

Edgartown Planning Board
Meeting October 7th at 5:30 PM
Minutes

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

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

Chairman Fred Mascolo called the meeting to order at 5:35 PM.

Public Hearing: Bruce & Elyse Balder, 24 Navy Way (52-26.64) Special Permit: Island Road District & Coastal District. Construct 18' x 45' Swimming Pool

In Attendance: George Sourati, Chris Horiuchi, Bill Mueller

Mr. Mascolo explained that the Board prefers to hear the applications for swimming pools after the Conservation Commission has approved the project and submitted an Order of Conditions. The Board discussed continuing the application to October 21st, or proceeding as scheduled with any decision pending the Conservation Commission's approval of the project.

Mr. Sourati noticed a discrepancy between the actual dimensions of the pool as stated on the application and what was posted on the agenda. The dimensions of the proposed pool are 18 feet x 45 feet, not as advertised on the agenda as 28 feet x 40 feet.

Mr. Cavallo stated that he would have preferred to see the pool staked on the site visit. Mr. Sourati replied that the pool was staked the week prior, but the contractors on the site must have removed them. He stated that it will be staked again should the Board choose to revisit the area. Mr. Sourati stated that the pool would be located behind the house, and would not be seen from any of the neighbors or the road. The septic tank is located in front of the house. Mr. Mascolo mentioned that the house had a documented oil leak a few years ago, and test wells were placed all around the property; he asked if that issue had been resolved. Mr. Sourati replied that he was not aware of this issue, but was under the impression that that problem had been settled. It will be brought up at the Conservation Commission meeting.

Mr. Sourati explained the proposed pool equipment. The abutting property to the east is owned by the Sheriff's Meadow Foundation; and there is an undersized, unbuildable lot to the west. Mr. Mascolo insisted that pool equipment requires soundproofing. He recommended that it be placed within a structure lined with soundproofing material. Mr. Sourati replied that new pool equipment is considerably less loud than older models. Mr. Mascolo requested information about decibel levels. Mr. Wilson agreed that soundproofing is necessary, and stated that one of the main purposes of conservation land is the preservation of wildlife, and that noise is bothersome to wild animals, as much as it is to people. He also emphasized the importance of the Wilson Amendment, which requires safety equipment be easily accessible at the pool.

Bill Mueller approached the Board as an abutter to the project. He advocated for the historical and environmental significance of Herring Creek, stating that it is a special place. He also stated that there are other pools along Beach Rd, but they are farther away from the road and from Herring Creek. Mr. Mueller was concerned that the pool would be visible from Beach Rd and from Herring Creek, and he urged the Board to maintain the appearance of the property in keeping with the "old Vineyard." He also asked about the fence that would be used. Mr. Sourati answered that the fence will be black or green mesh to a height of about four feet, and also mentioned that there is a heavy buffer of natural preservation and landscaping between the yard and Herring Creek. Mr. Mueller also emphasized that the proposed pool location is only a few hundred yards from protected plover nesting area, and stressed that the Conservation Commission needs to weigh in before anything is approved.

Mr. Mascolo inquired about the chemical treatments for the pool. Mr. Sourati answered that the pool would be treated with salt water, and there would be no chlorine. The application states that the draining of pool water will occur at certain times throughout the year. Mr. Mueller inquired as to where this water would be drained. Mr. Sourati stated that modern pools do not typically need to be drained; and if it does, the drained water will be transported off-site. Mr. Sparks noted that the Conservation Commission will be asking these questions tomorrow at their hearing. Mr. Mueller insisted that there were too many unfinished details to proceed.

Mr. Sparks thanked Mr. Mueller for calling the Fire Department when he observed a house on fire in Katama. It was because of that phone call that the structure was salvageable. The Board concurred with Mr. Spark's sentiment.

Mr. Mascolo recommended continuing the hearing to October 21st, so that the Board may see the pool staked, to have a log of exactly where it will be located, and to have the Conservation Commission's Order of Conditions. Mr. Wilson moved to continue the public hearing. Mr. McCourt seconded, and the motion was unanimously approved, 5-0. The hearing will continue on October 21st.

Form C: Gordon W. Tyra, 7 Shurtleffs Way (20B-13.1 & 13.2) Subdivision proposes the creation of two unbuildable lots to be conveyed to two abutting properties

In Attendance: Reid Silva

Mr. Cavallo asked if the Planning Board has the authority to create two unbuildable lots. Mr. Mascolo replied that it is allowable with the knowledge that they will be sold or merged with an abutting lot.

Mr. Silva approached the Board to present the application. The application creates legal frontage for a lot that is presently non-conforming, and requests a waiver for 10 feet off of the 40 foot access requirement for a subdivision.

The parcel is owned by Gordon Tyra, and was divided under a Form A last year, which created two non-conforming lots. The application for a subdivision currently before the Board allows parcel 1-B (assessors' parcel 20B-13.2) to have a guesthouse built upon it. The other lot created will be conveyed to an abutter. The Board discussed the request for a ten foot waiver of the 40 foot access requirement. Mr.

Silva stated that 40 feet seems to be more excessive than necessary, due to the fact that the access is for a small, residential lot and will only serve one house and guesthouse. The restriction is in place because generally a Form C subdivision creates a larger development with multiple families, structures and vehicles, and the access needs to be substantial enough to handle that amount of use. Mr. Wilson was concerned that 30 feet may not be wide enough for a fire truck or an ambulance to access the site. Mr. Mascolo stated that 30 feet is sufficient for emergency vehicles. Mr. Mascolo stated that the application is an improvement on what was originally approved in 2013.

Mr. Sparks moved to approve the waiver of a 40 foot private way to a 30 foot private way because the access only serves one house and guesthouse, and also eliminates a non-conforming issue. Mr. Cavallo seconded, and the motion was unanimously approved.

Mr. Sparks moved to approve the Form C subdivision. Mr. Wilson conditioned the approval on the conveyance of the unbuildable lot to the abutting neighbor, thereby releasing the non-conformity of the lots. Mr. McCourt seconded, and the motion was unanimously passed, 5-0. The plan will be endorsed after the 20-day appeal period once the decision is signed and stamped by the Town Clerk.

Form A: HarborView Lot, 52 Fuller St (20B-95)

In Attendance: Doug Hoehn

Mr. Hoehn approached the Board to present a lot line adjustment of a plan that was approved last year. The applicants are building two houses on the two lots, and need to meet the setbacks. One lot will be five feet wider on Fuller St, and five feet smaller in the back; the other lot will be five feet smaller on Fuller St, and five feet wider in the back.

The applicants are planning two curb cuts, one to access each house. The assistant mentioned that new zoning regulations demand an application for the curb cuts in the R-5 district, and recommended only one 16 foot curb cut to serve both properties. The curb cut application needs to be heard by the Planning Board, the Board of Selectmen and needs to be approved by the Highway Superintendent.

The Board agreed that the application was straightforward. Mr. Sparks moved to endorse the plan as submitted. Mr. Wilson seconded, and the motion was unanimously approved, 5-0.

Form A: Bresnehan, 78-80 Pine St (20A-54) Designate gravel driveway as “private road”

In Attendance: Doug Hoehn

Mr. Mascolo used to own the property in question, and Mr. Sparks profited from the sale. They recused themselves from the discussion and vote.

Mr. Hoehn approached the Board to explain the application. In 2006, a Form C was approved for the property. One of the lots is currently being sold. The original plan shows the proposed way and a “gravel driveway.” The purchaser’s attorney has considered this a title glitch, and requested a new plan drawn to designate the driveway as a “private way.” The dimensions of both lots and the property areas will

remain the same. Mr. McCourt moved to endorse the Form A as presented. Mr. Wilson seconded, and the motion was unanimously approved, 3-0.

Tower Hill - Barris, 35 Dunham Rd (29B-32) Modify roof of garage from flat to gabled. Determine if de minimis.

In Attendance: Doug Hoehn, Gary Conover

Mr. Hoehn approached the Board to present an application to raise the roof of an existing garage to match the pitch of the existing house. No square footage will be added to the structure. The garage was built in the 90s as an appendage to the house with a flat roof to allow for a roof deck. The ceiling is very low inside the garage. The roof of the garage will be raised to match the pitch of the existing house, which will increase the dormers, but will remain less than 26 feet in height.

Gary Conover displayed pictures to the Board. The Board agreed that the application appears to be an architectural enhancement, and there will be no change in use, or change in the footprint. New windows and doors will be added for aesthetic purposes. Mr. Conover added that the neighbors are aware of and supportive of the project.

Ms. Greenough listed the criteria for determining if a project meets the requirements for a special permit exemption. The only criterion that this project did not meet was the change in height, which was not considered significant enough to require a special permit, since the rise in elevation would be built to match the existing house and will not exceed the 26' height restriction in the Coastal District.

Mr. Sparks moved to consider the application de minimis. Mr. McCourt seconded, and the motion was unanimously approved. The project does not need any further action from the Planning Board. Mr. Mascolo signed the application.

Curb Cut: Moore, 39 Fuller St (20B-57) Reduce curb cut from 26' to 21'

In Attendance: Gary Ben David, Builder

Mr. Ben David approached the Board to explain the application. The Board conducted a site visit of the property the morning of the meeting, and saw the stakes and demarcation points of the proposed driveway. After recent renovations, the current 26 foot long curb cut no longer matches up with the driveway leading to the pool house and garage behind the house on the property. The applicants propose a 21 foot long curb cut relocated approximately nine feet to line up with the driveway. The applicants are aware of the new curb cut bylaw requiring 16 foot curb cuts; however, there is no parking along Fuller Street, and there will be a net reduction of curb cut space.

Mr. Sparks moved to approve the curb cut reduction and relocation as presented, which reduces the existing curb cut by five feet. Mr. Cavallo seconded, and the motion was unanimously approved, 5-0. The applicants will need to return to present the application to the Board of Selectmen on October 14th. The Planning Board will be discussing procedures with the Selectmen, as it seems redundant to have an

applicant have to present applications to two Boards. The Highway Superintendent in attendance at the meeting also signed the application. The clerk will scan and send on the following day.

Discussion: Meshacket Rd Bike Path

In Attendance: Jeff Agnoli, Stuart Fuller, Bill Veno

Mr. Agnoli approached the Board and introduced members of the Committee to Ensure a Safer Meshacket Road, a group of interested persons including those present as well as James Athearn and Dick Pytko. The unofficial Committee is before the Board to present ideas for a bike path that would connect Edgartown-West Tisbury Rd to Herring Creek and Katama Roads. The Committee has agreed to focus on the creation of a bike path on Meshacket Rd from Edgartown-West Tisbury Rd to the old landfill, as that has been determined to be the most dangerous section of road. The Committee has determined that a lay-out with the bike path along the east side of the road seems to make the most sense. There are two conservation properties overseen by the Martha's Vineyard Land Bank along the east side of the road that are protected under an agricultural protection restriction that would need to be amended to allow for pavement and the use of a bike path. A ruling from Town Council is needed on whether or not to allow for the use of a bike path on land that is restricted to agricultural uses only. The APR as written has a few allowances, including pavement for new parking areas if it helps the farm and farm vehicles, and the clearance of walking trails. The Committee believes that the amendment to allow bike paths would not violate the spirit of the deed. There are other properties that would be affected by the installation of the bike path on the east side of the road: some of the land belongs to the Commonwealth, and there are three residential properties that would need to be traversed.

Mr. Agnoli mentioned that Dan Wolfe and Tim Madden are interested in facilitating the project. A series of steps are required before the project can be taken to the Highway Department for logistical configuring. The first phase of the project, other than building support, is to present the idea to the Selectmen and receive their consent to contact Town Council about modifying the agricultural preservation restriction. Once that hurdle has been tackled, the Committee can begin to brainstorm options of what can actually be done.

Stuart Fuller mentioned that the bike path layout will be problematic, since the right of way on Meshacket Rd is only 30 feet, which is 10 feet less than a normal right of way. The attempt to create and accommodate an eight to ten foot wide bike path will need to be creative.

Mr. Cavallo stated a strong support of a bike path along Meshacket Road. Mr. Mascolo was also in favor of the bike path for safety reasons. Mr. Wilson was skeptical that the bike path would be used, since he has noticed an increase of cyclists riding on the roads instead of the existing bike paths.

The Board asked how the project will be financed. Mr. Fuller replied that the project would ideally be handled outside of state funds, since that would mandate many more construction regulations that could seriously hinder the project, based on the small width of the road. The assistant mentioned that there was approximately \$30,000 appropriated at the Annual Town Meeting of 2007. The remaining balance is unknown.

Mr. Sparks stated that the Board is in favor, but more information is needed, and a creative solution will likely need to be reached, as the right of way is insufficient to build a traditional bike path. The assistant will write a letter in support of the idea, and will attend the Selectmen's meeting on October 14th.

New Business: Discussion- Improvements to Edgartown-Vineyard Haven Rd

In Attendance: Bill Veno, Stuart Fuller

Bill Veno approached the Board to present the idea for improvements made to Edgartown-Vineyard Haven Rd. The Transportation Improvement Program has offered \$500,000 to completely rebuild six and a half miles of road involving three towns along Edgartown-Vineyard Haven Rd. These repairs would include widening the buffer between the road and the bike path, moving the catch basins and the drainage system out of the way of traffic, and creating more bus pull-off areas. The Joint Transportation Committee has targeted an approximately one mile section of Edgartown to serve as a trial area and model for the road improvements. The Committee has selected the section of road just after the Oak Bluffs town line in the Dodger's Hole-Windsor Lane- Felix Neck area due to its lack of obstacles. The Board inquired about using these funds for the Meshacket Rd bike path. Mr. Fuller replied that only certain roads qualify for these funds, and Meshacket Rd is not a major road. The Board inquired about using the funds to add a loading lane in front of Stop & Shop. Mr. Fuller reiterated that only certain roads are eligible for these funds, and Upper Main Street is a state road. The Joint Transportation Committee would prefer to use the funds to maintain and fix problems on town-owned roads, and let the state fund their own projects on state-owned roads. The Board asked to see a summary of the work that would be performed. Mr. Veno stated that he will provide that information, and mentioned that the Committee is currently evaluating four possible options for tactical improvements. The Planning Board discussed scheduling a meeting with the Joint Transportation Committee at a later date.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the motion was unanimously approved. The meeting was adjourned at 7:15 PM.

Respectfully Submitted,

Lucy Morrison

Planning Board Clerk

<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: _____