

**Edgartown Planning Board Meeting Minutes**  
**Tuesday, September 15, 2015 at 5:00 PM**  
**Town Hall – 2<sup>nd</sup> Floor Conference 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 5:07 PM.

**5:00 PM: Continuation of a Public Hearing: Colvin, 25 Manaca Hill (30-11) SP: Construct a 25' x 32' garage on a non-conforming lot**

*In Attendance: Bruce MacNelly, George Davis*

The public hearing portion of this hearing was closed at the last meeting. The Board requested an update from Mr. MacNelly on the changes made to the proposal from the last meeting. Mr. MacNelly stated that the garage would be moved another three feet toward the Colvin house, to allow for a total of 35 feet from the garage to the property line shared with the Fortenbaugh household. Mr. Mascolo asked Mr. MacNelly if there had been a meeting of the minds on the proposed garage. Mr. MacNelly stated that Mr. Colvin had met with all of the abutters on the Sunday after Labor Day, and that some agreements had been made. An email summarizing the understandings was sent to all of the Colvin abutters, with the request for comments and revisions. There were none. Mr. MacNelly then sent the same email to Ms. Greenough.

Mr. Mascolo commented that Mr. MacNelly had accomplished what the Board had asked, and noted that the abutters had an opportunity to give feedback.

Mr. Colvin stated that trees had been flagged for removal to improve the Plaine's view of the water.

Mr. MacNelly presented two landscaping plans, one showing the trees to be removed, and one showing the proposed plantings. There will be no topping of the existing trees, as previously discussed. The trees will either be cut down or left untouched. The rhododendron bushes will be left as well. The applicants have been consulting with Mahoney's for appropriate plantings, and have decided on a variety of pines and juniper trees. The trees were selected due to their tendencies to grow wider rather than tall, and will be topped at 14 feet, which is roughly the same height as the garage. Mr. Mascolo cautioned against watering on a hill. Mr. MacNelly stated that the site is not terribly hilly at that specific location.

The driveway will remain grass. The exterior lighting was marked on plan. There will be recessed lights set into the horizontal soffit, just over the doors as required by code. Since the lights are recessed, they will be concealed, and there will be no light leakage. The compressor for the HV/AC system will be placed on the Colvin side of the garage. The rest of plans are as previously discussed.

Mr. Sparks requested a report from Mr. Davis. Mr. Davis stated that Mr. Colvin was present at the site visit with the Fortenbaughs and the Plaines. He felt that the compromises made were fair, and that there was an opportunity for clarification between the parties. The Plaines wrote a letter after the discussion with Mr. Colvin, but since the public hearing was closed, it was not read. Mr. Davis summarized the letter by suggesting certain conditions, including the submission of landscaping plans, that no habitable space be allowed in the garage, that no plumbing be installed, that the exterior lighting be recessed, and that no construction be permitted between Memorial Day and Labor Day.

Mr. Sparks stated he felt that the application had come a long way since the first hearing, and that he was comfortable supporting the current application.

Mr. Cavallo stated that he felt that the applicants had compromised, and provided the Board with the materials requested.

Mr. Sparks moved to approve the modified plan as presented with the following conditions: the garage shall not be used as habitable space, and there shall be no plumbing installed. Mr. Mascolo seconded, and the motion passed unanimously, 5-0.

**5:30 PM: New Cingular Wireless PCS LLC (AT&T), 59 North St (29A-96) Modification to an existing SP: Installation of antennas and upgrades on site.**

*In Attendance: Tim Greene, Ed Pare*

Mr. Pare approached the Board to explain the application. All of the antennas will be taken off the tower to be realigned. There are currently nine antennas on the tower, and the applicants will be adding three more, for a total of twelve. This will enhance the 4G LTE service for AT&T customers.

Mr. Wilson asked if the signal would reach Chappaquiddick. The applicants replied that it is a possibility, since signals skip across water.

Mr. McCourt asked about additional equipment. Each bracket will be expanded in size to accommodate the additional antennas and three remote radio units. Mr. McCourt asked how much further the antennas will stick out. Ms. Greenough stated that, by right, the antennas are allowed to go as far as 20 feet from the tower. The applicants stated that currently the antennas stick out about two feet, and with the new arrangement, they will stick out about three feet. The separation is needed for the new antennas.

Mr. Wilson asked about the strength of the tower. The applicants reviewed the structural analysis.

Ms. Greenough commented that the tower is in a residential area, and that the neighbors would not be happy about its increasing in size. The applicants stated that they are doing their best to keep the antennas as tight against the tower as possible.

Mr. Mascolo commented that increased coverage is invaluable during emergencies, and that cell phones can save lives.

Mr. Sparks stated that the Board represents the whole town, and that about 5,000 people will benefit from the increased service. The Board recounted the five year battle to get service to Chappaquiddick.

Mr. Mascolo stated that his biggest concern regarding the cell towers is noise. The applicants stated that there will be no changes in the noise output based on the requested modifications. They also stated that they understand the Town's aesthetic visibility concerns.

Mr. Mascolo moved to approve the request to modify the cellular tower with the standard conditions. Mr. Sparks seconded, and the motion passed unanimously, 5-0.

**5:44 PM: Form C – Stephens, Maqua Way (47-107.13, 107.14, 107.15, 107.43) Minor modifications to a Definitive Plan: Requests Planning Board signatures on a new unrevised mylar. Original mylar was not recorded within six months of approval**

Ms. Greenough read a letter from Doug Hoehn stating that the original mylar was lost, and was not recorded with the Registry of Deeds within the allotted time frame. There were no changes made from the original. The Board signed the mylar.

**6:00 PM: Public Hearing: Carter, 231 Upper Main St (20A-90) SP: B-II. Construct a second story 2-bedroom apartment with dormers, over the back half of Shiretown Meats for use as employee housing.**

*In Attendance: James Carter*

Mr. Carter approached the Board to explain the application. The Inn is in desperate need for housing for management. Mr. Carter has been renting facilities for his employee, but the manager has been unhappy with the accommodations, and stable, year-round rentals are increasingly difficult to find. The current rental situation will be ending on January 1, 2016. The addition of this apartment will alleviate the problem. The apartment will add 800 square feet to the existing building. The roof will need to be raised, as the building currently has a shed roof. The roof pitch will be made to match the Grille on Main. There will be an increase of seven feet on one side, and five feet on the other side. A five foot dormer will be added to allow for a galley kitchen. Mr. Carter stated that construction was planned to begin in November, and required to be completed by March. Shiretown Meats will remain in operation throughout the whole process. The conversations with contractors have indicated that the construction will have no impact on the business. Mr. Carter mentioned that Shiretown Meats is normally closed for the month of February, and the manager seems agreeable to the application as presented. The apartment will be heated by a heat pump, and occupied year-round by the hotel manager.

Mr. Mascolo commented that mixed used buildings, with housing over commercial establishments in the B-II Business District is in Master Plan.

Mr. Wilson asked if the floor will need to be reinforced. Mr. Carter stated that the floor reinforcement is included in the plan.

There were no letters received on this application, and there was no one present in the audience.

Mr. Mascolo moved to approve the addition as presented with following conditions: that the applicant work in harmony so as to not to disrupt the tenant's business, and that all outdoor lighting be downward shielded. Mr. Sparks seconded, stating that the application is in keeping with the intent of the Master Plan, there will be no detriment to the surrounding area, and that the apartment will be an improvement to current situation. The motion passed unanimously, 5-0.

**6:15 PM: Public Hearing: Leaf, 284 Upper Main St (20A-64) SP: Request for extension of expired SP granted October 2, 2012.**

*In Attendance: Jayne Leaf, Colin Young*

Mr. Mascolo recused himself from the hearing.

Ms. Greenough explained that the special permit expired on October 2, 2014.

Mr. Young stepped forward to explain the circumstances. Ms. Leaf bought 223 Upper Main Street, but the project was stalled in Land Court after she split up with her business partner. She then bought this property with her husband, but construction plans were stalled during her divorce. Mr. Young explained that financing has also been difficult to obtain for the past two years. The Wavelengths permit was just extended, and construction is about to begin. Mr. Young stated that Ms. Leaf would like to have both projects happening at once.

Mr. Cavallo commented that there is currently a renter on the premises at 284 Upper Main St, and asked what will be happening to them. Mr. Young replied that the property is leased on a month to month basis.

Mr. McCourt requested a clarification of the timeline. Ms. Greenough explained that the permit was extended twice, to 2014. Mr. McCourt asked if granting so many extensions set a precedent. Mr. Cavallo stated that he had no problem granting one more extension, due to the extenuating circumstances. Mr. Sparks requested that there be a time limit for construction to begin, and that this be the final extension.

MJ Look was present to ask if permits are transferred if the property is exchanged before construction begins. Mr. Sparks answered that typically, permits run with the property, not the owner, but are transferred at the discretion of the buyer and the seller.

There were no letters received on this application.

Mr. Sparks moved to approve the request for a one year extension, with a review in six months. Mr. Wilson seconded, and the motion passed unanimously, 4-0.

**6:30 PM: Public Hearing: Purvis, 8 Swan Neck Rd (43-3.22) SP: Construct 20' x 50' in-ground swimming pool, 10' x 14' pool house/equipment shed, a 4' high safety fence, and related landscaping.**

*In Attendance: Reid Silva*

The Board reviewed the site plan, and noted that the entire property is located within the Coastal District. The application has yet to be heard before the Conservation Commission. There will be 146 feet to the wetlands from pool house. The black wire fence will be tight against the patio, and have a gate entrance off of the driveway. There is significant distance to the closest neighboring house and the area is densely wooded. Mr. Mascolo asked if the water would be visible from the pool. Mr. Silva replied that the pool was not designed to have a water view, but that the water may be visible in the winter when the trees do not have leaves. He added that the septic structures and the wetlands had a strong effect on the site of the pool. Mr. Cavallo asked how far down to groundwater. Mr. Silva replied that that test has not been completed yet, but it was estimated to be about eight feet. He stated that this pool will be shallower than most, with a depth of about six to seven feet. Mr. Silva stated that the pool depth will be part of the Conservation Commission review.

Mr. Mascolo commented that the pool needs to be staked for the site visit, and that the Planning Board has not approved pool applications in the past because the site was not staked. He commented that in this instance, the location of the pool is such that the Board was not as concerned about not being able to visualize it.

There were no letters received regarding this application.

The Board commented on the trend that pools are increasing in size.

Mr. Silva added that the pool equipment will be completely enclosed in a shed. Mr. Mascolo requested that noise suppression be used on the walls of the shed. Mr. Silva agreed and commented that the soundproofing will benefit the homeowners more than anyone. Mr. Mascolo also requested that a life preserver be available near the pool. Mr. Silva agreed.

Ms. Greenough requested that a pool application checklist be filled out and submitted.

Mr. Sparks moved to continue the application to October 6<sup>th</sup> at 6:30 PM. Mr. Cavallo seconded, and the motion passed unanimously, 5-0.

**6:43 PM: Form A – Julie Bokar, Trs (Giordano) 108 Pease Point Way (20B-72) Create 3-4 lots on 3.2 acres in R-20**

*In Attendance: Reid Silva*

Mr. Silva displayed the site plans for the subdivision of the Giordano lot off of Pease's Point Way. Pease's Point Way is narrow, with a width of 22 feet. The goal of subdivision was to maintain the frontage and square footage of the lots, while conforming to the setbacks and structure regulations. The plans showed a one-acre parcel with the existing house, one ¾-acre parcel with the existing guesthouse and two ½-acre parcels with no existing structures.

Mr. Sparks stated that the Planning Board is concerned about the number of potential curb cuts and suggested shared access to the lots. He suggested that the existing driveway be used, and branch off to each of the other four lots; he stated this would not allow the driveways to be straight, but that it would

make more sense from the Town’s perspective. Mr. Cavallo reiterated this statement, saying that since Pease’s Point Way is so narrow, it would benefit the Town to have as few curb cuts as possible. Mr. Silva stated that he will ask the applicants to consider the shared driveway.

The Planning Board asked Mr. Silva to reconfigure the driveways, and redraw the plans to show a shared entrance to all four lots. Mr. Silva will be present for the meeting on October 6<sup>th</sup>.

Mr. Wilson will continue to represent the Planning Board on the CPC.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the motion passed unanimously, 5-0. The meeting was adjourned at 7:01 PM.

Respectfully Submitted,

Lucy Morrison

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*Michael McCourt, Chairman*

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*Robert Cavallo*

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*Fred Mascolo*

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*Robert Sparks*

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*Alan O. Wilson*

Edgartown Planning Board  
Date signed: \_\_\_\_\_