

Edgartown Planning Board
Meeting October 21, 2014 at 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 5:34 PM.

Gibney, 50 Edgartown Bay Rd (46-38) SP: Construct dining room over existing terrace on a non-conforming lot. Determine if de minimis.

In Attendance: Phil Regan

Mr. Mascolo stated that it is important to have a representative present at the site visit to direct the Board and to explain the project. Mr. Regan apologized, stating that Joe Grillo was supposed to have been there, but had an urgent medical issue, and there was no one available to cover on his behalf. Ms. Greenough also noted that the application was incomplete and requested that Mr. Regan fill it out after the presentation. The Board voted to waive the temporary incompleteness of the application. Mr. Regan stated that the application proposes a dining room addition using a portion of an existing outdoor terrace. There will be a net increase of the structure's footprint by 144 square feet (6 feet by 24 feet).

Mr. Sparks moved to consider the application de minimis. Mr. McCourt seconded, and the motion was unanimously approved, 5-0.

Continuation of a Public Hearing: Balder, 24 Navy Way (52-26.64) SP: Construct a new 18'x45' swimming pool

Mr. Mascolo suggested the Board approve the Balder swimming pool application without a representative present. The Board did not agree, and Ms. Greenough mentioned that Mr. Sourati requested to have the hearing continued. Mr. Sparks moved to continue the Balder swimming pool public hearing to the next meeting on November 12th. Mr. McCourt seconded, and the motion passed unanimously, 5-0.

5:48 PM: Wave Lengths – Modification to a SP. Determine if de minimis

In Attendance: Colin Young, Jayne Steidle

Mr. Mascolo recused himself from the discussion and vote of the project as one of his real estate agents has done business with the applicant. Mr. Cavallo acted as Chairman.

Mr. Sparks stated that he attended the MVC meetings for this application, and the Commission determined the project to be de minimis after a unanimous vote.

Ms. Greenough read the application and explained the project as a modification to a special permit. The applicants propose the conversion of two second-story office spaces into residential apartments. There will be no change to the exterior or height of the structure, save for the possibility of moving a window or two to conform to the new interior layout. The Board made it clear that should anything of larger proportion need to be altered to the exterior; the applicants are to return to the Board for another application. Mr. Young stated that the changes as proposed will lessen the parking requirements and the traffic density, though there will be no changes made to the parking area.

Mr. Sparks moved to accept the application as a de minimis modification. Mr. Wilson seconded, and the motion was unanimously approved, 4-0. Mr. Cavallo signed the application.

Mr. Young stated that they are hoping to begin construction this year, but work most likely won't begin until next fall.

5:52 PM: Lowenstein & Knight, 14 & 16 Knight Lane (31-12 &13) Form A: Lot line adjustment

In Attendance: Reid Silva

Mr. Silva approached the Board and displayed a site plan of the property. He stated that the Knight's 400 square foot guesthouse was accidentally built on the Lowenstein's property. The mistake was only recently discovered after a site plan was created for an unrelated project. The neighbors have agreed to an equal conveyance of square footage of property to correct the discrepancy. The Board suggested labeling the driveway access to the guesthouse and associated utilities as an easement on the site plan. There is currently no indication of right of way, or public or private ways. Mr. Silva stated that he will present the idea to the applicants.

Mr. Cavallo moved to endorse the Form A as presented. Mr. Sparks seconded, and the motion was unanimously approved, 5-0. The Board signed the site plans.

New Business:

Mr. Mascolo requested the Board discuss sending a letter to the Fire Department, Sean Murphy and Dark Woods residents concerning the recent fence that was built alongside the back of the post office. The Board agreed that it was a good idea to send a letter.

Mr. Cavallo stated that the Dark Woods residents have a right to build a fence. Mr. Wilson replied that that may not be true, since it was built in an easement zone. It depends on whether or not a fence is defined as a structure and whether or not it is determined that the fence hinders the use of the easement. Mr. McCourt added that it also depends on the purpose and intent of the easement. Mr. Cavallo stated that the intent of the easement is to allow access to Post Office Square from Dark Woods Rd. The Board decided to discuss these issues with Sean Murphy, Esq. as he is familiar with this specific easement, and can offer answers to these questions before the official letter is sent. Mr. Mascolo believed that sending a letter of concern will relieve any liability of potential safety issues caused by the fence. Mr. Wilson stated that other towns have bylaws regarding the architecture, appropriateness, and upkeep of fencing. Ms. Greenough stated that she will contact Sean Murphy.

6:14 PM: 52 Fuller St LLC, 52 & 54 Fuller St (20B-1 & 2) Curb cut Review

In Attendance: Gary Conover

Mr. Conover approached the Board to present two curb cuts. The properties conform to the setbacks and uses of the area. There will be two eight foot sections of picket fence bordering Fuller St along the property line in either direction. The location of the house and the placement of the driveway on the lot prevent the construction of a turn-around. Ms. Greenough mentioned that it is illegal to back out onto a public street. The Board requested clarification on this bylaw. Mr. Conover stated that both properties will have a single-car garage with doors facing the road. The houses will be about 20 feet from Fuller St, and the garages will be about 25 feet from Fuller St. There will be privacy shrubs and fencing placed along the dividing line between the two properties.

Mr. Sparks stated that the application appeared to be straightforward. Mr. Cavallo moved to accept the application for the two curb cuts as presented. Mr. Sparks seconded, and the motion was unanimously approved, 5-0. Mr. Mascolo signed the applications.

Mr. Conover asked if the Board had any preference on fencing. Mr. Mascolo stated that the Board prefers to leave those types of decisions to the architect.

6:27 PM: Discussion- Kidder, Mullen Way

In Attendance: Doug Hoehn

Mr. Hoehn approached the Board to discuss the future development off of Mullen Way. The plan does not much differ from the plans submitted in 2005-2006. Since then, the National Heritage Endangered

Species Program has become involved due to priority habitat. The plan proposes 9 lots spread out over the 7 acre parcel with 2.2 acres of protected open space. The Board of Health has declared a maximum of 37 bedrooms for the property. Town water will be tied into the property. Mr. Hoehn stated that the development will not be used for senior housing, as was rumored.

Mr. Cavallo asked about what happened with the application process in 2005. The applicants originally submitted a Form C subdivision on December 12, 2005, but withdrew the request on March 5, 2006; the application was re-submitted to the Board on April 18, 2006, but it was withdrawn again on July 11, 2006. Mr. Hoehn replied that the applicants withdrew the applications after being discouraged by the public uproar caused by the project. The main concern of the abutters was the inadequacy of Mullen Way to handle the traffic caused from doubling the number of houses on the road, since the road is only 17 feet wide.

The Board determined that the biggest issue facing the development is whether or not the public way is acceptable for that amount of traffic. The abutters agreed that the road was not wide enough to accommodate the increase in vehicular use the last time the application came before the Board. The Board briefly discussed creating an alternative entrance to the property, but realized that the property borders the cemetery, and that a new access would not be granted. The Board also noted that the development sounds similar to the Plantingfield Wood Circle development, which also has a narrow road.

Old Business:

Mr. Wilson informed the Board that Stephen P. Olsson is selling his property on Chappaquiddick. Ms. Greenough stated that the Board will be discussing the Monterosso property rifle range at the next meeting. The Police Chief would like to see some sort of regulation created regarding private rifle ranges to be presented at the Annual Town Meeting of 2015.

The Board discussed the Meshacket Road Bike Path that was presented at the Selectmen’s meeting on October 20th. The presentation mainly focused on the need to modify the agricultural protection restriction run by the state; while the Board of Selectmen were more concerned about property that would need to be taken from the three half-acre residential properties along that section of road.

The Board also discussed asking Mr. Athearn to come before the Board and explain the lack of signage in the new parking lot.

Mr. Sparks moved to adjourn. Mr. Wilson seconded, and the motion was unanimously approved. The meeting was adjourned at 7:03 PM.

Respectfully Submitted,
Lucy Morrison
Clerk

Fred Mascolo, Chairman

Robert Cavallo

Michael McCourt

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed: _____