

Edgartown Planning Board
March 5, 2013 - 5:30 PM
Selectmen's Meeting Room
Minutes

Members in attendance: Robert Cavallo, Chairman, Michael McCourt, Robert Sparks, Alan Wilson and James Cisek, alternate. Absent: Fred Mascolo.

Staff in attendance: Georgiana Greenough, Assistant

Discussion: Form A – Norton Family (Brad & Philip J), off W. Tisbury Rd (20C-part of 134.1) Divide a deeded parcel not shown on current assessors' parcel maps. Propose to create two new buildable parcels.

Doug Hoehn, Schofield Barbini & Hoehn, Inc. agent for the applicant, reviewed the proposed Form A application by saying the property already has an existing driveway and frontage on West Tisbury Rd which is in the Island Road District. They will not be adding an additional curb cut. He said Jeff Norton is providing the land for his children. The board did not have any questions regarding the proposed application.

Form A – Cleo Wild, Forever Wild Way (44-45.11) Create a conforming buildable lot.

Doug Hoehn, agent said the board has seen the property on a previously scheduled site visit. The frontage is adequate. The lot is just over 3 acres. Both lots to be created will conform to R-60 zoning. Bob Sparks made a motion to endorse the Form A. Mike McCourt seconded and it was unanimously passed.

Public Hearing: Joseph L. Bower Qualified Personal Residence Trust, 10 Janes Cove Rd (38-3.8) SP: Edgartown Ponds & Coastal Districts. To construct a guesthouse larger than 900 s.f. (1375 s.f.) guesthouse + 410 s.f. of porch & deck) on a 9.2 acre lot.

The Chairman opened the hearing by reading the public notice. Doug Hoehn, Schofield Barbini and Hoehn, Inc. presented the application for a special permit to construct a guesthouse larger than 900 s.f. on a 9.2 acre parcel. It is located in the Edgartown Ponds and Coastal Districts. The board said they did a site visit but found it was difficult to determine the layout of the stakes. Doug Hoehn said they are proposing a guesthouse, and new septic system for the guesthouse. Part of the Conservation Commission's approval requested they applicant remove one of the three view channels, allowing only two view channels, one from the main house, and one from the guesthouse. The guesthouse will have 2 garage spaces at ground level and living space above the garage. Originally the applicant had cupola on it, but ultimately removed it from the plans. Doug Hoehn said there are ground water issues, and therefore cannot put anything underground. The BOH has not approved the project as yet. Natural Heritage has approved the project. It is the applicant's responsibility to certify and file with Natural Heritage.

The assistant read a letter from abutter Mike Corbo, 8 Janes Cove Rd (38-3.9) who was concerned about setbacks, height, visibility of the guesthouse from his house, and his ability to construct same on his property.

An easement is located on the neighbor's property: Thomas M. & Sonja E. Haut, 12 Janes Cove Rd (38-3.7). They did not respond to the abutter's public notice.

Mike McCourt said the zoning bylaw allows 900 s.f. and you are asking for 1,350 s.f. Hoehn said the parcel lot is 3x zoning. Alan Wilson suggested if approved, there be no further subdivision on the property. There were no comments from the public. The public hearing was closed. Alan Wilson made motion to approve the application as presented with the condition that there shall be no further division to the property. Bob Sparks added a condition that the natural screen between the Corbo property and Bower property be maintained. Mike McCourt seconded the motion and it was unanimously passed.

Form A - Cleveland Brown, 24 Turkeyland Cove Rd (37-115.11) Modify a previously endorsed Form A creating two lots.

George Sourati, agent, presented the revised application for a previously signed Form A. The reason for the revision is because certain notations required on a Land Court plan that were not included in the first plan that the Board signed on November 13, 2012. Sparks made a motion to endorse the revised Form A application as presented. McCourt seconded the motion and it was unanimously passed.

Schifter, Wasque Partners, SP Public Hearings & Form A applications

Public Hearing: Shifter, 35 Pocha Rd (48-1.6) SP: Cape Pogue & Coastal Districts. Relocate an existing 8,313 s. f. structure including the basement, a 3-car garage, and a 1,850 s. f. guesthouse. Remove an existing septic system, and construct a new septic system.

Public Hearing: Wasque Partners LLC, 33 Pocha Rd (48-1.5) SP: Cape Pogue District. Relocate an existing 2,250 s. f. single family structure, remove an existing septic system and construct new septic system.

Form A – Shifter (48-1.5 & 48-1.6) Lot line adjustment. (*Agent: George Sourati*)

Those in attendance: On behalf of Schifter: Rick Schifter, owner, George Sourati, Engineer, Sourati Engineering Group, Rick Lohr, International Chimney (ICC), Joe Jakube (ICC) Tyler Finker, Dr. Peter Rosen, engineer, Hingham, MA, Richard Knight, original builder, Kris Horiuchi, Landscape Designer.

Others: Woody Filley, Chappaquiddick resident, Bill Veno, MVC, Christina Brown, MVC & Conservation Commission, Chris Kennedy, TTOR, Carol Kennedy, Stuart Lollis, Edgartown Conservation Commission, Peter Welles, Chappy Ferry Owner/Operator and Steve Jones, Chappaquiddick resident.

Chairman Cavallo opened the hearing by reading the public notices for both hearings and asked if the applicant would allow the board to combine the two special permits and the Form A application for discussion purposes. There were no objections.

George Sourati, Sourati Engineering Group, agent for the applicants, presented the application saying the board looked at these plans at the site visit earlier today. The first plan shows current conditions: 2 separate lots, one with 4.2 acres (former Leland property) & the other with 8.5 acres (Schifter property). The plan includes the 3 structures on the Schifter property to be

moved: current property line. The property had been surveyed recently. The next plan shows the comprehensive site plan. It shows the proposed property line adjustment and relocation of the 3 structures on the Schifter property and the main dwelling on the Wasque Partners LLC property (Leland). They will be relocating the main residence 275 ft away from the current location. The third plan combines the 1st and second plans. They will relocate the Leland house down the hill. It will meet all setbacks and will stand 235 ft from the coastal bank. There will be no changes to the existing Schifter buildings. The Leland house will have a wing removed which is to be used as temporary office space during the relocation process. They will fill in the old well and construct a new well. They will be removing the existing septic systems and constructing new septic systems. There are 7 bedrooms in the Schifter main house. They will be decreasing the number of bedrooms in the Leland house by eliminating a wing.

Bob Sparks asked if they are going to have to move the coir envelopes currently stabilizing the coastal bank. George Sourati said they are working with the Con Com on that subject. He continued by saying they will not be adding more structures than currently exist. Rick Schifter said the meadows consist of sand plains grass. The Schifter guesthouse has one bedroom. The Schifter three-car garage has an exercise room upstairs.

James Cisek asked if there is any mitigation plan for neighborhood roads. George Sourati said whatever damage is created by trucks shall be fixed by Mr. Schifter.

In answer to a question about the size and type of equipment to be using on the project, Mr. Lohr (ICC) said they will be moving 80' beams, with nothing larger than a loader. He further discussed the procedure involved using hydraulic dollies, lift jacks, front end loaders, and rollers. They want get started as soon as they can. He said it is important to move the guest house as soon as possible.

Chairman Cavallo asked when the digging begins. Mr. Lohr said George Sourati is taking care of the major digging. ICC is taking care of the structure excavation. It will take about 3-4 days to move the house. Once the house is moved the beams are removed.

Alan Wilson and Mike McCourt were concerned about the additional traffic created by putting the sand on another site down the road, and asked how many truckloads are estimated. George Sourati said up 2,000 truckloads of sand shall be removed. He said he does not know what size truck will be used. John Keene will help supply the trucks.

John Ramsey, Planning Board's consultant. Mr. Ramsey introduced himself as a coastal geotechnical engineer. He is the principal at Applied Coastal Research & Engineering located in Mashpee, MA. He has assisted conservation commissions and other municipal boards. He said he went to the site earlier today, and asked questions concerning the impacts of the project. They plan on excavating 19-21' for the Schifter house. George Sourati showed him 3 excavation site plans. John Ramsey said a huge concern is transferring the excavation materials to the two off site locations. There is an issue with the proposed side slope of 1:1. It is steeper than sand and is normally a 2:1 slope. It would have to be larger (wider) than currently proposed given the 2:1 slope. He did quick calculations and determined there would be 33,000 cubic yards of material to be removed, translating into a couple thousand trips back and forth. This is a major traffic

issue. He said another item was raised today regarding the guesthouse. The applicant has not determined if it shall be moved with or without the basement. The applicant knows that excessive excavation will exacerbate the erosion. They need to figure out which way they will go ASAP. The applicant also needs to draft mitigation plans for the excessive use of the roadways, which currently are not in the best of shape. The proposed location to Jeffers Lane is approximately 2+ miles. It will take a long time to move the materials. The soil is sandy silt glacial outwash. The board needs to see the results of the Briggs test pits. The board needs to know how it will compact and to what percentage. The board needs to know the exact depth of ground water. George Sourati needs to provide the information in writing and get the real numbers. It's important to make sure they are out of the water table. In addition to the truck traffic moving and replacing excavated materials, they will be trucking new concrete for the foundations for the Leland house, possibly the guesthouse, garage and pool. It would be good to know exactly how many trucks, front loaders, other mechanical equipment will be used and how many truck trips it will take to bring everything to the lot. It would be a good idea to get a letter from the National Heritage to know the impact to wildlife.

Mike McCourt asked John Ramsey for his opinion on this application. John Ramsey responded that the big issue is whether the house can be moved without taking the basement. He said it is a worthy exercise to ask the applicant to run through the process without the basement. They will need more concrete. It is a very difficult situation - can't put in a coastline structure in there. Moving it back is a wise move. Mike McCourt asked if he has worked on a project of this size. John Ramsey responded that he worked on the 'Sconset erosion in Nantucket. He has not worked on a relocation project of this size. John Ramsey said if it is glacial outwash he does not have as many concerns.

Bob Sparks asked how they compact the soil. Mr. Lohr said they make sure it is above the water table, roll it, vibrate it and compact it. Sparks asked who would be in charge of the process. Mr. Lohr said a professional geotechnical engineer. The excavator shall do the work. George Sourati said they are testing the soil now. John Ramsey said it needs to get it done and the results need to be presented before the board makes a decision. The board needs to make sure the compaction level is achievable. The area under the house is the most important.

Mike McCourt asked for a report on the process. Mr. Lohr said he would provide one. Mr. Lohr added that someone will be on site all the time. Mr. Lohr added that he could provide a history.

Chairman Cavallo asked if there were proponents or opponents to the project. The assistant read three letters: Bob Gilkes, Wampanoag Tribe letter, and Cornelia Dean. All letters are in the file.

Woody Filley said he's not for or against the relocation project, but he has questions about the height issue. The house is already non-conforming to the height restriction. If you raise the height limit 3.5' you will be setting a precedent. What will the project look like when it is finished - where will the trees be located and site look like from the Chappaquiddick Rd. He also said that 275 feet is not a whole lot and asked if the problem going to be reemerging. In terms of the truck trips - when will they take place, and how will you accommodate the regular traffic without creating a big problem. He wants to make sure the board is not encroaching on residents or changing any zoning benchmarks.

Mr. Steve Jones read his letter to the Board and it was placed in the file.

Chris Kennedy. TTOR accepts the relocation of the move because they don't want the structures to end up on the beach. He has a question about the visual impact of the two relocated houses. When you look toward the Leland house, you can see it. One of the beautiful things about Wasque is you don't see a lot of houses. From the TTOR perspective we hope the public will not be subjected to a view of the tops of roofs. Most of this activity will be happening during this coming summer. We have 15-20,000 visitors on Chappy who travel not only by car, but by foot and bicycle on the roads. He is very concerned about the truck loads of sand and cement.

Chairman Cavallo asked George Sourati to speak to the height request. Alan Wilson said the difference is the existing ridge elevation above mean natural grade. The existing house grades are increasing by 3 1/2 feet. The grades at the new location are less. How do you get from 26' to 29.5 feet? He was on the planning board when the Schifter house was approved in 2002. It's about the soil level (grade) when all is said and done. It's about removing additional soil under the house.

Richard Knight, builder, said the measurement was taken from mean undisturbed grade. It is built on a slope. Mr. Schifter answered that it was graded. Alan Wilson asked if they can do it again - it's not a steep slope. Alan Wilson added that only two houses on Chappy were in excess of 26': Finger House and Wasque Watch. He said he would be run out of town if he made a decision to allow a structure above 26 feet. Dick Knight said the Healey property (in Green Pastures) exceeded 26'. Peter Welles said his house was built to 32' before the height restriction was put in place.

The board asked the consultant and the assistant what items were necessary for the board to evaluate in order to proceed with a decision on the Schifter application.

1. Results of the soil testing by Briggs.
2. Plan for how to deal with the trucks - different impacts for the Chappy residents, how many hours - what time of year being done.
3. Elevation of the water table at the Schifter house location.
4. An alternative plan for moving the Schifter house without the basement (above ground move).
5. A thorough narrative on all aspects with timetable of the actual move:
 - depth of proposed trench for Schifter house,
 - number of truck trips to remove debris
 - number of truck trips to remove excavated sand,
 - location of sand dump sites;
 - number of trips to truck in fresh cement for foundations and swimming pool,
 - and proposed number of Chappy ferry trips.
6. Simulated photos and elevations from ocean and Pocha Pond.
7. Redesign the over dig on the Comprehensive Plan – currently not accurate.
8. Disagree with 1:1 slope ratio; 2:1 slope ratio is more realistic.

Mr. Lohr said, in reference to being asked if the Schifter house could be moved without the basement, there are stone walls surrounding the house. They would have to cut through stone, starting 7-8 feet above. It would require more concrete and more trucks. The basement is comprehensive. There are many things that have to be moved out of the basement before the move. There is a theatre and a bowling alley that would have to be taken apart. He envisions 15-20 trailers to move everything into storage. They can't put up a tent for storage as there is no room on the lot. Subsequently everything has to be moved back in. He said they scoped it out, and concluded that it would be the same difference. He explained that the dolley frame is supported by three zones. If it was a cleared basement they would not have these issues. Mike McCourt asked if they still have to dig the trench, to get the main beams in. Mr. Lohr said normally they wouldn't dig a trench for long distances. Mr. Lohr believes it is the best solution for the Schifters and for the property.

Chairman Cavallo closed the public hearing, and the board deliberated. Bob Sparks responded to and took issue with the Steve Jones letter that called town officials "drug-running pirates," using "institutional ignorance," "bureaucratic indifference" and "corruption" while they "swindled the Schifters by issuing a building permit for an unbuildable lot."

Bob Sparks stated that he would like to approve the first phase of the project. Mr. Lohr said he wants to move the guesthouse as well. John Ramsey said that a decision needs to be made before the guesthouse is approved – with or without the basement. They also discussed if they had to dig a trench to move the "Leland House".

Discussion took place as to what part of the project the board would approve. The assistant said there are data still to be presented to the board for further consideration of the project. She also said the applicant cannot move forward on the project until they get approval from the Conservation Commission, plus there is a 20-day appeal period from the time the decision is signed. Bob Sparks responded that he wants the applicant to be able to start as soon as possible.

Alan Wilson asked board if they thought the project should go to the Martha's Vineyard Commission (MVC). Bill Veno, Senior Planner at the MVC responded that the project does involve land that is a DRI. He didn't think it was a significant change because it was not adding structures. He said with respect to the significance of the modification, he said it's not his call, nor is it the Town's call as to whether or not it was a significant modification to a DRI.

Alan Wilson made a motion to endorse the Wasque Partners LLC/Schifter Form A application for a lot line adjustment between assessors' parcel 48-1.5 and 48-1.6. Bob Sparks seconded the motion and it was unanimously passed.

Bob Sparks made a motion to approve the Wasque Partners LLC application for a special permit to relocate the "Leland House" on parcel 48-1.5. Alan Wilson seconded the motion and it was unanimously passed with conditions. Conditions shall be reviewed by both parties prior to the decision being signed.

The Schifter special permit application for a public hearing has been continued to March 19, 2013 at 6:40 p.m.

O’Connell Garage, 20 Manaca Hill (30-15) Request to modify a decision

Rob Kagan, the agent for the O’Connells, asked the board to modify the decision’s 2nd condition: *“The second floor of the garage is designated as storage space only and therefore no electricity (except that required by building code) or plumbing shall be installed on the second floor.”* He stated that the board allowed him to have bean bag chairs and toys on the 2nd floor so the kids could have a playroom.

The board voted to approve a minor modification to the O’Connell special permit to construct a garage, allowing electricity on the second floor storage area, along with bean bag chairs and toys, emphasizing the modification to the decision still does not allow the second floor to be living space.

The meeting was adjourned at 8:05 pm.

Respectfully submitted,

Georgiana Greenough, Assistant

Robert M. Cavallo, Chairman

James Cisek, Alternate

Michael McCourt

Robert Sparks

Alan Wilson

Edgartown Planning Board