

Edgartown Planning Board Meeting
Friday, January 9, 2015 at 12:00 PM
Minutes

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

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

Chairman Fred Mascolo called the meeting to order at 12:05 PM.

12:05 PM- Public Hearing: Isabel B. Lenssen Trust, 11 Plantingfield Wood Circle (20A-37.112) SP: Coastal District, 10 foot contour. Construct single family dwelling to maximum allowable height in R-20 zoning.

In Attendance: Peter Ferrini, Doug Dowling, Roger Colla

Mr. Dowling approached the Board to present the application. The applicants are asking for a special permit to allow for a maximum height of 32 feet above existing mean grade for a single-family dwelling. Mr. Dowling explained that the parcel is located in the inland zone of the coastal district. The site is 1,100 feet from Eel Pond, which falls within the 10 foot contour, but is not typical coastal area; it is heavily wooded with fully grown trees. The parcel also has the lowest elevation in the area, except for the property owned by the Water Department. The roadway surrounding the parcel is more than two feet higher than the site, which gives the illusion that the ground is depressed. This illusion is exacerbated by the neighboring property, which is seven feet higher in elevation and is located in the R-20 district, which has different height restrictions. Mr. Dowling mentioned that property is located in the EA area of the flood-zone, and that new flood maps will be coming out in April. The top of the foundation will be set above the flood area. Mr. Dowling explained that the current plan is to bring the grade up, so it will be 9 ½ feet from the top of foundation, with an 8 ½ foot grade. The maximum height of the structure would be 29 feet above the new grade. The dwelling would have a 7 pitch roof, which would blend in well with the neighborhood.

Mr. Roger Colla, President of the Plantingfield Way Property Owners Association stated that he has tried to contact the homeowners, but has not heard back. Mr. Colla explained that the association has covenants in place regarding standards of home design such as roof pitch, and that a three person architectural review board must review plans prior to construction. The consensus of the neighborhood is that a house is preferable to an empty lot. This is the last unbuilt lot remaining in the neighborhood. Mr. Ferrini replied that he planned to return Mr. Colla's correspondence, but wanted to wait until after the application had been through all of the Town Boards before contacting the neighbors.

Chairman Mascolo closed the public hearing at 12:15 PM. Mr. Wilson asked if the applicants had presented before the Conservation Commission. Mr. Ferrini replied that the Conservation Commission had approved the project, but the footprint of the structure has changed since, and that they are planning to return.

Mr. Wilson asked if the applicants were planning to have a basement. Mr. Dowling replied no, Mr. Ferrini explained that the structure will have a small crawlspace. The regulations in the flood zone state that there is no living space allowable below 10 feet.

Mr. Mascolo asked if the applicants would have a chimney. Mr. Ferrini replied that they may. Ms. Greenough read the applicable bylaw to explain that chimneys, spires, vent pipes and other similar appurtenances may have an additional eight feet above the highest point of the roof.

Mr. Sparks moved to allow the applicant to build up to 32 feet, with the conditions that they go before the architectural review board, that there will be no habitable space allowed in the basement, and that any decision is pending approval by the Conservation Commission. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

Continuation of a Public Hearing: Rogal, 80 Oyster Pond Rd (40-1.27) Form C, Definitive Plan: Divide one 7+/- acre lot into two lots in 3-acre zoning.

In Attendance: Reid Silva

Mr. Silva approached the Board and explained history of the property. Mr. Silva stated that he has reviewed the records and that everything appears to be fine. Ms. Greenough stated that another letter from Mr. Christopher Pitt has been received, that confirms that the restrictive covenants have expired. Mr. Alan Norton had objected based on the covenants when the other co-executors wrote the restrictions. Mr. Pitt replied that the covenants had expired based on their own terms. Mr. Norton has since agreed that the covenants were not renewed. The Board confirmed that there is nothing in the Rogal/Weber deed to restrict further subdivision, and that the same rights of the easement apply as the original owner before any subdivisions.

Mr. Jay Zimmerman, a neighbor to the property, objects the subdivision, and stated at the previous hearing that doubling the use of the driveway easement would be unreasonable. Mr. Pitt replied in his letter that the increase of use of the easement will not be enough to deny the subdivision.

Mr. Mascolo asked if beach and pond rights were also divisible between the two properties. Ms. Greenough replied that Mr. Pitt was only referring to the easement and the right to subdivide, and that pond and beach rights are a completely different matter.

Ms. Greenough clarified that this will be the final subdivision of this property, as allowed by the minimum lot size of the zoning district. There will be a total of three lots created from the original one.

The issues concerning the Planning Board with this application are the easement and the covenants. The Board determined that the right of way is acceptable for the addition of another lot. Mr. Sparks stated that the Board accepts the legal opinion that the covenants have expired, and that current zoning allows for the subdivision. The Board agreed.

Mr. Cavallo moved to accept the Form C as presented. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

1:19 PM- Public Hearing: Ordway, 97 Chappaquiddick Rd (30-65) SP: Coastal District-Inland Zone. Remove existing 35 square foot pump house and relocate it as a 35 s.f. shed attached to pre-existing garage.

In Attendance: Dick Knight

Mr. Knight approached the Board to present the application to demolish a 35 square foot pump house to be replaced with a 35 square foot shed to house a water treatment system. The proposal involves constructing a shed to be attached to an existing garage. Mr. Mascolo asked if noise will be an issue. Mr. Knight replied that the shed will be insulated, within the side setbacks of 25 feet, and there will be no pumps, just a water treatment system, which does not create much noise. Mr. Sparks agreed that noise should not be an issue. The Board noted that the application actually decreases the non-conformity of the lot by demolishing the pump house.

Mr. Sparks moved to accept the application to move the pump house as presented, since it will reduce the non-conformity of the lot. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

1:30 PM- Public Hearing: Bayha, Alexander (Welsh R.E. Holdings), 105 Edgartown Bay Rd (51-50) SP: Coastal District-Shore Zone. Construct a 49 s.f. expansion of living room to edge of existing roofline along with other interior alterations located entirely within the existing footprint on a non-conforming structure on a non-conforming lot.

In Attendance: Chuck Sullivan

Mr. Sullivan approached the Board to present the application for above referenced project. He said possible previous additions may have taken place, saying that the engineer, George Sourati, said the previous owner added an estimated 250 s.f. deck, then screened it in and subsequently enclosed it. There were no applications in the Planning Board files that reflected these projects. According to Vision appraisal, the structure is 3,380 sf, of which 1,830 is habitable.

Mr. Sparks moved to approve the addition of 49 square feet because the area to be enclosed is already on a patio and is entirely located under the existing roof. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the meeting was adjourned at 1:38 PM. Thanks for the coffee, Fred.

Respectfully Submitted,

Lucy Morrison, Planning Board Clerk

<i>Fred Mascolo, Chairman</i>

<i>Robert Cavallo</i>

<i>Michael McCourt</i>

<i>Robert Sparks</i>

<i>Alan O. Wilson</i>
Edgartown Planning Board Date signed: