

Edgartown Planning Board Meeting Minutes  
Tuesday, September 1, 2015 at 5:30 PM  
Town Hall – 1<sup>st</sup> Floor, Selectmen’s Meeting Room

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

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

Chairman Michael McCourt called the meeting to order at 5:30 PM.

**5:30 PM: Public Hearing: MV Refuse & Resource Recovery District, 270 W. Tisbury Rd (25-4&5)  
Modification to SP to restructure traffic flow and residential drop off at Edgartown Transfer Station**

*In Attendance: Don Hatch*

Mr. Hatch approached the Board to explain the application. He presented photos of the existing conditions. New separation DEP regulations. Getting cramped inside the building. More efficient car-wise as well. Permitted workzones. 200’ buffer around the perimeter. One way around. Commercial sorting area

Environmental Partners designed the flow. Designed different facilities

Mr. Hatch estimated that 1,500 to 2,000 cars visit the per day. A traffic study done by the MVC will be starting this week. Mr. Hatch stated that vehicular accidents are uncommon, but two accidents occurred last week.

Coo: resident: construction debris.

2 accidents last week. Too congested.

Moving things inside,

Mr. Sparks noted that the plans do not include any other buildings or structures. Mr. Hatch stated that this was correct, that there will be a series of covered bins and containers, but no structures built on the premises.

Mr. Mascolo asked if the design was similar to other refuse districts on the Cape. Mr. Hatch replied that the plans are very similar to Chatham, Dennis, and other locations around the Cape.

Mr. Hatch announced that the State has started to ask them to sort food waste, which will be a huge endeavor. Currently, only large establishments are asked to sort food waste out of the general...

Generally people. Currently, larger establishments. 2017 estimated. Green sign

Composting/digesters. Nitrates off island. Plenty of nitrates.

Mr. Hatch mentioned that the Bourne landfill will be acquiring a sewer sludge and food waste digester. The methane generated from the decomposition will be used to produce electricity. Better off bringing it to them.

Rhode Island- wastewater sludge. Cut down on disposal and travel.

Start developing this year- Bourne. 2016/17.

FM: Must-do project. Safety, but also for the future. Space for the future.

Referring to MVC tonight.

MassDEP. Asked for 2.5 mil from Town at ATM.

FM: important. MVC-obviously, with letter. Application, other towns, regulations changing- future anticipation. Important project.

FM moved to explain of the necessities of approval for the project. Faster. Would like MVC and other entities to see that PB is in favor and it is needed. Future issues. Food waste: need more space. Thought out plan. Proven with other towns. Help facilitate the MVC to go faster.

Coo seconded. Unanimous.

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

Mr. Cavallo moved to refer the application to the MVC. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

**5:45 PM: Public Hearing: Colvin, 25 Manaca Hill Rd (30-11) SP: Construct a 25' x 32' garage on a non-conforming lot**

*In Attendance: Bruce MacNelly, George Davis*

Moved back to original location, conforms to setbacks. 50/25. 32 on the side. Over time, made roof pitch shallower. 14' ridge is 7' long, drops to to sidewall. Grade centerpoint, positive drainage off door side. Site drops a bit toward the back. Building code issue, grade within 8" of shingles. Get it low, but still keep in the code issue and the drainage. Clear away shrubs and other landscaping, making grade difficult. Gain 6" from the grade, but no higher than what was seen at the site.

Bay for boat and trailer, bay for car, small area for office and a back door. No windows on Fortenbaugh's side. Push further off of setbacks on side, maybe another 3 ft. Drew one quick, 35' off property line. Plantings: designated area. Green zone. Volume and height: manage the interests of the neighbors. Plaines- short and low, Fortenbaughs- dense. Not exceed the ridge of the garage. 14' max. Visual barriers. Mature trees and young trees. Evergreens. Fastgrowing, grow out more than up. Landscaper consult. Agreement with neighbors, 14' max, dense plantings.

Height structure- can't make sidewall any lower and still. 5 pitch roof; best practices in a windy environment. Losing shingles. 4.5/12, 4.5 would gain 6". Grade is difficult to predict.

MM: emails sent to the Board directly. Addressed to the PB, not to the members.

Letters: Samuel B. and Sharon S. Fortenbaugh wrote on August 28<sup>th</sup>, 2015. GG made some points. 3 apps, not 6. Doll house, not under PB's jurisdiction.

Bob Colvin- approved by ZBA- building permit

MM- dealing with the plan submitted today. Fortenbaughs-

Discussed in Dec- app withdrawn. Wouldn't have supported it, so it was withdrawn.

Letter from Bruce MacNelly on August 31<sup>st</sup>. response and explanation

Susan and Daniel Plaine on Sept 1.

Sam Fortenbaugh- live next door. Strongly oppose the construction of the garage. Main issue: should there be a garage at all. No. Trees and shrubbery are important. Structure is large, high and has unnecessary roof and is oversized. Treated badly. Came here during December. Spent time. Come to negotiate a settlement; agreed to things not agreeable to keep the peace. Sent email, careful with words. Doesn't understand proposal. Started last summer. Plans dated prior to when he first came over and asked for plans. No communication with Colvin's since Dec; suggested by PB and wanted to do. April meeting- no idea that it was withdrawn. Just saw the minutes. Block light, breeze and winds. 60 years. Have a garage, can fit a boat and a car and it's only 12'.

Davis- Dan and Susan Plaine: letter- self-explanatory. Global matter. Encouraged Colvin to work with the abutters. Received no communication until today. Difficult to work things out. Conversations after the site visit. Landscaping: talked to Colvin and MacNelly today. Did not receive anything in advance. Not the kind of concessions were anticipating.

April meeting quote.

Not kind of plan envisioned or worked out. Submit detailed landscaping plan?

Recessed lighting, no HVAC,

Had to submit detailed landscaping plan. Wish they would communicate. Based on conversations that have not been fulfilled. No assurance.

MacNelly: decided to withdraw app at the site visit, told didn't need to attend. Never told needed a landscape plan.

Site visit communication and discussion in April. And other communicationings happening. Today, at the site, can't speak to species, but 14' established densely. Discussion, was under impression that the discussion was sufficient.

Strong conditions that were not relayed to the applicant.

Fortenbaugh lady- proposed plans were withdrawn at noon the day of the meetings. Never received notice of the hearing 4/21. Septic location.

Davis- applicant responsibility to follow up with meetings and find out conditions and such.

Trying to get some landscaping, not acceptable.

Susan Plaine- nail down what will give up, view of the water no longer blocked. Trees grown up. Considered pruning or trimming them. Trying to get a sense of what he would give up; don't want the structure. View of the water blocked. Nothing firm to base the decision on.

MM- Board has gone out of its way to help the project. Four/five times submitted. Have an obligation the abutters. Everyone has a fair shake in the deal. We're not for/against any part of it.

Bob Colvin- Been here before, three site visits. Done a lot of compromising, reduced height, length and width. Tried to collaborate and compromise. Good session today. Tree talk. Clear statement: 14' max. Clear idea of that, amicable. Don't know the exact type of tree. 32-35' is plenty for landscaping. Need the garage. 3 boats and a car. Small air conditioner. No plumbing. Authors. Workspace.

MacNelly- window units are louder than a compressor. Put it on the Colvin side, as far away as possible. Compressors are right on Manaca hill Rd. Hide it with those if possible. Pointed out the best location. Condenser with a mini split.

Davis- were extensive discussions about vegetation. Redirected area away from green zone on plans. 40' currently.

GG- have discussed all of this before. Not PB's job to negotiate, condition that this was supposed to be worked out. Con Com- recommendations for vegetation.

Sam Fortenbaugh- people talking to each other discussions. No one has talked to them since Dec. Height of the structure, why not 12'? No one has talked about that. None here either. Not in favor because it will block light and wind. Look more favorably on it if it were shorter.

FM- where is 12' MacNelly: couldn't get a header over the door. Roof. 7' flat at 14'. 8' side. How much of the roof is in the 14' range. MacNelly sketched it. Gussed it, 15-20% is over 12'. Showed one of the pictures from the first hearing. Fortenbaugh hose view. 12' would require a shallow roof that could be problematic. Good construction practice.

Cavallo- didn't want to do this again. Is that a comp landscaping plan. Consider that a comp landscaping?  
AW- is it fair to deny it. Applicant didn't know.

Macnelly: work with the abutters and do the best we could. Feel like that has been done.

MM: close to finding a resolution last time?

GD: don't know. Site visits communication. Fortenbaugh- no communication.

FM: MacNelly wasn't made aware of it. Continue it. Try again.

Sam Fortenbaugh- object to it. Not because of the landscaping- fundamental- not discussed- height of the structure.

Mr. McCourt closed the public hearing at 6:50 PM.

BS- eight years, never seen an applicant be so willing. Adjusted everything. Moving closer to a decision. Mr. Colvin has as much right to build a garage as anyone to oppose it. If it wasn't non-con, it wouldn't be before the PB anyway. Gives everyone a chance to talk about it. 15.5' height originally. PB does not have any jurisdiction over light and breezes. Has every right to build garage, meeting setbacks and height restrictions. Fortenbaugh is non-con and house in non-con. 10' off the lot line. Seems that he's willing; don't know why no one is talking. Pb is disappointed. Rarely seen so much energy into a garage. Disappointed couldn't come to a better conclusion/agreement.

Coo: asked for landscaping design. Would like to see a detailed landscape plan. Happy with size reduction, happy with setbacks.

FM: hate neighbors over something stupid, destroy whole values of coming here. Tried to make the garage as pleasing as possible. Work to be more friends than enemies. Try to make this an amenable application. Blocking noise from house and stuff. Breeze comes at you, not sideways. Saddened to see everyone fighting, hoping it would be resolved. Need each other in times of emergency. More restrictions on Chappy. Remote. Quieter. Trees to help with the view.

Coo: Plaines- four conditions. Good ones. Add them to any decision, except the demolition and the A/C.

MM- honor to be on the Board, because of fellow members. Common sense and concern for both sides. 1) continue or 2) decide. Variables, conditions.

AW- moved to approve the garage: airconditioning faces Colvins, see detailed landscaping plan with things agreed to- cutting trees and plantings, downward lit outdoor lighting, no windows on the Fortenbaugh side. Cedar shake shingles, white. Roof red shakes. Minimally invasive exterior colors. Roof and siding blend into the woods. No painted trim. Cedar. No plumbing. Con Com approval. Coo seconded.

BS- was going to continue. And encourage them to find common ground. Already done.

GG- other conditions:

BS- one more chance to see if it can work. AW- enough continuations and site visits. 3-2, did not carry.

BS moved to continue the app to the next meeting. Last chance. Applicant provides landscaping plan. 5:00 on September 15<sup>th</sup>. Landscape plan has been bouncing around. Mascolo seconded. Unanimous, 5-0.

**7:12 PM: Public Hearing: JAM Family Trust, 140 Cooke St (20C-37) Variance: B-II. Demolish a 6' fence and replace with an 8' fence.**

*In Attendance: Melanie Rankow*

Copy of app is in packet. Replace 80+/- ft, 90 ft. Ask James Cisek. Abutter just died. Existing rotting picket fence. Replace with 8' cedar, pressure treated tongue in groove fence.

(ELM)

Jennifer, Angela and Melanie.

Propane tanks are accessed? Enclosing it too close, regulations.

MM- trees on inside or outside of the fence. Trees are on EdgFish side. Alleyway. Why 8' tall? Hide and cover the neighboring building. Agreement with Mr. Alexander and Mr. Larsen. Copy of agreement? Verbal agreement. Send email.

No letter and no one in the audience.

Buried in the back of the house.

Variance- against zoning. Restricted. FM: fence is not in the view of the public at all, squeezed between too long buildings, offices will face the fence. Look at a new fence and viewscape instead of old building, propane tanks. Landscaping. No one can see the fence. BS- cut down trees? To better the view out of the offices.

FM moved to accept the application for the 8' fence as presented: blocks the view of unsightly tanks and buildings, put plantings on the fence. Abutters don't object. Fence is in keeping with

BS seconded, unanimous.

**Discussion: Proposed Zoning Amendments for Annual Town Meeting 2016**

Continue. We're all tired.

Who funded/how the Fuller St beach?

S&S 10,000 sf expansion. All traffic plans submitted to them. Copies of original app. 199\_? MVC too.

AT&T app. must be approved according to tax act of 2012.

Mr. Sparks moved to adjourn. Mr. Mascolo seconded, and the motion passed unanimously, 5-0. The meeting was adjourned at 7:49 PM.

Respectfully Submitted,

Lucy Morrison