parking spots wider. Mr. Taglianetti replied maybe. The brick parking lot makes things much more complicated, because the spaces are delineated with differently colored and differently oriented bricks. Re-stripping the lot is not as simple as if it were an asphalt lot. Mr. Coogan asked how important the brick was to the Board. He said that in order to widen spaces in the front, the team would need to asphalt over the bricks.

Mr. Cavallo asked if the team could incorporate larger spaces on the sides of the lot. Mr. Taglianetti said yes, and that the team has considered labeling the parking spaces in front for compact cars.

Mr. Mascolo stated that he wanted to create the greatest shopping experience a grocery customer could have. He stated that he want this to be the best store. He said that the impact on the neighbors is equally important. Mr. Mascolo stated that there are new, inexpensive options to greatly reduce noise pollution. He stated that the expanded building could feel like an intrusion on the neighborhood, and that it was important that the auditory and visual impacts be disguised and hidden cleverly so neighbors don't feel like they're sitting in a generator, or staring at a row of delivery trucks. He stated that a row of landscaping or fencing along the backside of the property would be beneficial.

Mr. Coogan stated that the team has engaged a sound study to address those issues, and have been talking to the neighbors. He stated that the team is working on these ongoing issues.

Mr. Cavallo asked about the big puddles in the front of the building, and if they could be related to a drainage issue. Mr. Taglianetti stated that the storm water issue is a result of the ramp that was recently constructed, and the water is not going into the catch basins. The drainage study will determine where the previous drainage areas were and ways to increase capacity.

Mr. McCourt asked about bike racks. Mr. Taglianetti explained that the proposal includes 30 bike spaces that are strategically located throughout the site.

Kathy Pagoda expressed concerns about the western access aligning to Pinehurst Rd. She was worried that there would not be enough space in traffic for people to be able to go straight through the intersection. She asked if there would be stop signs on Upper Main Street. Mr. Hart said no, that there would be stop signs at the end of Pinehurst and at the end of the Stop & Shop driveway. He explained that the aligned roads have fewer conflict points, and provides an increase in safety and circulation. Ms. Pagoda suggested that there be one way in and one way out, like at the post office or Cronigs. Mr. Taglianetti stated that having one entrance and one exit would create a heavy burden on the exiting lane, and that the configuration would not evenly balance the traffic. Ms. Pagoda then suggested that the western driveway be moved further west. Mr. Hart stated that moving the driveway further west would defeat the purpose of aligning the roads. He assured Ms. Pagoda that the proposal will be safer than what exists.

Fielding Moore, president of the bank, stated that the bank currently has lease on the building until 2020, and has been participating in discussions with Stop & Shop. Mr. Healey stated that there is a recent agreement in place, and that it would be difficult to move forward with the proposal without the bank's consent. He clarified that the bank is in an active discussion with Stop & Shop, and that the negotiations are not final.

Mr. Coogan stated that the Stop & Shop team would like to see the submitted public comments before the next meeting, in order to have time to develop responses. Ms. Greenough stated that she would be in touch with the team before then, and would distribute the letters that have been submitted for review prior to the meeting.

Mr. Cavallo moved to continue the hearing to January 3rd. Mr. Mascolo seconded, and the motion passed unanimously, 5-0. Ms. Greenough stated that the Board will need more time before referral to the MVC.

Mr. Cisek exited the meeting at 6:10 PM.

Mr. Turner stated that the Wave Lengths hearing was scheduled for 7:00 PM on December 15th at the MVC. He stated that it would be great to see the Planning Board members in the audience.

Edgartown Lofts/Hajjar letter

Mr. Sullivan, newly appointed to the Hajjar team, updated the Board on the Edgartown Lofts project. He announced that Phase 2 would not be completed, that the application was officially withdrawn, and that Building D would remain as is. Mr. Sullivan requested to be placed on the January 3rd agenda to give a more concise and accurate report.

The Board requested that the parking lot be cleaned up, and the lines clarified. Mr. McCourt stated that it was very important that the applicants be held accountable. Mr. Sullivan stated that there was some

confusion about when the parking lot would be finalized. Mr. McCourt stated that he did not see how finishing lot would affect construction at this point. Mr. Sullivan agreed.

6:17 PM: Form A – Edwin N. Woods, 35 Tower Hill Rd (29-155.1) Division of land

In Attendance: Doug Hoehn

Mr. Hoehn approached the Board to explain the application. The 5.6 acre property would be divided so that the portion that sticks out to Katama Bay with a cottage would be one lot, and the bulk of the space would be protected forever as a single piece of land. Mr. Hoehn explained that a Form A does not create protected space inherently, and he is still working on the protections.

Mr. Hoehn stated that this was a simple two lot Form A, and that the Board needed to determine if the dirt road was adequate for access. Mr. Cavallo stated that he thought the road was adequate, that both lots would be large enough to meet the zoning in the district, and both would have more than 50 feet of frontage.

Mr. Cavallo moved to endorse the Form A for reasons stated above. Mr. Sparks seconded, and the motion passed unanimously, 5-0.

6:21 PM: Form A – 52 Fuller St LLC, 52 Fuller St (20B-95) Lot line adjustment

In Attendance: Doug Hoehn

Mr. Hoehn explained the application. The property was originally split in half, and one house was built on each lot. The space between the two buildings is landscaped, and includes a substantial privacy hedge to separate the two dwellings. The lot line adjustment would change the dividing property line to follow the hedges.

Mr. Mascolo moved to endorse the Form A. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

6:26 PM: Public Hearing: Form C – Mark H. Taylor, 27 Mill Hill Rd (29-57.41) Divide one lot into two lots and construct road for adequate access

In Attendance: Doug Hoehn, neighbors

Ms. Greenough read the public hearing notice.

Mr. Hoehn stated that the proposal is the exact same subdivision from 2004. The application was approved by the Planning Board in 2004, a road association was created, and a Form F was filed, but the owners did not pursue the subdivision further. There was a 30-year deed restriction on the property from when it was first conveyed in 1986 to prohibit further subdivision. Mr. Hoehn stated that the restriction has expired. The proposal includes the creation of a Planning Board approvable way separate from the road lot. The proposed road would have a turn-around at the end, separate from the current turn-around at the end of Mill Hill Rd. Both lots would exceed a half acre, and would be hooked into

Town water. An application has been filed with the Board of Health, but there has been no official response. The bedroom count for the undivided property was found to be eight bedrooms. The property is located northeast of the groundwater divide. Mr. Hoehn mentioned that there is a well 15 feet off of the property line for Lot 1, but the lot could be configured in such a way to keep those required separations.

The subdivision would share the existing driveway for the property and then branch off. Mr. Hoehn anticipated that the Board would condition the application for no second driveway.

Mr. Cavallo stated that he would like to condition the application with the old conditions from 2004, including road maintenance and a Form F covenant.

Mr. Cavallo also asked when the restrictions expired. Mr. Hoehn stated that the covenants expired on June 17, 2016.

Robert Edwards of 31 Mill Hill Rd, stated that he had no problems with the original subdivision, but had concerns about the well and septic distances. Doug Hoehn stated that there were no special Board of Health conditions for the area, and that the standard 100 feet would be sufficient. Mr. Hoehn reassured Mr. Edwards that the wells and septic systems in the area would be protected.

Troy and Donna Bettencourt, abutters, expressed concerns about the restrictions. Mr. Bettencourt stated that the deed he had was dated 1989, not 1986, and there was no explicit expiration date listed. He stated that the traffic on Mill Hill Road is a major problem, and was concerned about an increase in traffic.

Ms. Greenough asked for a copy of Mr. Bettencourt's materials, which were provided.

Mr. Hoehn presented the deed restriction that was created in 1986, which stated that the lots shown cannot be subdivided except for minor line adjustments. Mr. Hoehn stated that private deed restrictions expire in 30 years, unless otherwise specified.

Mr. Bettencourt stated that a new deed was created when the house sold in 1989, and that the restrictions should be renewed from that conveyance.

Mr. Wilson stated that he did not feel comfortable proceeding without the opinion of an attorney. He suggested that the application be referred to Town Counsel.

Mr. Hoehn argued that every time the property is conveyed, the conditions from the first conveyance do not start over. He stated that the original condition runs with the deed, not the owners.

Mr. Bettencourt stated that there is a 20 foot right of way that runs up to Mill Hill Rd. He stated that there are over 20 houses on the road now, and that traffic is bad. He stated that another subdivision would set a precedent. He stated that the Town owns road, and that the Highway and Water Departments use it. He encouraged the Board to review the traffic problem before approving the subdivision.

Mr. Cavallo moved to continue the hearing to January 3rd once Town Counsel has given an opinion on whether or not the deed restrictions expired. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

6:48 PM: Discussion – Form A: Katama Acquisitions LLC (Sean Chapps) off Bennett Way, Baylies Way, & West Tisbury Rd (28-249) Division of land. Turn two lots into three lots

In Attendance: Doug Hoehn

Mr. Hoehn stated that there was a Form A on the property in 2014 to divide one parcel into two. He presented the conceptual plan to create three lots. Two lots would be zoned for three bedrooms, and the 15,000 square foot lot would be zoned for one bedroom. One lot would have frontage on Edgartown-West Tisbury Rd, and the other two would have frontage on Bennett Way. Mr. Hoehn stated that the former owners of the property applied for a state curb cut permit to allow for easterly access for the lots with frontage on West Tisbury Rd, and it was granted. The Board seemed surprised based on the location of the driveway. Mr. Hoehn confirmed that the state highway department gave permission to enter the property from the designated location.

Mr. Chapps, the current property owner, went to the Wastewater Department and spoke with Dave Thompson. There were three permits allowed within that stretch of sewer line and they have reserved those three permits for him. Mr. Hoehn stated that the application will be a Form C to re-divide Lots 1 and 2 into three lots utilizing the state curb cut through the Department of Transportation. All three lots will be tied into sewer.

Mr. Cavallo asked about the effect the proposal would have on Bennett way. Mr. Hoehn stated that there would be one less lot (original Lot 2) using Bennett Way, due to the new curb cut.

Mr. McCourt had concerns about the curb cut, and said it was a dangerous road. He encouraged Mr. Hoehn to talk to the Police Chief before planning further. Mr. Wilson agreed, and stated that the limited visibility from the hill and the speed of the traffic will make it a difficult intersection. Mr. Hoehn stated that the curb cut was already approved by the state.

Ms. Greenough asked if the curb cut was located in the Islands Roads District. Mr. Hoehn stated that it was, but that all of those criteria had been addressed.

Mr. Hoehn stated that he will talk to the Police Chief about the road and the curb cut.

6:58 PM: Public Hearing: Schrieber, William & Carol, 128 Herring Creek Rd (45-362.5) SP: Katama DCPC. Construct an in-ground 18' x 45' swimming pool.

In Attendance: George Sourati

Ms. Greenough read the public hearing notice.

Mr. Sourati approached the Board to present the site plan. The property is 1.56 acres located at the corner of Herring Creek Rd and Proprietor. The owners would like to install a swimming pool. A

landscape designer created the landscaping plan; Mr. Sourati emphasized the plantings to screen the pool from public view. He noted that there would also be a pool fence. Mr. Mascolo asked where the mechanicals would be located, since they were not shown on the plan.

Mr. McCourt stated that site visits are very important to the Board. He stated that the pool was not staked for the site visit, nor was anyone from Mr. Sourati's office present. Mr. McCourt stated that the Board puts time and effort into the site visits, and it was disappointing to not know where to go. Mr. Sourati apologized and stated that his office was not aware of a site visit. Ms. Greenough stated that the site visit was posted on the agenda that was sent. Mr. Sourati apologized that it was overlooked.

Mr. Mascolo stated that it was important to have the pool staked for the site visit. He stated that the Board needs to know where the pool will be on the property.

Mr. Cavallo suggested that the Board continue the application. He stated that he would like to know where the pool and mechanicals would be located.

Mr. Mascolo agreed that the application should be continued, and stated that he would like to know where the pool equipment would be located, and what type of sound proofing material would be utilized. He stated that there have been a lot of complaints about pool filters and other noise generated by the equipment. He stated that in Katama, especially, it is important to enclose the equipment in a soundproofed structure, or to bury it in a vault.

Mr. Sourati stated that the equipment would likely be housed in a soundproofed structure.

Ms. Greenough stated that the pool checklist had not been received yet. Mr. Wilson added that a life saving device would also be necessary on site.

Mr. Cavallo moved to continue the hearing to January 17th, and requested the missing application materials. Mr. Sparks seconded, and the motion passed unanimously, 5-0. Ms. Greenough will inform the applicant if space becomes available on January 3rd. There will be another site visit the morning of the meeting, and the pool will need to be staked.

Other Business:

7:08 PM: General Code – zoning re-codification

Ms. Greenough stated that she recently attended a conference and discovered a company called General Code that would re-code the zoning bylaws. She stated that the process would take about two and a half years, and would cost \$7,100, which would be spread out over the process. A team of land use professionals would review Edgartown's zoning bylaws, and compare them to the state bylaws to ensure compliance. She mentioned that Adam Turner was familiar with the company, and recommended their work.

Ms. Greenough stated that a contract would be necessary, and that the Board would need to sign it after the purchase was authorized.

Mr. Cavallo moved to pursue the offer from General Code. Mr. Mascolo seconded, and the motion passed unanimously, 5-0. Mr. Wilson signed the letter.

Mr. Cavallo stated that this was a good find, and said that the recommendation from Adam Turner was reassuring. Ms. Greenough added that 38% of the municipalities in the commonwealth have used General Code.

7:12 PM: 2018 Budgets due Dec. 7th

Ms. Greenough reviewed the budget for Fiscal Year 2018. The Planning Board is allocated \$10,150 per year, with a 2.5% increase (\$250) if requested.

\$4,500 has been allocated for special services; \$2,600 for advertising, for when the Board needs to advertise a hearing or forum instead of the applicant; and \$1,000 for office supplies and travel. The salary for employees is a separate budget.

Ms. Greenough asked the Board if they would like to ask for the 2.5% annual increase to the budget, and which department they would like to allocate the increase into. Mr. Sparks moved to request the annual increase, and to have it placed under special services. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

7:18 PM: Continued: Affordable Housing Definitions

Ms. Greenough stated that the affordable housing terms and definitions were referred to Town Counsel. Mr. Goldsmith will be setting up a meeting with Art Smadbeck, Alan Wilson, Georgiana Greenough and Lucy Morrison to discuss the potential impacts of the definitions.

7:21 PM: Edgartown Lofts/Hajjar letter

Mr. Cavallo inquired about the newspaper article regarding the Sidney Hotel. The proposal includes 14 rooms and two retail spaces. Patrick Ahearn was the architect on the project. The article stated that the project was approved by the Historic District Commission, and that the application would need to come back to the Planning Board. Mr. Cavallo stated that this was incorrect, that the project would be referred to the Zoning Board of Appeals, and that the Planning Board does not have jurisdiction. He asked if he could attend the ZBA hearing to speak personally. Ms. Greenough said yes, and asked that he be clear about whether he was representing himself or the Planning Board.

7:24 PM: Chappy Cell Tower

Ms. Greenough updated the Board on the lawsuit against the Fynbo Tower on Chappaquiddick. She stated that the legal matters would be straightened out shortly. She also stated that AT&T has chosen not to re-apply for a permanent tower at that location.

7:26 PM: B-II Business District

Ms. Greenough asked the Board if they would like to get the B-II Business District plan approved by the MVC, so that fewer projects in that district would need to be referred to the Commission. Mr. Mascolo stated that he would like input from the Board of Selectmen before making a decision.

7:29 PM: Deadlines for ATM zoning amendment articles

Ms. Greenough stated that the scheduling constraints for public hearings for zoning amendments are difficult. A public hearing cannot be held more than six months in advance of Town Meeting, but the warrant articles are due so soon after the six month date that it is nearly impossible to have an agreed upon warrant article by the deadline. Ms. Greenough stated that other towns on the island use “place holders,” where the draft of the amendment is published in the warrant, and then the public hearings continue, and any edits made through the public hearing process are included on the final draft and clarified on Town Meeting floor. She stated that a discussion with the Town Administrator may be necessary, and asked for support from the Board.

7:34 PM: Upcoming Events

Ms. Greenough reminded the Board about the HPP workshop on Tuesday, December 13th, at 5:30 PM at the Harbor View Hotel.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

Meeting adjourned at 7:38 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: _____