

# Edgartown Planning Board - Meeting Minutes

Tuesday, September 8, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, September 8, 2020, 5:30 PM.

Prior to the call to order, Mr. Finn noted the following:

*The meeting is being audio and video recorded, and attendees participating by video conference, in accordance with Chapter 53 of the Acts of 2020.*

*All supporting materials have been provided to the members of this body and are available on a publicly accessible internet website. Any member of the public is able to access the site, using the instructions included in the Meeting Agenda.*

*The public is encouraged to follow along using the posted agenda.*

*Deviations from the agenda, if any, will be noted.*

## **CALL TO ORDER / ROLL CALL**

Mr. McCourt called the meeting to order at 17:35 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Present

SEARLE: Present

CISEK: Present

MCCOURT: Present

A quorum was declared.

## **SITE VISITS**

No site visits were conducted

## **SCHEDULED BUSINESS**

**5:30 PM: PUBLIC HEARING: SUBDIVISION -- (CONT'D FROM Jul 21, Jun 2, Mar 2, 2020; DEC 17, OCT 15, AUG 6, APRIL 2, MAR 5, 2019, NOV 27, SEP 18, JUL 24, MAY 15, APR 17, 2018) MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47)**

**A Definitive Subdivision Plan. Subdivide 54.26 acres in R-20 residential district into 36 lots.**

Present for the applicant: Mr. Doug Hoehn, SBH; Sean Murphy, McCaron Murphy & Vukota

The public hearing was continued at 5:35 PM.

### **Presentation**

As the MV Commisison Decision had not yet been endorsed, or received by the Town, it was MOVED by Morgan SECONDED by Searle

*To continue the public hearing to October 6, 2020, 6:00 PM.*

VOTED:

MASCOLO: ABSENT

MORRISON: PRESENT

MORGAN: PRESENT

SEARLE: PRESENT

CISEK: PRESENT

MCCOURT: PRESENT

**5:35 PM - PUBLIC HEARING - SP(Coastal District): Leonard Kaplan II, 85 Oyster Pond Rd (40-1.34)**

**Application to construct a pool, pool shed, landscaping and associated equipment and utilities in the inland zone of the Coastal District, and in Zone 2 of the Edgartown Ponds District.**

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing

on Tuesday, September 15, 2020 at 5:35 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Leonard Kaplan II, to construct a pool, pool shed, landscaping and associated equipment and utilities in the inland zone of the Coastal District, and in Zone 2 of the Edgartown Ponds District.

This application was made in accordance with Sections 5.1 and 5.6 of the Edgartown Zoning Bylaw. The property is located at 85 Oyster Pond Rd, Assr. Pcl. 40-1.34. Copies of the application were made available through the Planning Office for public review. The public hearing was conducted exclusively using Remote Conference technology, in accordance with Chapter 53 of the Acts of 2020. The applicant, interested parties, and the public, were encouraged to 'attend' the meeting using the connection information distributed with the public notice.

Present for the applicant: Doug Hoehn, [dhoehn@sbhinc.net](mailto:dhoehn@sbhinc.net)

Mr. McCourt opened the public hearing at 5:38 PM.

### **Presentation and Findings.**

Mr. Hoehn presented the application.

- The lot is currently vacant, is densely wooded, and presently undeveloped.
- The proposal is for a pool, landscaping, and pool shed to house the equipment.
- The Pool Shed will be about 122 feet from the southern property line, and about 200' from the southern neighbor's house (which is the closest neighbor).
- The entire development is in Zone 2 of the Edgartown Ponds district.
- National Heritage has approved the proposal.
- Conservation Commission has approved the proposal.
- The shed is about 10' x 14', will be insulated with 2" of closed cell foam, plus ½" plywood.
- Previous applications of this insulation method have resulted in absolute silence.
- 2" of foam insulation will be placed below the slab, and the shed will also be detached from the slab.
- Equipment inside is kept cool using a thermostat-controlled exhaust fan
- The applicant is seeking to install on-site energy production (solar photovoltaic).
- A 10' wide driveway will be 'cut'. A construction envelope, only as large as necessary for construction, will be cut. Snow fencing and silt fencing will be installed as necessary. A full landscape plan is not yet prepared.
- Damage to the road as a result of construction vehicles will be remediated in accordance with the property association. The site is expected to host all materials, equipment, and contractor parking.
- The driveway to be constructed will be adequate for public safety vehicles, with a large cul-de-sac at the end of the driveway.
- The home will be used by the applicant as their personal home.

A letter from Lorraine Bressler through her attorney was read into the record, requesting that a condition be placed to regulate sound emissions from both the equipment and use of the pool. There was some discussion related to noise-abatement measures as proposed.

After some discussion, it was generally agreed that equipment noise generation will be regulated by conditions placed in the Decision, and that any noise resulting from the use on the property would be better regulated by the existing town bylaw addressing nuisance noise.

**CONDITION:** A description of the sound-proofing to be used in the pool equipment shed construction shall become part of the Decision, and that operation of the pool equipment shall result in no more than a 10-decibel increase over ambient sound levels when measured from any property line.

There being no further information or presentation, the Chair closed the public hearing at 6:06 PM.

### **Deliberation / Decision**

Mr. Morgan noted that the air-conditioning units, located next to the pool equipment shed, will be a source of

noise, and that the abutters should make note of that.

**CONDITION:** Final landscaping plan be submitted to the Board prior to issuance of an occupancy permit (Requested by Ms. Morrison; applicant agreed.)

It was **MOVED** by Mascolo **SECONDED** by Morrison

*To approve, including conditions as noted above, and Standard Conditions for Pools, as follows:*

*USE and SAFETY*

1. *Only the residents of the dwelling and their guests shall use the pool.*
2. *The pool shall be surrounded by a barrier, securing access to the pool in accordance with local and state Building and Health codes.*
3. *A ring buoy shall be provided with a secured safety line of a length adequate to reach all areas of the pool.*
4. *All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.*

*WATER*

5. *Pools supplied by well water shall be filled prior to June 15 or after September 15.*
6. *Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.*
7. *Draining or adjustment of water level shall be in accordance with Department of Health or Conservation Commission regulations, and shall not be accomplished through disposal of water into a public or private way, and shall not be allowed to cause surface ponding or flooding.*

*LIGHTING and ENERGY*

8. *Outdoor lighting is limited to that required by building code, and shall be fully shielded, and directed downward. Mercury vapor lighting and bug zappers are prohibited.*
9. *Heated pools are permitted with the recommendation the heat source is solar, geothermal or other alternative energy source.*

*COMPLIANCE*

10. *The project shall comply with any applicable Conservation Commission Order of Conditions, Massachusetts Department of Environmental Protection Wetlands Order of Conditions, Board of Health regulations, and Building Code.*
11. *The responses contained within the Swimming Pool Special Permit Criteria Checklist shall become a part of this decision.*
12. *Copies of this decision shall be provided to the construction crew prior to the construction of the project.*

VOTED:

MASCOLO: ABSENT      MORRISON: PRESENT

MORGAN: PRESENT      SEARLE: PRESENT

CISEK: PRESENT      MCCOURT: PRESENT

(TIME: 6:09 PM)

**5:50 PM - PUBLIC HEARING – SP(Pool)(cont'd from Aug 18, Jul 21, Jul 7, Jun 16, May 5, Apr 7, 2020): David Schaefer, 40 Peases Point Way N (20D-71.12)**

**Applicant proposes the construction of an in-ground swimming pool, solid wood fencing, a sound proof pool equipment shed and an outdoor shower enclosure and associated utilities and landscaping, located in the inland zone of the Coastal District.**

The Public Hearing was continued at 6:09 PM.

**Presentation**

Mr. Finn read into the record a letter from Ms. Andrea Schafer, the applicant, requesting to withdraw the applicatino without prejudice.

It was MOVED by Searle SECONDED by Morrison

*To allow the applicant to withdraw without prejudice.*

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

(6:10 PM)

**6:10 PM - Administrative Review: MV WiFi LLC, 14 Sampson Ave (34-197)**

**Application to swap position 1 and 2 antennas on all three sectors; also to add three remote radio heads.**

Present for the applicant: Mr. Dan Bilezekian, SAI Communications, [Dan.Bilezikian@sai-comm.com](mailto:Dan.Bilezikian@sai-comm.com)

**Presentation / Findings**

Three new radio heads (RMU units) are to be added to the tower, as well as three structural pipes to support the additional equipment.

Total weight to be added to the tower would be roughly 200 pounds.

Mr. Bilezekian testified that the proposed equipment would not detrimentally affect the stability or structural integrity of the tower.

The equipment is capable of “5G” service, but are not intended to provide 5G at this time.

**Action**

It was MOVED by Mascolo SECONDED by Searle

*To approve the application as presented.*

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

(6:15 PM)

**Master Plan Steering Committee**

There was some discussion related to the Master Plan Steering Committee, the potential for a fall town meeting, and a potential warrant article for funding.

Mr. Mascolo suggested that the Master Plan process be put on hold until the Covid-19 pandemic.

It was MOVED by Mascolo SECONDED by Morgan

*To table discussion on the Master Plan Process until a later date.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
(6:26 PM)

Mr. McCourt directed that Mr. Finn provide an update at the regular meeting on October 6, 2020.

### All Island Planning Board

Ms. Morrison provided an update on a recent meeting of the All Island Planning Board. Mr. Morgan expressed interest in participating. Ms. Morrison noted that the Climate Adaptation Planning Group would be working to develop a plan to adapt to climate change impacts. Any final plan as developed would need to be adopted by each town.

### 6:30 PM - PUBLIC HEARING (continued from September 8, 2020) - SP(COASTAL DISTRICT): JOHN D. PICKARD (TRUSTEE), JOHN DAVID PICKARD IRREVOCABLE TRUST, 6 MATTAKESSETT BAY RD, UNIT M-4 (51A-16.B)

**Application to add a garage (attached to existing house) and a family room (attached to existing house and proposed garage); also to add to existing kitchen; also to enclose an existing deck on second floor. Lot is pre-existing, non-conforming.**

Applicant: John D Pickard, [john.pickard@mcgriffinsurance.com](mailto:john.pickard@mcgriffinsurance.com)

The public hearing was continued at 6:30 PM.

### Presentation / Findings

FROM September 8, 2020:

- A revised site plan has been submitted.
- The request has been modified, as the garage structure had been removed from the proposal.
- The property has frontage on a private right of way.
- A letter from the second unit owner expressed favor for the project.
- A poured concrete slab will be poured to provide a parking space for cars, and a place to store trash cans, garden equipment, etc.
- The boundary property line is about 20 feet back from the edge of the prepared road surface.
- A 20-foot 'way' that lies between the road and the boundary line is an unused public way to which the applicant has rights to access.
- A proposed 12' drive will have no physical separation from a parking lot on an abutting parcel.
- A number of letters have been received expressing concerns and/or speaking in opposition to the proposal, citing concerns about the proposed location for the driveway, the location and size of the garage, cutting of trees, and other factors.
- The owner of the adjoining condominium expressed some concerns about the proposal regarding the potential for snow collection, sightlines, and possible 'nesting place' for animals.
- The proposal was unique in that if the immediate neighbor had objections, the proposal could not proceed even with Planning Board approval.
- The revised plans may not have been available to all abutters to review prior to the public hearing.

FROM September 15, 2020:

- A letter from Dr. Robert Rosenberg confirms his general assent to the proposal.
- Gutters will be required by the Building Inspector on the north eave, in order to catch and redirect any water runoff away from Mr. Rosenberg's addition.

- The roof will have its lowest fascia line at or just below that of Mr. Rosenberg.
- The roof pitch will be shallow – estimated to be a 4 in 12 pitch.
- The highest point of the new roof will be about thirteen feet above grade.
- No windows are proposed for the north side of the proposed addition.
- The ‘alley’ between the two additions will be surfaced with crushed stone, and underground drainage structures will be installed to direct water away from the structures.
- A large tree between the two units will be removed.
- Additional trees (likely Leland cypress) will be planted according to the plan, in order to provide natural screening.
- Mr. Rosenberg requested a pea stone parking area, instead of the concrete slab. Mr. Pickard noted that he had sent the request to his architect for comment. No specific condition was levied on the matter.
- Construction will take place in the off season, and should be completed by mid May.
- Applicant has agreed to pay for any damages, or undo changes that occur to unit M3, or the general area around the building, caused by the construction of the new addition, including but not limited to: damage to the screened-in porch, damage to the Rosenberg’s invisible dog fence, or any drainage problems.
- Ms. Susan Rosenberg stated that she and Dr. Rosenberg were both comfortable with the proposal, given the conditions as stated.
- After some discussion with Mr. Michael Iaccarino (8 Mattakesset Bay Road), the applicant agreed to work in good faith with Mr. Iaccarino to provide a natural screening along their common boundary.
- The construction of the driveway, and the natural screening are not part of the special permit application, nor made as a condition for approval.
- A number of other letters expressed concern related to the new access onto the road; the board generally agreed that the construction of the driveway was outside of the scope of the application.

There being no further comments from the public, the public hearing was closed at 7:00 PM.

Mr. Morgan: the conditions as denoted in the letter from the Rosenberg’s should be made part of the conditions for approval. Mr. Searle and Mr. Cisek concurred.

Mr. Mascolo noted that he was not eligible to vote on the matter, as he was not present at the meeting on September 8.

There being no further discussion, it was MOVED by Morgan, SECONDED by Searle

*To approve, with Standard Conditions for Construction Projects, and other conditions as noted:*

- *Gutters will be on the north eave, with water directed away from the building, in accordance with best practices, applicable building codes and direction given by the Building Inspector.*
- *The roof pitch shall be constructed as depicted on the revised plans as presented, with a shallow (estimated 4 in 12) pitch.*
- *The highest point of the roof to be constructed shall not exceed fourteen feet above grade.*
- *No windows are permitted to be installed on the north wall of the addition.*
- *The ‘alley’ between the two additions shall be surfaced with crushed stone.*
- *Underground drainage structures will be installed to direct water away from the structures, in accordance with building code and best practices.*
- *A large tree between the two units is anticipated to be removed.*
- *Additional vegetative screening shall be planted in accordance with the plans as submitted, in order to provide natural screening between the two halves of the property; Leyland Cypress are recommended.*
- *Applicant shall work in good faith to insure that the parking slab is constructed with an exposed*

*aggregate finish.*

*• Applicant shall be responsible for any damages to common property or Unit M3 that occur as a result of construction, including but not limited to: drainage problems, damage to the screen porch on Unit M3, damage to the invisible dog fence currently installed on the north side of the yard, etc.*

	VOTED:
MASCOLO: ABSTAIN	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	(7:02 PM)

**ADMINISTRATIVE**

**Payroll – Pay Period ending 9/15/2020**

Mr. Finn noted that payroll would be submitted to Mr. McCourt for approval. Mr. Finn also noted that ‘remote work’ time was being tracked, with specific tasks noted.

**Minutes - from 8/4/2020, 8/11/2020, 8/18/2020, 9/8/2020**

Mr. Finn noted that minutes as above noted were ready for final approval.

**OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE**

No further business.

**ADJOURN**

It was MOVED by Searle, SECONDED by Mascolo  
*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.  
(7:03 PM)

Respectfully Submitted,

Douglas Finn  
Planning Board Assistant