

Edgartown Planning Board Meeting
July 15, 2014 5:30 PM
Selectmen's Meeting Room – 1st Floor Town Hall

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

Staff in Attendance: Lucy Morrison, Clerk

Chairman Fred Mascolo called the meeting to order at 5:30 PM.

5:30 PM: Form A (2) – Partel, Pocha Rd (47-46.1) and Beams, Dow's Pond Ln (47-44.12)

In Attendance: Chuck Gilstad of Sourati Engineering

Mr. Gilstad approached the Board and distributed site plans of the two properties. The application before the Board is for two lot line adjustments between two neighboring properties. The Partels would like to give Beams the last seven feet of the property on the most easterly side of their property, so that the Beams' mud room meets the 25 foot setbacks required for the zoning district. The Beams would be exchanging the same square footage in a 75 foot sliver of land on the northwestern most part of their property. All parties are in agreement on this decision. Mr. Sparks requested copies of the letters stating this agreement. Mr. McCourt moved to endorse the two Form As. Mr. Cavallo seconded, and the motion was unanimously passed, 5-0. The Board signed two originals and two copies of each plan for the file.

5:45 PM: George & Jane Riskin Bean, 50 Gaines Way / 72 Fuller St (20B-97 & 20B-101) SP: Coastal District. Construct a 15' x 35' swimming pool in the inland zone.

In Attendance: Doug Hoehn

Mr. Hoehn immediately apologized for not having the pool staked. The proposed pool is partly inside the house that's currently on the property. The Conservation Commission conducted a site visit, and told the applicants not to stake it. Mr. Hoehn assumed the Planning Board would want the same. The whole application is for a new house; however, the only aspect concerning the Planning Board is the pool. The house that is currently on the property will be torn down, as approved by the Conservation Commission, and half of the proposed pool is buried in the existing house on the Gaines Way side. Mr. Hoehn highlighted for the Board where the current house lies on the site plans.

The proposed pool would be salt water treated. It would be 24 feet from the property line and meets the setbacks. The retaining wall would be 30 inches tall at its highest point, and a natural cedar fence will be on the lower side of the retaining wall. The equipment will be placed in a four by eight shed off to the side of the property. Mr. Mascolo asked about the soundproofing used in the shed. Mr. Hoehn replied that rock solid insulation will be used; it is a material similar to fiberglass that can be squeezed and absorbs sound. Mr. Wilson asked about safety equipment at the pool, and recommended either a

safety ring or a rescue pole. The safety equipment has not yet been published to the standard checklist, but it will be in the near future.

The proposed house will be to the west of the current house, and the driveway from Gaines Way will be closed off. Mr. Mascolo asked about the depth to groundwater. Mr. Hoehn replied that the pool will be seven feet deep with one foot for groundwater. Mr. Mascolo also asked if there was any obstruction of the view from the neighboring property. Mr. Hoehn replied that the direct abutter was present at the Conservation Commission meeting and spoke in favor of the project, since the house will be moved to the west, which is further away from the bordering property. All of the pool lighting will be downward shielded, as required by the Planning Board. Mr. McCourt stated that the project meets code, and has shown to be designed with as minimal impact as possible. There were no letters received on this subject, and no one in the audience spoke. Mr. Mascolo closed the public hearing. The Board deliberated. Mr. Wilson waived the lack of stakes for this case, since they would have been inside the house. Mr. Sparks moved to approve the application as presented with standard list of conditions for swimming pools, including soundproofing the pool and safety equipment accessible at the pool. Mr. McCourt seconded, and the application was unanimously approved, 5-0.

5:42 PM: Continuation of Leonard, deminimis application for a 10' x 14' shed.

In Attendance: Richard Barbini

Mr. Barbini approached the board. This application was discussed at the previous meeting on July 1st; but the exact location of the shed was unclear to the Board two weeks ago, and Mr. Sparks was concerned about the view from the neighboring property. Mr. Barbini went back to the site and staked it; it was the first time that a shed has ever been staked for a site visit. Mr. McCourt thanked him for the effort. Now that the location of the shed is clear, it was obvious that the shed will not hinder any of the neighbor's views. The property owner will be moving the course of his driveway slightly, but it should not be an issue since it will not be disturbing the curb cut. Mr. Wilson suggested that a property should always be staked. In general, if the Board is conducting a site visit, they should know exactly what to look for and where. No letters were received on this topic, and no one in the audience spoke. Mr. Cavallo moved to accept the modification to a special permit application as deminimis. Mr. McCourt seconded, and the motion was unanimously passed, 5-0.

5:58 PM: Continuation of Public Hearing – Haven Rd Realty Trust/Edgartown Lofts (Hajjar), 236-238 Edg-VH Rd (21-10.15 & 21-10.16) SP: B-II District. Construct seven (7) 2-bedroom apartments and one (1) one-bedroom apartment over Building C & part of D in Post Office Square and redesign the parking lot.

In Attendance: Sean Murphy, Charles Hajjar, and others.

Mr. Mascolo thanked the audience for attending, and invited comment from the public on the letters.

The Board began to read the letters of opposition received from the public. Leo Convery wrote on June 7, 2013 with concerns about overflow parking spilling into his lot on Mariner's Way. Fred Roven wrote

on March 19, 2014 with concerns about traffic and parking, and encouraged a traffic study. William Caulfield wrote two letters dated July 17, 2013 with concerns about traffic and parking in Post Office Square; and on June 16, 2014 stating concerns about residential space in the business district. The Edgartown Affordable Housing Committee wrote on March 16, 2014 to encourage rental restrictions that enforce some degree of permanent affordability. Harriet Hoar wrote three letters on the topic. The first was dated June 4, 2014, and attached was her letter to the Editor that was published on the June 6th in the Martha's Vineyard Gazette. She also wrote on June 15, 2014 with concerns about Dark Woods Association building a fence which would hinder fire rescue from the back of the buildings, and attached copies of the easement and a site plan. Mrs. Hoar wrote a third time on June 30, 2014 with concerns about the MVC decision wording concerning the transfer or sale of unit or units. Mrs. Hoar recommended a non-rescindable restrictive covenant in perpetuity. Orlando Corsi wrote on June 5, 2014 with concerns about the parking lot congestion and the risks of personal injury. Carolyn O'Daly wrote on June 9, 2014 in strong agreement with Harriet Hoar, and reiterated concerns about the traffic congestion. Anne Baker wrote on April 16, 2014 with concerns about the number of motor vehicle accidents with bikes and pedestrians, and emergency vehicle maneuverability in the area. Mark and Eileen Ciccone wrote on June 16, 2014 with concerns of the size and scale of the project, and the effects the project will have on their privacy and personal safety as direct abutters. The Ciccones also wrote on July 15, 2014 to recognize the changes in the plans to Building C that have occurred from the beginning, and to reiterate their points that the scale of the project is staggering, and will have both short and long term consequences for the town. The Ciccones also stated that the project will have a minimal impact on the housing needs, since the project is only for eight apartments, and recommended larger housing developments in lower density areas. Kathryn Hamm requested her letter sent on June 13, 2014 not be read, and instead handed the Board a new letter, which stated concerns about the lack of restrictions on rental rates, and general enforcement of the promises made by the applicants. Carla Cooper wrote on June 15, 2014 with concerns about public safety and the chaotic parking situation at the square. She spoke in favor of relaxed zoning laws for multi-family residences, but not at the proposed location. Gregory Palermo wrote on June 16, 2014 with concerns regarding the increase in density of traffic in the area, and claims that the reconfigured parking lot will not improve the traffic flow. Cliff Meehan, President of the Dark Woods Homeowners Association, wrote on June 18, 2014 to voice concerns about the proximity of the project to Dark Woods Rd, the use of the easement onto Dark Woods Rd, and the dangers of the busy parking lot; stating the project is not supportive of smart growth, and is ill-advised. Jay Swartz wrote on June 17, 2014 to show pictures of how congested the lot can be, especially onto Mariners Way. The pictures were distributed to the Board. Frank and Kathy O'Laughlin wrote on June 13, 2014 to oppose the project because it is the most congested spot on the island, with no place for residential space. Ellen O'Brien wrote on June 6, 2014 with concerns about general enforcement of the parking situation, especially cars overflowing into her spaces on Mariners Way. Joseph and Germaine Mamzone wrote on June 15, 2014 with concerns about traffic and parking at the square. Dianne Smith wrote on June 25, 2014 with concerns of safety and sanity. Ms. Smith accused Mr. Murphy of attempting to deceive the public with lengthy presentations, and changing details of the proposal, such as the rental rates and the length of ownership. Jeffrey White wrote on June 25, 2014 with concerns of insufficient infrastructure, traffic and parking congestion, lack of deed restrictions, and realistic

regulation and management of the property. Cathie Gough wrote on July 1, 2014 asking the Board to keep the area strictly commercial since the traffic congestion is impossible. Joanne Ryan wrote on July 1, 2014 stating that she agrees with Dianne Smith's letter, and accused Mr. Hajjar of being a bad landlord based on the parking lot floods. She also stated that the details of the proposal have changed a lot since the beginning, and urged the Board to listen to the opponents. Claire Bennett wrote on July 12, 2014 stating that the proposed parking lot could cause some hazardous situations. Doug Ruskin wrote on July 14, 2014 reiterating that the project is a private development, and that rates are subject to the market. Mr. Ruskin recommended conditioning the special permit with an enforceable guarantee that rental rates will not exceed 25% of AMI, which is approximately \$1800 per month. The Dark Woods Homeowners Association wrote collectively on July 12, 2014 with suggestions for conditions to be placed on the permit, including: rental restrictions, a third party traffic study, the parking lot configuration to be reviewed on a yearly basis to ensure that it is functioning properly, and two of the tenants be selected by the Edgartown Affordable Housing Committee with separate rental rates. Marge Willoughby wrote to support the letter of Dianne Smith. Ron Domurat and Barbara Rogers wrote on June 27, 2014 stating concerns about parking issues in the square, and the potential for tragedy between pedestrians, cyclists and motor vehicles.

Mr. Murphy was personally offended by some of the letters; stating he had no problem with anyone speaking in opposition to the project, but the accusations from some of the letters were out of hand. He stated that the direct abutters to the project have all been respectful and cooperative.

Mr. Murphy gave some specifics to the Board in response to several recurring concerns of the letter writers. In terms of the changing of the rental rates, Mr. Murphy has stated that the units will be on the lower end of market rate, and that they are not affordable housing. An actual definition of the rental rates cannot be calculated yet, but they will be lower end of the market due to the location. This has not changed. The conflicts with the potential transfer of ownership of the apartments after three years should not be an issue, as this was verbiage added by the Commission to allow for some financial flexibility, to change the name of the company, or to add a partner, for example. It has not changed, the property is still deed restricted for ten years, and the conditions apply to anyone who owns the property, since they run with the land. Mr. Murphy also brought attention to the fact that Mr. Hajjar has only owned the property for one year, it has not flooded since he's owned it, and they are not aware of any complaints; Mr. Hajjar has a stellar reputation in Boston.

Mr. Murphy reminded those who questioned the traffic flow that a traffic study was conducted by the MVC as part of their review of the project. It has also been stated that the traffic problem cannot be laid solely on the developer. The intersection is the main gateway to downtown and Katama, and there has clearly been a traffic problem for a long time. The apartments will not add to the traffic, especially since only one car per unit will be allowed. Trucks currently park anywhere, and the reconfigured lot will help. Mr. Murphy stated that the parking is not perfect, but it is much better and safer than what is there currently.

Mr. Murphy reiterated to the audience that this development is not affordable housing: there are no subsidies or tax breaks. It is a private development on private land with private money. Mr. Hajjar has no intention of selling the property. Mr. Murphy stated that the public's concern about the cost of living on the island is legitimate, but it has also been found and documented that any type of year-round housing helps the crisis. This project will begin to solve the problem; it is only eight units, so it will not immediately solve the problem, but it is a step towards that goal. Mr. Murphy also reminded the audience that without being asked, the plans were changed to accommodate the closest residential abutter. Mr. Murphy restated that both he and the applicant understand the community's concerns, and has tried to work with them to develop a compromise.

The public hearing was continued to Thursday, June 24 at 5:30 PM. Mr. Mascolo stated that new letters and testimony will be allowed.

Carol Forgione made a final comment that the public might be more inclined to view favorably upon the project if it were for affordable housing, that providing affordable homes would be a rational reason to increase the traffic at that intersection. Mr. Mascolo replied that the housing needs are so great on the island that any addition to the housing market is beneficial. He emphasized that everyone is affected by this; it is an island wide problem. Mr. Cavallo moved to adjourn. Mr. McCourt seconded, and the meeting was adjourned at 7:44 PM.

Respectfully Submitted,

Lucy Morrison, Clerk

Fred Mascolo, Chairman

Robert Cavallo

Michael McCourt

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed:
