

Edgartown Planning Board
Tuesday, June 16, 2015 at 5:30 PM
Minutes

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

Staff in Attendance: Georgiana Greenough, Assistant

Chairman McCourt opened the meeting, 5:32 PM.

Frank Jennings Bicycle Shop, 212 Upper Main Street (20C-30)

In attendance: Frank Jennings

The board conducted a site visit the morning of the hearing. The chairman asked the assistant to read the public notice to open the hearing. Mr. Jennings, owner of the bike shop, said he began construction on a 10' x 14' shed (140 s.f.) when he was informed he needed a special permit from the Planning Board. He stopped work and filed an application. He apologized for starting the construction without a permit. He said the construction was called corner board construction where vertical boards are load bearing. It is being built on cement blocks.

The board asked if there were going to be locks on the doors. Mr. Jennings said yes, and he will also build a ramp. He said he was not going to put up cedar shingles, and the roof would be green metal. The construction is for commercial use as storage for his rental bikes and lawn equipment. There is a residence on the property of approximately 690 s.f. that has a small basement. He said there was no room for his bicycle inventory and yard equipment storage. The approximate size of the commercial building is 1,000 s.f. There is a detached lavatory and sink contained in a small shed on the lot. Mr. Jennings stated that if after the shed was constructed the board felt that it needed cedar shingles and a shingled roof, he would comply.

The assistant reminded the board of the 10% regulation that applies to the size of this shed. She said if the shed were for residential use, the expansion would be allowed by right. But because it was to be used commercially, the size should not exceed 100 s.f. according to the bylaws. Mr. Jennings asked for a waiver on the overage of 40 square feet to the shed.

Mr. McCourt closed the public hearing and the board deliberated. Mr. Cavallo said he does not have a problem with the shed. Mr. Sparks agreed with Mr. Cavallo and said he would approve the waiver on the overage of 40 square feet on the shed. Mr. Mascolo said the waiver is justified as the shed is located on a large lot. Mr. McCourt was concerned about setting a precedent.

A motion was made to approve the project, seconded, and unanimously passed, 5-0.

Beach St Properties LLC, 2 Beach St. (29B-84)

In attendance: Louise Brooks and Bill Senst from Books & Falotico Architects, New Canaan, CT

The board conducted a site visit the morning of the hearing. The Chairman asked the assistant to read the public notice to open the hearing. Louise Brooks presented the project saying that the existing non-conforming structure is located on a non-conforming lot.

Louise Brooks presented the application. She stated that the Marxes would like to demolish and rebuild the existing structure located at 2 Beach St. The existing living space of approximately 1,926 sq. ft. living space will increase to 2,064 sq. ft. They will remove the portion of the structure that is located on town owned land, namely Dunham Rd. They will be building next to the Naylor setback and easement which is preserved and maintained. It will not be disturbed. The property is located in the AE zone which requires an increase of 10" to raise the footings. The height will not exceed 26', and the design is in keeping with the neighborhood.

The existing garage which is also located on town-owned property (Dunham Rd), will have the portion of the garage located on the public way, removed, and squared off.

Ms. Brooks presented photographs. The first photograph shows the existing dwelling. Subsequent photos showed the proposed structure from different angles. The structure does not now, nor will it meet the current R-60 setbacks. Ms. Brooks stated that if they did meet setbacks there would be no room to build anything. She is asking for a special permit to waive the non-conforming setbacks, demolish a non-conforming structure over 100 years old, increase the living space by 138 s.f. The additional square footage does not increase the footprint.

Approximately 11 sq. ft. of the primary dwelling will be removed. The proposed design is in keeping with the neighborhood. It will have cedar shingles and white trim. She mentioned she has done a number of other houses in Edgartown. She will provide the board with a list. Ms. Brooks said she has spoken with the direct abutter, Kim Naylor and she believes Ms. Naylor understands the project. Ms. Brooks said she and Ms. Naylor discussed the setbacks during construction, the time frame, and how large the over-dig would be. Ms. Brooks added that any flood water would be able to flow through under the house, and there would be no mechanicals located in the basement.

Diane Durawa, direct abutter from across Dunham Road, said it will be sad to see the turret go. She added that there she believed the house was an old ice house. She said that construction and traffic will be a big issue. Ms. Brooks responded that they will be building from October through April. The board may consider a condition for construction and truck traffic and parking. Ms. Brooks said they have not selected a contractor yet. Ms. Sutphin, an abutter to an abutter on the north side of the proposed project, asked where the parking is located for the subject property. No answer was provided.

Mr. George Davis said he is here to represent the direct abutters, the Naylor's. He asked if a building on a lot under 5,000 s.f. is allowed. The existing lot is .09 acres (3,920.4 s.f.) He said that Mass law is tricky about that. Ms. Brooks said it will be less non-conforming with the new plans. There will be more cubic footage. It is not located in the historic district.

The project needs to be referred to the Martha's Vineyard Commission as it is listed in the DRI checklist under "**8.2. Demolition or Exterior Alteration of Historic Structures** that have been identified as having historic significance by a local historic commission or architectural commission, by a general plan of the Town, by the Massachusetts Historical Commission or is listed with the National or Massachusetts Registers of Historic Places; or is more than a hundred years old, with MVC Concurrence.

The structure is over a hundred years old as it was constructed in 1890.

Mr. Cavallo made a motion to continue the hearing to July 21, 2015 at 5:30 PM or until after the review of the Martha's Vineyard Commission whichever comes first. Mr. Sparks seconded the motion and it was unanimously passed, 5-0.

DISCUSSION - Richard Lacus, 7 N.19th St: Clear Cutting & Raising the grade of vacant lots in Ocean Heights.

At the request of Mr. Lacus, the board conducted a site visit to Eric Walker's property at 471 Edgartown Vineyard Haven Rd (12B-58). It was noted that the curb cut for the lot was on the Edg-VH Rd, there was no permit for the curb cut as it is in the Island Roads District, and access to the lot could have been cut on 19th St. The lot has been cleared of trees. There is a trailer on the property and an RV with electricity surrounded by another six-foot fence. There are a couple of automobiles and a motorcycle. The property is surrounded by a 6' fence. A board member took photographs of the property. Mr. Lacus said this property has an impact on the residential neighborhood because it seems to be a commercial operation and he wanted to know how it is allowed by the town.

Chairman McCourt asked if the neighbors were aware of and/or discussed this project. Mr. Lacus did not know. Mr. Mascolo said it appeared to not be residential use. He said no RVs are allowed per Building Inspector. Mr. Sparks said no one can have 11 unregistered cars on the property. He recommended that Mr. Lacus review other lots in the neighborhood. He also asked if it might be a violation of the BOH. Mr. Wilson said that some properties cannot clear cut or take down trees, mostly if they are shade trees on a public way or within a subdivision with covenants. The board recommended that the street create a homeowners & road association.

2nd Alternate Member - Process

Ms. Greenough responded to the need to have one more alternate added to the pool in the event a board member is ill, unable to attend a meeting or must recuse themselves from a hearing. Often, a member will not be able to give much notice of their impending absence, and a second alternate would be good backup as the only alternate we have, James Cisek, may be unable to attend on short notice.

Ms Greenough informed the board that a second alternate must be approved at a Town Meeting. She handed out a sheet showing the existing zoning bylaw, Article 17.7 as written now, and the recommended changes to allow the board to appoint along with the Selectmen a second alternate.

Mr. Cavallo moved to adjourn. Mr. McCourt seconded, and the meeting was adjourned at 7:00 PM.

Respectfully submitted,
Georgiana Greenough

<i>Michael McCourt, Chairman</i>

<i>Robert Cavallo</i>

<i>Fred Mascolo</i>

<i>Robert Sparks</i>

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