

Edgartown Planning Board
Tuesday, September 3, 2013 at 5:30 PM
Minutes

Members in attendance: Robert Sparks, Chairman, Robert Cavallo, Michael McCourt, and Alan Wilson. Fred Mascolo, absent.

Staff in attendance: Georgiana Greenough, Assistant

Yadira & Todd Patkin, 20 Garden Cove Rd (53-17) SP: (Coastal & Ponds) Expand an existing kitchen by 99 s.f. by utilizing the footprint of an existing deck, of a non-conforming structure on a non-conforming lot. (Agent: Greg Ehrman)

Those in attendance: Todd & Yadira Patkin, owners of the property, Greg Ehrman, architect, Hutker Associates & Tim McHugh, builder.

The Board conducted a posted site visit to 20 Garden Cove Rd, the morning of the hearing. The Chairman opened the hearing by reading the public notice.

Mr. Patkin said he purchased the house in 2006 from Michael Hegarty. He said instead of the small 99 s.f. deck, he would prefer to close in the deck and add onto the kitchen to create an indoor seating area. There is a beautiful view from the deck and they wanted to enjoy it from the kitchen.

Mr. Ehrman said he researched a lot of building permits including a review of the 10% expansion in the Coastal District referral to the Beach Area & Wetlands bylaw. He said he spoke to Lenny Jason who informed him the deck was above 36" and was exempt from the special permit. The assistant said she recalled Lenny Jason had said the Trombley's, who previously owned the property, used some of the 10% for a shed. Mr. Ehrman said it was not "living space". The board explained that it was considered part of the "developed" ("floor areas of any building"). Mr. Ehrman added that the current dwelling was 1,790 s.f. of living space; 10% allowing 179 s.f. He was looking for only 99 s.f.

The assistant said that originally Mr. Jason thought there was a roof over the portion of the deck to be converted to kitchen space. Had that been the case, the square footages would have already been counted as "developed" space. At the site visit, the board noticed that there was no roof over the proposed area to be enclosed. The board wanted a determination from the Building Inspector on the applicable zoning bylaw and reasons why the Patkins need a special permit. The applicant will provide detailed drawings to board.

The board voted unanimously to continue the public hearing to October 1, 2013 at 5:45 pm in order for the building inspector to weigh in on the specifics of the project.

Samuel Fuller, 59 North Neck Rd (18-55) SP: (Coastal) Construct a 182 s.f. addition to an existing 894 s.f. guesthouse. (Agent: Greg Ehrman)

Those in attendance: Samuel & Carol Fuller, property owners, & Greg Ehrman, architect, Hutker & Assoc.; Skip Tomassian, attorney & Chairman of the ZBA, Richard Knight, builder and member of the ZBA.

The Board conducted a posted site visit to 59 North Neck Rd, the morning of the hearing. The Chairman opened the hearing by reading the public notice.

Mr. Fuller said he has been coming to the Vineyard for 17 years in Katama and 13 years on Chappy. He spoke about his proposal to add 182 square feet to his existing conforming guesthouse. He said he would prefer to add on to the guesthouse instead of building a separate 400 s.f. detached bedroom, which he could do by right. He said they have a growing family of grandchildren and need to add another bedroom to the guesthouse. They would not be adding another bathroom. They are trying to keep disruption to the property to a minimum. He said they walked their property with the Suhlers, who are the direct abutters who could be impacted from the project. Mr. Fuller said the Suhlers are fine with the addition to the guesthouse.

The assistant read a letter from James Lengyel, Executive Director, The MV Land Bank, who own the parcel abutting the Fullers property. Mr. Lengyel stated Mr. Fuller has not fulfilled a 2010 project for the public, via the Land Bank. The project involved a trade-off between the Fullers and the Land Bank that related to removing a portion of the Fullers seawall that ran into the Land Bank property. The Fullers asked the Land Bank “for permission to allow his construction vehicles to drive down the common boundary. In exchange for this permission he pledged to install a split rail fence on this line, once construction was complete.”

Mr. Ehrman said the applicants would like to add the space to guesthouse, even though they could have a detached bedroom by right. He added that the detached bedroom would be more costly and more impactful to the property than adding onto the guesthouse. Another structure on the three acre property would not be desirable. They would take down some scrub pines and replace with other shrubs to shield from the neighbors. According to Mr. Ehrman, the town assessors’ said the current living space in the guesthouse is 894 s.f. and he asking the board to grant the special permit for an additional 182 s.f.

The Chairman asked if anyone from the public would like to speak to the project.

Mr. Knight brought up setting precedents by allowing the applicant to exceed the 900 s.f. limit on guesthouses. He said he understood certain cases of relief from the regulation that would involve guesthouses on lots that are much larger than minimum zoning. The board responded that they believed it was in the best interest of the property to allow the construction of an additional 182 square feet to the guesthouse than it would be to construct a new detached structure (up to 400 s.f. of living space including a bathroom) that would require the installation of an extension to the septic system.

The Chairman closed the hearing to the public, and the board deliberated. Mr. Wilson said they could always add a bedroom to the main house by right. Mr. Cavallo said he is

ok with it as long as the previous promise to the Land Bank is resolved. Mr. McCourt said he believes the addition (of 182 s.f.) has less impact on the property than constructing a detached bedroom that would most likely need a bathroom. He said he understands about setting precedents, but in this case, he believes it is a better choice. The board also discussed adding a condition that would restrict any further building on the lot. They subsequently modified the language to say that there shall be no further development of “living space” on the property.

Mr. Wilson made a motion to approve the special permit as proposed with conditions: that the fence issue with the Land Bank is resolved prior to the construction of the addition onto the guesthouse, and no further development of “living space” is allowed on the property which is a condition that goes with the land. Mr. Cavallo seconded the motion. Mr. McCourt and Mr. Sparks voted yes. 4-0 motion passed.

Robert A. & Jill Bown, 9 High St (29B-10) Repetitive Petition: Determine if the application has changed significantly, and if the changes will be more objectionable to, or detrimental to the character of the neighborhood than the original preexisting nonconforming structure. (Agent: Geoghan Coogan)

Those in attendance: Geoghan Coogan, attorney for the applicant, Skip Tomassian, attorney and Chairman of the ZBA, Richard Knight, builder and member of the ZBA, Carole Berger, 74 South Water St.

The Board conducted a posted site visit to 9 High St. the morning of the hearing. The Chairman opened the hearing by reading the public notice.

Mr. Coogan began his presentation, and the assistant asked if she could read a copy of his summary of the project, which she did. Mr. Coogan’s letter to the board is summarized as follows: The Bowns applied to the ZBA to demolish and rebuild an existing dwelling on a preexisting nonconforming lot located 19 High St, assessors’ parcel 29B-10 in the R-5 district. The existing structure is 2,130 gross s.f. with a living space of 1,351 s.f. The house was built in 1900 in a cape style. The original application called for the reconstruction of the single family dwelling, of similar style, but with 2,770 s.f. of living space, effectively double the size of the existing structure. The ZBA denied the application saying it was out of scale with the neighborhood and not in harmony with the general purpose and intent of the bylaw. The revised application calls for an addition to the existing structure, and will meet all current setbacks. Two additions are proposed. One is 14’ x 35’ along the north side of the house, and another addition of approximately 8’x 8’. The total square footage of the revised proposal is approximately 1,936 s.f. of living space. It is approximately 585’ s.f. larger than the existing structure. The original application was 835 s.f. of living space larger than the existing structure. The summary noted that the 1,936 s.f. of living space falls within the average home size on High Street, which is approximately 2,588 s.f. of living space. Mr. Coogan’s summary then stated it was his position that the change in the application, from an application to demolish the existing structure and replace with a structure of double the size to an modified application that would include additions of approximately 600 s.f. proves the application presents “specific and material changes in the condition on which the denial was based” and therefore the Planning Board should allow the ZBA to hear the new application as proposed.

The assistant read the correspondence from the public: Peter Braun, 10 High St; Cheryl Schwartz, 78 & 74 S. Summer St; Leslie W. Hardy, 75 S. Summer St; Frederica Carpenter, 8 High St; Sarah B. Rorer, 85 So. Summer St (all in favor of the changes); and Sarah Jane Hughes, 65 So. Summer St. who wants the board to think very carefully before they agree the addition is enough of a change to return the application to the ZBA.

Carole Berger, resident, said she would like to expand the historic district which would create architectural integrity. The Bown house is a perfect example of an early 20th century bungalow and it would be a great loss to this neighborhood if it was altered. By doing this you will be chipping away the integrity of the area. She added that when she purchased 16 Cooke she was told that the house was on a nonconforming lot in the historic district, and don't even think of trying to expand it or make any changes, which they did not do.

Kate, a seasonal resident who lives in the area read a letter from Nina Meyer who was unable to make it to the hearing who believed the house should be preserved. She agrees with Carole Berger that the historic district needs to be expanded at least to Peases Point Way and all of South Water St. in order to protect the heritage of the area.

Geoghan Coogan said he does not want to get into the architectural design of the project here. He will address it with the ZBA, and work with the Historic District Commission.

The assistant explained the repetitive petition. The Planning Board must compare the two applications, and determine whether or not the current application is more or less detrimental to the neighborhood than the original application and to provide the reasons that they believe the basis for the ZBA denial have been satisfied. Mr. Coogan said no, it's a comparison of the two applications.

Chairman Sparks closed the public hearing, and the board deliberated. Mr. Wilson said he believed there was a considerable difference between the first and second plans. He said he would like the Historic District Commission to weigh in on the application per the statement from Mr. Coogan. Mr. Sparks said it is one of the finest examples of early bungalows and it is important to maintain the charm for the visitors to the town. Mr. McCourt said the second plan had conforming setbacks. Mr. Cavallo said he loves the house as it currently stands.

Chairman Sparks asked for a motion. Mr. Cavallo made a motion to determine that there was enough of a change in the plans to warrant a referral back to the ZBA. The motion was seconded by Mr. McCourt. Mr. Wilson and Mr. Sparks voted for the motion. 4-0 motion passed.

Old Business/New Business

- **Quik Stop Market complaint**

The assistant said the BOH forwarded a complaint from the dental office abutting the Quick Stop Market about the fumes from the stove, and

people eating in the parking lot in the back of their trucks. The dental office assumed the store had been sold a few times. Mr. Cavallo said he had recently spoken to Mauricio Sampaio, the owner, who told him he is trying to sell the business. The Board said if there is a violation of the special permit the issue lies with the Board of Health and the Zoning Enforcement Officer.

- HED Grant
- The assistant informed the board that she is trying to apply for a grant from the Mass Works Infrastructure Program for “Roadway Safety in Small, Rural Communities” where 10% of the monies (not to exceed \$1 million) is available to towns with a population of 7,000 or less to support economic or community development. She hopes to raise money toward the redevelopment of the Stop & Shop, Upper Main Street area. The deadline is September 13. The board encouraged her to complete the application.
- Chappy Ferry
Discussion of the Chappy Ferry and its future options was postponed indefinitely as Peter Welles, the owner, was not present.
- Response to abutters & neighbors re: Katama Silo wireless installation
The assistant said she is working on a letter to reply to the over 60 petition letters received by the Selectmen and the Planning Board encouraging them to reconsider their special permit granted to AT&T for wireless facility equipment to be contained inside the Katama Silo and to consider DAS instead. AT&T and the Planning Board have both been sued by an abutter to the Katama Silo.

The meeting was adjourned at 7:40 PM.

Respectfully submitted,

Georgiana Greenough, Assistant

Robert Sparks, Chairman

Robert Cavallo

Fred Mascolo

Michael McCourt

Alan O. Wilson

Edgartown Planning Board