

Edgartown Planning Board
Thursday, July 24, 2014 5:30 PM
Minutes

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

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

Chairman Fred Mascolo called the meeting to order at 5:33 PM. He asked the audience to please mute their cell phones.

5:35 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. Construct seven (7) 2-bedroom apartments and one (1) 1-bedroom apartment over Building C & part of Building D in Post Office Square and redesign the parking lot.

In Attendance: Sean Murphy, Charles Hajjar, Charles Orlando, George Sourati, and others

Mr. Mascolo read the letters received since July 15, 2014.

Carol and Frank Forgione wrote a letter on June 30, 2014 that was overlooked at the meeting on July 15, with concerns that the layout of the project discriminates against the elderly, and strongly favors single young people, which is illegal. The letter stated that the project should be denied since it jeopardizes the neighborhood and the community. Dianne Smith wrote on July 17, 2014 in response to Mr. Murphy's statements from the last meeting. Ms. Smith also wrote on July 21, 2014 showing escalating rental figures quoted by Mr. Murphy from the MVC minutes. She quoted the MVC decision as having a neutral impact on the housing crisis, and referenced the flower planter on Mariners way. She also mentioned that the crash data used to make a decision is skewed, since it does not include non-fatal accidents with damages less than \$1,000, which would encompass the majority of accidents in this parking lot. She was also concerned about how the conditions applied by the Board would be enforced, stating that the plan is fraught with problems.

Ms. Greenough gave an update on the research regarding the planter blocking the Mariners Way entrance. Jay Swartz provided some information from the MVC which provides the beginning of an answer, and the Planning Board will follow up on it.

Ann Heron wrote on July 24, 2014 with concerns that the project is in the wrong location, and that the triangle is already a failed intersection. Kimberly Kirk wrote on July 23, 2014 with a general concern for public safety due to traffic congestion, noting the dangerous and frustrating traffic patterns. Kathryn Ham wrote on July 23, 2014 to disagree with statements made by Mr. Murphy at July 15 meeting. Mr. Murphy allegedly said that it sounded as if the letters of opposition were controlled by one person, Ms. Ham stated instead that the letters echo the same opinion, and it should resonate with the Board that the townspeople are strongly opposed to the project. Mary Jane Carpenter wrote on July 23, 2014 with concerns of traffic and parking, and the use of residential space in a business location. Sunny Wilson

wrote on July 17, 2014 on behalf of the eight families who could live in the apartments. He urged the town to not be selfish and approve the project so that they would no longer have to suffer through the housing struggle. Joanne Ryan wrote on July 22, 2014 stating that the triangle is not a good place for apartments; and accused the Board of having ulterior interests in the project since the meetings are being held, even though it is clear that the public is strongly opposed to it. Mr. Sparks refused to read the remainder of the letter. Mr. Mascolo resumed. It was determined that no members of the Board had anything to gain financially from the approval of this project. Bess Stone wrote on July 22, 2014 with concerns of traffic and parking mayhem at the post office. Mike and Sandra Joyce wrote on July 23, 2014 with concerns about the costs of rentals for the workforce, and how the figures seem to be too high for the targeted market. They were also concerned about traffic congestion and construction problems. Carolyn O'Daly wrote on July 24, 2014 to voice opposition to the project for reasons already stated. Ellen Wannamaker wrote on July 23, 2014 with concerns of residential use in a business location, and how the combination is unsafe for residents.

Mr. Mascolo opened comment from the audience.

Barbara Phillips asked if the leases for the commercial tenants on the first floor will have to be renewed. Ms. Greenough replied that any modification to the original plan is required to come before the Commission and the Planning Board to be presented as a modification to a special permit. Mr. Murphy assured her that there will only be commercial retail space on the first floor. Ms. Phillips was also concerned about more apartments being built over Buildings A & B. Mr. Mascolo replied that every development must provide sufficient parking, and that there is only so much space available in the lot. The current parking plan appears to meet the needs, but there is no more space.

Janice Cramer stated that the apartments sound nice, and asked if there are similar apartments available. Mr. Mascolo said he was unsure about current availability, but reiterated that these apartments are not affordable housing, not for the elderly, and not ideal for families. Mr. Murphy clarified stating that anyone can rent one of the apartments; but, the main problem for elderly tenants is the lack of an elevator, and for families is the lack of green space. Ms. Cramer commented on how difficult it is to find a year-round apartment on the island. Mr. Cavallo mentioned that there are six apartments near at 244 Upper Main Street, near the Dairy Queen, and he has never seen more than two cars parked in that lot.

The clerk gave the audience a brief update on the scope of the Meshacket housing project, and how the project is progressing through the first stages of development.

Bob Senior, a seasonal resident, asked about the project's primary advantage to the community. Mr. Murphy replied that the project is stable market rate housing targeted to the year-round workforce, and that any year-round housing has a positive impact on the community. A sarcastic comment was made from the audience about how finding housing for eight people will advantage the whole town. Mr. Mascolo responded that the Board is trying to come to a conclusion. It is understood that there is a lot of opposition to the project, but the Board needs to digest, and the process is not over yet. The testimony is being heard, and the Board is listening.

Rhonda Cohen stated that she felt there was noticeable hostility from Board to the audience, not the other way around. Mr. Mascolo apologized, and stated that he would appreciate it if the audience spoke one at a time, since it is easy to feel ganged up upon when the audience is loud and speaking out of turn.

Charlie Roover, a Dark Woods resident, does not understand the merits of the project, and stated that it's not a good location.

Cliff Meehan, a Dark Woods Rd resident, said that he appreciates the Planning Board for the time spent on this project, and for listening to everyone's opinion. He stated that it was reassuring for him to know that the Board represents the people and the town, and that they are not displaying their personal opinions.

Mary Meehan stated that she disagrees with the logic that the tenants will not be parked in the lot during the day since they will be at work. She stated that many people have strange work schedules and are working odd hours. She is mostly concerned about children in the parking lot, after having witnessed many near-misses between cars, people and bicycles. There is too much happening in the lot already.

Bill Gabelin asked the Board to present the four most important reasons that this project is advantageous to the town of Edgartown. Mr. Mascolo replied that when the public hearing is closed, the Board will deliberate. The pros and cons of the project will be weighed, but the answer he is looking for will be reserved until the end of the process. The Board concurred with the Chairman.

Jay Swartz asked if the Planning Board has the same considerations and conditioning privileges as the Zoning Board of Appeals, of which she was at one time a member of. Ms. Greenough explained the differences between the Zoning Board of Appeals and the Planning Board.

Peter Look, Sr. reminded the Board to look into the issues of the Mariners way entrance and exit.

Mr. Mascolo closed the public hearing. Ms. Greenough gave the applicant a draft of a list of the Board's questions and potential conditions.

Mr. Murphy presented the closing arguments. The majority of the opposition to the project is regarding traffic; however, traffic problems cannot be blamed on the developer, nor can they be blamed on the district. There will always be traffic, regardless of whether this project is approved or not. The MVC stated in the traffic study conducted for this project on April 17, 2014, that there is no anticipated traffic impact. Since the study, the applicants have lowered the number of allowable cars from 16 to eight, which is even more conservative. Mr. Murphy stated that an average of 12,400 cars a day go through the triangle, the addition of 16 trips will not have an effect. And in general, a house creates more traffic than an apartment. The reconfigured parking lot was thoroughly vetted by traffic engineers and the MVC staff. There are 15 more parking spaces, and they are larger; there is more green space, new bike paths and walkways, and more handicapped spaces. The proposed lot is far more orderly, safer and aesthetically pleasing than what is there currently. There are clearly designated loading zones, that will help regulate the delivery trucks, since there will be nowhere else for them to park. There will be a

speed bump between the post office and the ATM to redirect water and help slow traffic to Dark Woods Rd.

Mr. Cavallo asked about Smart Growth Parking. Ms. Greenough replied that Smart Growth is a bylaw published by the state to be adopted by every township. Mr. Sourati gave some details of the bylaw that pertain to the parking lot: 90 degree parking, spaces that are nine feet by 20 feet, 24 foot wide aisles for two way traffic, and 22 foot wide aisles for one way traffic. The new parking lot is in compliance with these state regulations.

Mr. Murphy emphasized that the project complies with Smart Growth, and also complies with the B-II Master Plan. Zoning for apartments is in the B-I and B-II districts, with mention of two and two and a half story structures, with commercial space on the first floor and residential uses on the second floor. This project complies with all of these principles. Mr. Murphy stated that limiting what the applicant can charge for rentals is an excessive restriction. The project is on private property, funded by private money, and it is not affordable housing. Common sense dictates that the rents will be on the lower end of the market, since there's no outdoor space, and will be limited to one car per apartment. He speculated that the tenants will be walking everywhere and may not even own a car. The traffic at the triangle will be the same regardless of this project. In addition to housing eight year-round families, the town will benefit from having a cleaner, better organized and safer parking lot. He reiterated that the conditions stated in the MVC decision will remain the same, but the Planning Board can restrict the project even further. The ten year deed restriction goes with the property, and the language allowing transfer after three years was provided as flexibility for the applicant, and was not intended to circumvent the ten year restriction.

The Board discussed the difference between a waiver and a variance. The Planning Board can only grant a variance of the setbacks if there is some kind of land problem, such as an unmovable boulder, or if there is some type of hardship. Mr. Murphy explained that the applicants are not seeking a variance off of Dark Woods Rd, but a waiver of the ten foot setbacks off of their own property line. Mr. Murphy traced the course of how to get from the parking lot to the stairs on the plans, and reiterated that the waiver is just for the two enclosed stairways facing Dark Woods Rd, and not the actual building. Mr. Murphy stated that the modification to setbacks is allowable under the B-II business district zoning bylaws. The Board agreed that the waivers are allowable, but encouraged the architects and engineers to come up with another solution. The Board pointed out that the reason the waivers are needed is for the stairs, which is the current plan of access to the apartments. The Board urged the team to explore options that move the accesses to the front of the building, facing the parking lot, so that the setback waivers are not necessary. Mr. Orlando stated that there is no way to configure a staircase on the front of the building without somehow blocking or penetrating the retail space. The exterior stairs were kept as tightly as possible to the building, and are efficient. The stairs are enclosed, as modified from the original plans because of concerns about snow, light and noise. There will be railings on each side, as per the building code. The layout for Building C was displayed. The middle part will be used as passive storage in perpetuity. Should the applicant decide to use it for another purpose, the idea will need to be presented to the Planning Board and the Commission for approval.

Mr. Mascolo requested a copy of the Post Office Association Agreement. This will be provided in the future.

The Board discussed the traffic flow through Mariners Way. Mr. Murphy stated that he has spoken with the direct abutters, and would like to set up a separate meeting to discuss those issues. The entrance cannot just be cut off or narrowed to slow traffic; even though everyone involved seems to be in agreement with that solution, experienced expertise is necessary for a final decision. Mr. McCourt recommended having another loading zone there. Mr. Murphy replied that a loading zone is one of the ideas on how to better use that space.

Mr. Mascolo asked about the snow removal plan. Mr. Sourati showed several places on the plans where there was allowable space for snow, such as the dumpster site between buildings B & C, the green area between Granite. Mr. Sparks asked if the snow could be taken off-site. Mr. Sourati replied that no one will take it, and it's surprisingly expensive to remove. Mr. Mascolo asked if a plow or a bucket loader will be used to remove the snow. It had yet to be determined, however, the applicant will do whatever possible to prevent a mountain of snow occupying multiple spaces in the middle of the lot.

Mr. Mascolo asked about trash pick-up. The trash will be where it is now, in a separate closed dumpster behind the fence. The trash is picked up early, and that space could potentially be a third loading zone afterwards.

Mr. McCourt asked how close the entrance to the lot would be to parked cars. Mr. Sourati measured 38 feet from edge of pavement to the first space, and 53 feet from the edge of the traveled way to the first space, which is about the same as what it is now. Mr. McCourt was concerned about the dangers of trucks backing out from in front of Granite. Mr. Murphy replied that with the new configuration, it is more difficult for trucks to park somewhere that is not a specific loading zone, because they will either block traffic entirely, or take up at least three spaces. Mr. McCourt asked about the width of the exit. Mr. Sourati replied that it is 22 feet. The MVC wanted to narrow it as a tactic to slow traffic, but the width of the exit was determined to be part of the Planning Board decision. The sidewalks will be about five feet wide, the bike paths about 10 feet wide. There will be four in ground bike racks, one for each building, each comfortably holding eight bikes, but could hold up to 12. Mr. Mascolo asked if the commercial tenants should be parking offsite. Mr. Murphy replied that the leases were inherited, and cannot add any parking restrictions until their renewal in about three to four years; however, it has become obvious that the tenants are opposed to the idea.

Mr. Mascolo asked if Granite had seen the new parking plan. Mr. Murphy replied that it had been presented conceptually, but the final plans had not been properly discussed. Mr. McCourt emphasized that it is important for the Board to see any correspondence with Granite, since their opinion will impact the Board's decision.

Mr. Mascolo asked about how the applicant plans to mitigate the disruption of the lot from the construction vehicles. Mr. Murphy replied that the parking lot will need to be reconfigured before any construction can begin on the apartments, so there will be an additional 15 spaces. The planters may not be finished, but the main lot will be finished. The Board requested that the landscaping plan be

represented to the Board before the planters are installed. It was estimated that the construction vehicles will occupy four to six spaces. There will be scaffolding and barriers to prevent anything from falling onto cars or pedestrians. None of the stores will be blocked, and there will be no exterior work done during the summer months, as per the MVC decision. The applicants would like the construction to be done as quickly and as efficiently as possible. Mr. McCourt asked how long it would take to reconfigure the parking lot. Mr. Orlando speculated that it will take about four to six weeks, since trees will have to be moved, and most of the work will take place on the weekends. It had not yet been determined if the lot will need to be repaved. Mr. Mascolo asked about stop signs. Mr. Sourati answered that markings will be painted on the ground, and that there is no need for signs. A Do Not Enter sign could be placed to the left of Building C from the Dark Woods entrance, but that might only create more confusion.

The apartments will have a full time manager. The manager will not be living on site, but will be living on island, and will be available 24/7. There will also be a building superintendent for the commercial spaces and the apartments. Cliff Meehan has been the maintenance manager for the commercial spaces, so he may be taking on the responsibility as maintenance manager for the apartments as well.

The Board discussed the egress codes. The building is fully equipped with a sprinkler system. For this type of project, the building code requires one form of egress, and one egress window. The proposal provides two egress windows, one on each side of the apartment. There is a small ledge outside the window on the parking lot side that a person could stand on to wait for help. The Fire Chief was present at the first meeting, and was satisfied with the provisions made by the applicant. The Board stated that the sprinkler system was good, but asked if collapsible ladders could be installed on the roof outside the egress windows. Mr. Murphy replied that he will look into the ladders.

The outdoor space on the Dark Woods side cannot be used for anything, especially passive storage. The apartments will have 12 month leases for year-round residents. The apartments will be unfurnished. The Board requested a copy of the lease used for the apartments to have in the file to ensure that all the conditions are being met. Mr. Hajjar replied that he will provide a blank copy of the lease without any of the tenant's personal information.

Mr. McCourt mentioned the building design, and how the dormers are inconsistent. He asked the architect if there were any thoughts on trying to make it more uniform. Mr. Orlando replied that he has looked at that, but the building floor plan determines the elevations. The location of the windows dictated the dormers and the roof peaks. Mr. Orlando said that he will revisit the issue, but does not predict any architectural changes. Mr. McCourt also emphasized that the back wall is very intrusive, and if that will be blocked with shrubbery or trees. Mr. Murphy replied that original plans have changed, and that two apartments, four windows and a set of stairs have been removed. He also stated that he met with the Ciccones, and there will be a few more trees added along the back wall. The screening will not block the dormers, but it will restrict the view from the windows, so no one will be able to look into the Ciccone's back yard.

Mr. Mascolo asked about the estimated cost of the rentals. Mr. Murphy replied that the rents will be what the market will bear. It is anticipated that the rents will be on the lower end of the market, since there is no outdoor space, no decks; they are above commercial space and are in a busy area. The final costs of the rentals have not been calculated. Mr. Wilson, as a member of the CPC, mentioned that there is rental subsidy money available to island tenants. He asked if Mr. Hajjar would be willing to rent to a family or an individual receiving rental subsidies. Mr. Hajjar replied that it is illegal to discriminate against a potential tenant based on their receipt of rental subsidy, and assured the Board that applicants to this project will not be turned away because of their need for rental subsidy money; but they will remain limited to two people.

Mr. McCourt asked how the applicants are planning to enforce the traffic and parking limitations as presented. Mr. Murphy replied that it will begin with the tenant's application process, when Mr. Hajjar will ask about how many cars the potential tenant owns, and tell them that there is only space provided for one car. Parking stickers will be issued for each tenant's car, and then the parking lot will be policed at night without warning by the manager. If there is an issue with a tenant, they will receive warnings, and if the problem persists, the tenant will eventually be evicted. Retail tenants will also help enforce the parking during the day. Mr. Murphy mentioned to the Board that a six unit residential building was just approved on the five corners intersection in Vineyard Haven, with no parking, since it was assumed that tenants will not own cars.

Ms. Greenough mentioned to the applicants that the Board may bring in a builder as an outside consultant, to review the comments concerning the architecture.

The Board also mentioned that they would like to see letters from the wastewater department, the highway department and correspondence with Granite.

Mr. Mascolo reviewed the four key points that were brought up during the discussion: the use of the Mariner's Way entrance as a potential loading zone for Granite, the snow plan for the parking lot, the use of collapsible ladders from the second floor windows, and the dormers of Buildings C and D.

Mr. Murphy stated that parameters need to be developed for the Mariner's Way entrance. The next step includes a large discussion between the owners and tenants of the buildings and traffic experts. The Planning Board will do further research on the initial decision to remove the planter. Mr. Murphy speculated that the Mariner's Way entrance issues will not be resolved before a decision is made about the Loft Apartments.

Mr. Wilson moved to continue the deliberation of the project to August 5th at 5:30 PM. Mr. McCourt seconded, and the motion was unanimously approved.

Mr. Mascolo reminded the audience that while they are welcome to attend the August 5th meeting, public participation is closed.

The meeting was adjourned at 8:00 PM.

Respectfully Submitted,

Lucy Morrison

Planning Board Clerk

Fred Mascolo, Chairman

Robert Cavallo

Michael McCourt

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed: