

Edgartown Planning Board
Meeting June 3, 2014
5:30 PM - Selectmen's Room 1st Floor Town Hall
Minutes

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

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

5:30 PM- Discussion of traffic at the Triangle with two developments under consideration:

The Board reviewed the plans for the Brennan condos and the Edgartown Loft Apartments. Mr. Cavallo mentioned that Dark Woods could revoke the easement and close the entrance into Post Office Square at any time. It was recommended that the assistant research the leases and deed restrictions regarding that easement. Mr. Wilson did not think that there will be any overall influence on traffic, that the increase in the number of cars is incidental. Residents of the apartments may either not own a vehicle, or be at work during the peak busy hours in the middle of the day, so there will be more than eight extra spaces available. Mr. Mascolo agreed, stating that 85% of the traffic congestion at the triangle is caused by Stop & Shop; and that a 10 car loading lane is necessary to alleviate the problem. Mr. McCourt stated that if handled correctly, this could be the best parking lot at the site to date. He recommended restricting the lease of the buildings so that employees must park in the town parking lot, to free up spaces in the square, so that there would be more than enough room for the tenants. He emphasized that there are 10 or 11 post office employees parking in prime spots all day. Mr. Cavallo was concerned about how to enforce that restriction; and hesitant about sending people across Dark Woods Rd, if that lot gets full it could anger Dark Woods residents. Mr. Mascolo mentioned that the post office is a federal building, and the Planning Board may not have the right to tell federal employees where to park. The Board discussed specifying dates for employees to park in the town lot, perhaps from June 15th to September 15th, or even July 4th through the second week in August. Mr. Mascolo was also concerned about the loss of plantings, but was assured that there is a landscaping plan. The engineer, George Sourati, researched the parking lot extensively, and used the Martha's Vineyard Hospital as a model. There are 83 parking spaces and four loading zones proposed per standard state regulations. Mr. Sourati will explain the concept in more detail at the public hearing. The Board was concerned about the timing of construction, and whether or not the parking lot will be finished before construction of the apartments begins, since the construction phase of the project will occupy many spaces.

Edgartown Meat and Fish has been putting chairs and picnic tables out in front of the store. Mr. Hajjar did not know that a special permit was required under zoning bylaw section 11.12. It will be a de minimus determination. The addition of seating has not been impeding any parking. Mr. Mascolo recommended checking the original permit for a maximum number of seats allowed, and if that number is exceeded by the outdoor seats, require Mr. Hajjar to come before the Selectmen.

Mr. Mascolo was curious if he should recuse himself from the public hearings of Edgartown Lofts and Brennan condos, being a tenant of an abutting building. A discussion of the rights of abutters vs. tenants

ensued. Mr. Wilson emphasized that tenants are not concrete residents, and therefore do not have the same rights as the leaseholders and title owners. The clerk recently hand distributed public hearing notices to the tenants of the abutting buildings. The Board determined that it was morally correct to inform tenants even though they do not hold the same rights. Mr. Mascolo will not be recusing himself.

The Board discussed the Morning Glory Farm parking lot. It was recommended that Mr. Athearn be required to conduct a traffic study by a third party (not the MVC), seeing as the Planning Board are not traffic planners. Both the Police Department and the Highway Superintendant agreed that an entrance onto West Tisbury Rd would be dangerous. The Planning Board will not be making a decision on the matter before the project has been through a full review by the MVC.

The Board signed two decisions, the payroll, and the minutes from May 20th.

6:15 PM- Discussion of Proposed Affordable Housing letter to the public

The Board discussed the proposed Meshacket project. A letter being sent out to the public was distributed to the Board. The packet included: a cover letter, a site map of the property, a list of anticipated questions or concerns about the project, and a breakdown of the current thinking for the building makeup.

Mr. McCourt stated that sometimes affordable housing does more harm than good. It provides a parachute, and can act more like a bail-out program than. It is a delicate area. The Board emphasized that affordable housing projects should be well thought out, and ensure that tenants are responsible to avoid social and financial hardships for the Town.

The clerk mentioned that the Affordable Housing Committee has been having trouble getting Morgan Woods to abide by their lease and come before the Committee for a review of their accounts each year. The Planning Board strongly supported the enforcement of this restriction. The Board requested answers for the following questions about Morgan Woods: How many open units are available? What are the rates of the apartments, both subsidized and market rate? What is the breakdown of the area median income they serve? How much subsidy money did Morgan Woods receive of the CPC rental assistance? Mr. Sparks moved the clerk go before the Affordable Housing Committee to get answers to these questions, and to endorse the support of the Planning Board for the financial review. Mr. Cavallo seconded, and the motion was unanimously approved. The clerk will have these answers for the next meeting.

6:31 PM- 18 Leah's Lane (25-19.2) Dividing lot with pre-existing restriction

Ms. Greenough spoke on behalf of Doug Fogg. The 7-acre property is located near Coffin's field, in RA-120 district with 3-acre zoning. The property was owned by Douglas Fogg and his father, Lenny, who recently passed away. The beneficiaries of the property are Mr. Fogg's brother and sister, who would like to sell the property, even though Mr. Fogg is currently living on the property and would not like to sell.

The document needs to determine if subdivision is allowable according to the Declaration of Protective Provisions of the In God We Trust Road Association. The Road Association declared that lots could not be subdivided any further, but these restrictions would have dissolved if the road association no longer exists.

The Board recommended Mr. Fogg go to the Registry of Deeds, and possibly Land Court, to ask for any document relating to the property. He may also need a title search and a land use attorney. The document in hand from 1998 was not signed by the Planning Board. He needs a signed copy. If the documents were not recorded: there is no town clerk, registry, or Planning Board files, the parcel would revert to the zoning of the district, and could be divided into two lots. Mr. Wilson remembered them coming before the Board in 1998.

6:46 PM- 30 Plain Field Way (28-31.1) Buildable lot with pre-existing restriction

This property is located off Road to the Plains, and also has unclear records. A developer has questions about the covenants. The Building Inspector determined that the wording of the deed was confusing. The restricted covenant from the decision of the Planning Board in 1981 regarding the final approval of the subdivision read as follows: No person shall construct a structure on the parcel; successor in title may plant, trim trees, etc. In 1996, there was a release and waive of any and all rights and covenants. That release does not apply to the Planning Board restrictions. The Board agreed that the lot is unbuildable open space.

6:53 PM- Zoning Reform in Massachusetts

Ms. Greenough distributed a summary of the zoning changes happening on a state level. She recommended the board members take it home to read. Zoning in Massachusetts is one of the worst in the country. The Commonwealth is trying to make it less complicated.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the meeting was adjourned at 6:58 PM.

<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:
