

**Edgartown Planning Board**  
**Tuesday, January 7, 2014 – 5:30 PM**  
**Town Hall – 1<sup>st</sup> Floor Selectmen’s Meeting Room**  
**Minutes**

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

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

The meeting was called to order at 5:27 PM.

**Israel Form C- Subdivision Plan Signatures**

*In attendance: Richard Barbini, applicant*

Richard Barbini presented the site plans for a subdivision project located at 9 Starbuck Neck (19A-10). This project was previously approved by the Planning Board on 11/5/2013. The 20-day appeal period has expired and the plans were signed by the board.

**Martha’s Vineyard Land Bank Update**

There was some spare time after the conclusion of the previous agenda item; so Michael Donaroma, the MV Land Bank representative, gave a quick report of the organization’s recent activities. Funds are limited, but the organization has begun to look for new properties to acquire. Edgartown property has priority over Chappaquiddick property. He applauded the Planning Board for enforcing the Fuller agreement with Land Bank.

**5:35 PM: Cunningham. 4 Martha’s Way (36-99.1) SP: Curb cuts less than 1,000 ft from nearest existing curb cuts.**

*In attendance: Richard Barbini applicant, Colleen Cunningham property owner, Michael Donaroma.*

Chairman Sparks opened the hearing by reading the public notice. He explained public hearing process to the audience. Richard Barbini approached the board and distributed an aerial photo of the 0.6 acre property showing the two current curb cuts onto Martha’s Way, with an illustration of the proposed curb cut onto Katama Rd. This new driveway would eliminate sight lines to the direct abutters, the West family, and hopefully shall resolve a dispute between the Cunninghams and the Wests. There were no foreseen safety issues or access problems caused by the addition of this curb cut.

The intent of the proposed driveway would be to leave as many of the trees intact as possible, and to heavily screen the new driveway from both of the abutters, the Wests (Martha’s Way) and the Donalds (258 Katama Rd); which would enhance the value of the property. Once the new driveway is established, both current accesses to Martha’s Way would be closed.

Mrs. Colleen Cunningham stepped forward to present to the board. She explained that Martha's Way is a private, quiet, dead-end street, and she is experiencing on-going problems with the West family and the traffic caused from the taxi business run from their home. She described the feelings between her and the West family as contentious, difficult and uncomfortable. Mrs. Cunningham also recounted that a house had been moved down Martha's Rd, so much of the tree screening along the road was removed to accommodate the width of the home. Another of her concerns involved the modification of the curvature of Beach Rd. Since the town changed the curve, the sightlines from Martha's Way are more obstructed than before; and there were a couple of accidents last summer.

She and Mr. Barbini speculate that this new driveway is a reasonable approach to these issues, so that the Cunninghams and the Wests can coexist happily. There have been many attempts to resolve these problems. The Zoning Board ordered a cease and desist on the taxi company in September of 2010, but activity has not stopped or slowed, nor have they been caught despite several visits from Lenny Jason, the Building Inspector. The police department has also been involved on numerous occasions.

Mr. McCourt inquired about the ZBA involvement and actions. Mrs. Cunningham explained that denial letters were mailed and that the taxi business was ordered to cease and desist; but nothing has worked in stopping the activity.

Mr. Cavallo noticed that the proposed driveway would run to the side of the garage, instead of to the front; and he suggested changing the axis of the garage, so that the driveway would lead into it. Mrs. Cunningham agreed that this would be ideal, and would pursue that project when funds were available.

Mr. Wilson asked how many cars were on the Cunningham property: The answer is two, one for the Cunninghams, and one for the guesthouse tenant; and how often they were used, the answer was infrequently. Mr. Wilson emphasized that this solution would not eliminate the taxi traffic, but only remove the aesthetics of it from the Cunningham residence. He also expressed concern about the feelings of the Donalds, their home being only 100 ft from the proposed driveway. Chairman Sparks concurred with this point.

Ms. Greenough read a letter from Norman Rankow on behalf of the Donalds at 258 Katama Rd in opposition to this project because there is no tree screening on that side of their property. Ms. Greenough added that Mr. West had come by the office to request a copy of the plans. He was not present at the meeting, so the board assumed that he was in favor of the project. Ms. Greenough then read the applicable bylaw, XIV 14.2.2.a of the Island Roads District. Michael Donaroma emphasized that this situation is more than two neighbors not getting along, and that there are multiples angles in which a lawsuit could arise. This solution allows the West family and the Cunninghams to live at their current locations in relative harmony.

Alan Wilson noted that it is not the Planning Board's responsibility to resolve neighborly disputes. Mr. Sparks felt that the board was being manipulated into making a decision that

should have required action from other town boards. No one in the audience spoke either for or against the project.

Chairman Sparks closed the public hearing. The Planning Board deliberated. Mr. McCourt empathized with Mrs. Cunningham, but was hesitant to grant her the curb cut.

Mr. Cavallo was in favor of the project, and mentioned the benefit of protection against a lawsuit.

Mr. Wilson was in favor of the project. The Town tried and failed to enforce a cease and desist, and added that the traffic generated by the new driveway would be insignificant.

Mr. Mascolo interpreted the neighborly clash as a New Vineyard vs. Old Vineyard, and understood that the problem is not going away. He urged Mrs. Cunningham to reconfigure the garage and close the current curb cuts.

Mr. Cavallo made a motion to grant the special permit for the new curb cut onto Katama Rd with the conditions that one of the curb cuts onto Martha's Way will be closed immediately, and the second to follow within two years' time. The Board will decide with the applicant to include conditions for screening the driveway. The applicants did not object. Mr. Wilson seconded the motion and the article was passed unanimously, 5-0.

**6:24 PM: Bad Martha Farmer's Brewery LLC. 270 Main St (20A-65.2) SP: Construct a 1,905 s.f. structure and change the use from a nursery to a brewery.**

*In attendance: Sean Murphy applicant, Michael Donaroma property owner, Jonathan Blum and Peter V. Rosbeck II Bad Martha business owners, Carol and Frank Forgione, Cornelius Sullivan, Gordon and Judy Plank, Cliff Meehan, and Patrick Ahearn.*

Chairman Sparks opened the hearing by reading the public notice. Mr. Sean Murphy approached the board and distributed plans. In his presentation, he explained that Bad Martha Farmer's Brewery is an Edgartown born company producing craft beers run by Jonathan Blum and Peter V. Rosbeck II. The beer is currently being sold by the bottle and on-tap at 24 island restaurants; it is available at nine island stores, and numerous locations off-island. The beer brewed for distribution is being crafted in Ipswich, MA. The proposed project is to erect a barn to house a 7-9 barrel farmer's micro-brewery and beer garden, similar to a Napa Valley wine tasting room, behind Donaroma's nursery on Upper Main Street. There would be a lease agreement with Donaroma's for a small amount of property behind the greenhouse. A portion of the greenhouse would be removed to accommodate the new 1905 s.f. building. There will be ten seats inside the building and a small outdoor seating area with 24 seats beneath an existing pergola.

The brewery will acquire ingredients from local farmers, and the mash produced from the brewing process will be given back to the farms to feed their livestock; 10% of the profits will be donated to the Island Food Pantry. Only small batches of seasonal beer will be brewed on-site,

and it will only produce beer that will be tasted and sold on the property. There will be no bottling or distribution. Beer can be purchased on-site in sample sizes, a 16-oz tumbler or a 48-oz reusable growler filled directly from the barrel, then sealed for transport. The brewery would provide educational opportunities to observe the brewing process, and serve as a marketing and promotional tool for Bad Martha Farmer's Brewery. There shall be food items, like cheese and crackers, available to cleanse the palette, but these items will not be made on-site, and it has yet to be determined whether or not they will be sold or given. The brewery plans to be open from April to December, with the hope of continuing to stay open year-round should the demand be present. The hours of operation have not been decided, but it is unlikely that the brewery will be open past 8 PM. Mr. Murphy was also unsure about whether entertainment will be provided on-site, but will pursue the necessary permits should that become a serious aspiration.

The 3.1 acre property is currently on well water, but it will be switched to town water, and remain on town wastewater. Being a micro-brewery, the present wastewater line and grinder pump should be sufficient to handle the proposed use. The existing accesses and parking for the nursery will be shared by the brewery. There will be seven spaces immediately adjacent to the building, as well as additional parking on the property currently used as overflow parking for Sharky's Cantina and Donaroma's. An increase in traffic on Upper Main Street is not foreseen. The view from Upper Main Street will remain unchanged, since the brewery will be behind Donaroma's greenhouse. The premises will be heavily landscaped and decorated in accordance with Donaroma's to provide a seamless transition from nursery to brewery. Mr. Murphy was not concerned about the smell of the brewery causing problems. Offshore Ale in Oak Bluffs is a larger brewery, and there has never been a single complaint about odor; logically, a smaller operation would produce even less of an olfactory impact.

Two special permits are required, by Article 10.2 of the Edgartown Zoning Bylaws to construct the building, and 10.6 to change its use from a nursery to a brewery. A farmer's brewery permit will then be obtained from the Commonwealth of Massachusetts, and a seasonal beer and wine license will also be obtained from the Town of Edgartown. A Common Victualer license and health permits are also be required. The Chief of Police stated that the police department does not have any objections.

Chairman Sparks expressed concern about added production traffic, but the brewery is not expecting daily or even weekly deliveries. Ingredients will probably only need to be delivered and the byproducts would be removed about once a month.

Ms. Greenough read letters from the public. JB Blau, the owner of Sharky's Cantina and the Chowder Co. wrote in favor. Dr. Heller and Ms. Christina Miller wrote in asking for more information about the project. Ms. Greenough will work with Mr. Murphy to provide letters answering these questions, which were all addressed in the presentation of the project.

Cliff Meehan, a resident of 48 Dark Woods Rd, spoke in favor of the project, stating the brewery is great in theory, but he was concerned that the operation would push more traffic onto Dark

Woods Rd, and cause more problems with the Dark Woods parking lot. Mr. Murphy replied that there should not be any additional traffic problems, since the industrial brewery traffic will merge with the nursery operation traffic, using the service truck routes through the back; and patron traffic will use the main entrance in front of Donaroma's, then circle around to exit through Sharky's Cantina. Michael Donaroma explained how his business' traffic ebbs and flows with Sharky's traffic, so that they can share the lot equally without any problems.

Another member of the audience agreed with Cliff's concerns about the brewery being located in an over-congested area, and was apprehensive of the additional traffic crossing the bike path and sidewalks in front of Donaroma's. While Upper Main Street has been zoned for businesses, it is also heavily filled with family areas. Mr. Mascolo replied that the island traffic studies have concluded that there are 45 days of bad traffic per year, and most of that is caused from Stop and Shop. He assured the audience member that there is work in motion to alleviate the traffic congestion of Upper Main Street.

Gordon Plank, a resident of 14 Dark Woods Rd, spoke in opposition to the project. He voiced trepidations about patrons over-indulging in product, and suggested a limit on the amount of beer consumed at this location. His wife Judy Plank, and their neighbors Carol and Frank Forgione of 31 Dark Woods Rd, shared these concerns. These residents felt that the tasting room would be used as a bar, and that it would have a negative impact on the family oriented neighborhood. Chairman Sparks refuted these concerns; he did not feel that the applicants were attempting to conceal their intentions. He reiterated that establishments selling alcohol containing products are required to watch clientele carefully, and are held responsible for intoxicated patrons. Mr. Murphy also mentioned that Sharky's Cantina, a bar, is a direct abutter to the brewery. It is more likely that if people are going to drink heavily, they would do so at an establishment that offers more variety, especially since that option is across the parking lot.

Chairman Sparks closed the public hearing. The Planning Board deliberated.

Mr. Cavallo stated that he has seen all types of businesses at this location and is in support of the project.

Mr. Mascolo noted that there is a successful craft brewery in Oak Bluffs, and thinks that it will be pleasant to have one in Edgartown as well; he thinks it will be a nice touch to Upper Main Street. He doesn't think the Dark Woods Road or parking lot will fill up the way the residents are anticipating, there being more practical routes in place. He also touted the company for giving back to the community.

Mr. Wilson was surprised that the brewery would be selling full size 16-oz tumblers, but was supportive of the project.

Mr. McCourt said that the brewery is a great idea, but was apprehensive about rainy days in August, where the parking and the traffic could be problematic. He urged Mr. Murphy and the brewery owners to rethink the parking situation and be more prepared for busy days, and ways

to prevent the traffic from spilling out onto Upper Main Street. Mr. Cavallo doesn't think this will be an issue, stating that there should be plenty of parking in the overflow lot. Mr. Murphy replied that the parking will be resolved internally; if there's no parking, there won't be any patrons to the brewery.

Chairman Sparks was in favor of the project, saying that it will diversify the BII district. The owners are well respected throughout the community, and he believes they will do their best to make sure this operation is successful.

Mr. Mascolo moved to approve the project as presented. Mr. McCourt seconded the motion. The article was unanimously approved, 5-0.

Mr. Wilson left the meeting to make the Chappy Ferry. He had no concerns or problems with the release of the Form F covenant, or the proposed amendments to the zoning bylaws.

**7:18 PM: Nature Conservancy. Off Meetinghouse Way, (27-8.20) Form C: Release of Form F covenant for parcel to be sold**

*In attendance: Matt Pelikan applicant*

The Form F covenant was formed in 2001, when a couple hundred acres were purchased for the purpose of being a Nature Conservancy project, about 100 acres were originally conveyed. Presently, the Nature Conservancy is looking to sell approximately 21 of these acres to sustain themselves on the revenue. There is currently one buyer, for one 3.2 acre lot. Mr. Mascolo asked the significance of Mr. Pelikan's presence on island. Mr. Pelikan replied that the Nature Conservancy owns about 700 acres across the island. The Nature Conservancy would like to release this one lot from the Form F covenant, install utilities on the property, and receive a final inspection before the sale.

Ms. Greenough will draft a Form O for the proposed release of the municipal interests. The Planning Board does not foresee any issues with this, pending the approval of the fire and police departments. This is a formality to approve activities that should have occurred in the past, but will begin to activate the paperwork post haste. Mr. Pelikan will keep in touch with Ms. Greenough on the progress of the project. The Planning Board requires a letter that the project will be completed according to subdivision rules and regulations for the file.

**7:26 PM. Proposed Zoning Bylaw Amendments**

1. Mr. Cavallo moved to approve Article II- Definitions as written. Mr. Mascolo seconded. The article was unanimously approved, 5-0.
2. Mr. Cavallo moved to approve Article X- B-II Upper Main Street District as written. Mr. Mascolo seconded. The article was unanimously approved, 5-0.
3. Mr. Cavallo moved to approve Article XI- General Regulations with regards to island independent living, permitting procedures and conditions, and residency as written. Mr. McCourt seconded. The article was unanimously approved, 5-0.

4. Mr. Mascolo voiced that many existing accesses are larger than 16'. The proposed should be amended to include the grandfathered accesses. Mr. McCourt moved to approve Article XI- General Regulations 24. Curb Cuts with Mr. Mascolo's amendment. Mr. Cavallo seconded. The article was unanimously approved, 5-0.
5. Mr. Mascolo moved to approve Article XIV- Katama Airfield and Conservation District as written. Mr. McCourt seconded. The article was unanimously approved, 5-0.
6. Mr. McCourt moved to approve Article XX- Surface Water District amendments as written. Mr. Cavallo seconded. The article was unanimously approved, 5-0.

A motion was made to adjourn. This motion was seconded and unanimously approved. The meeting was adjourned at 7:48 PM.

Respectfully Submitted,

Lucy Morrison  
Planning Board Clerk

