

Edgartown Planning Board - Meeting Minutes

Tuesday, October 6, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, October 6, 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.

SITE VISITS

A site visit to 81 Plantingfield Way was conducted at about 9:30 AM. No deliberation was conducted.

CALL TO ORDER / ROLL CALL

Mr. McCourt called the meeting to order at 5:34 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Present

SEARLE: Present

CISEK: Present

MCCOURT: Present

A quorum was declared.

The board reserved the right to address unscheduled agenda items out of order, for the convenience of the Board and applicants.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): DEBORAH MANUS, TRUSTEE, 81 PFW REALTY TRUST, 81 PLANTINGFIELD WAY (20B-4.111)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing on Tuesday, October 6, 2020 at 5:30 PM, at the request of George Sourati, Sourati Engineering, Inc., on behalf of Deborah Manus, Trustee, 81 PFW Realty Trust (Owner) to construct a swimming pool, pool equipment shed, and associated landscaping and utilities, in the Inland Zone of the Coastal District.

This application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 81 Plantingfield Way, Assr. Pcl. 20B-4.111. Copies of the application were made available online and upon request.

Present for the Applicant: Mr. George Sourati, Sourati Engineering.

Presentation / Findings

- The pool will be located 250' from Plantingfield Way and 15' from the southern property line. Plantings are proposed to screen the pool from the abutter to the south.
- The proposed pool will be 15' x 33', 3'-6" to 4'-0" deep. The bottom of the pool will be located 1' above the seasonal high ground water elevation.
- The pool will be equipped with an automatic cover and will be fenced in on all 4 sides with a pool compliant fence and gates.
- Four (4) LED lights are proposed inside the pool. Outside lighting will be shielded downward and

limited to the building code requirements.

- No retaining walls are proposed. No changes to the topography in the area of the pool are proposed except to level the ground.
- No changes to grades or removal of vegetation is proposed in the Shore Zone except for the proposed 3 sq. ft. of patio and a small portion of the pool fence.
- The pool will be filled before June 15th and after September 15th. The property has water service from the Town municipal water system. End of season draining of pool water will occur into a dry well and not less than 48 hours after chemical treatment.
- Pool equipment will be housed in a soundproof equipment shed, with a fenced-in area to store kayaks located immediately adjacent and behind the shed, abutting the boundary line. (ref: site plan as submitted)
- Heavy plant screening along the southern property line is proposed.
- Code compliant fencing will be constructed around the pool.
- Conservation Commission has given approval for the project.
- The pool will be salt-filtered.
- A dry-well on site is proposed.
- An existing A/C unit, serving the addition to the main house, will remain located on the back (south) side of the new pool shed.
- No correspondence had been received regarding the application.
- Mr. Stuart Lollis, a direct abutter, spoke in favor of the project.

There being no further public comment, the public hearing was closed at 5:44 PM.

Deliberation / Decision

Searle: no comments

Ms. Morrison: No objections.

Mr. Morgan: the landscaping and placement seems appropriate.

Mr. Mascolo: no comments

Mr. Cisek: No comments.

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

To approve the application, with standard conditions for swimming pools.

ROLL CALL VOTE

MORRISON: YES

MORGAN: YES

MASCOLO: YES

SEARLE: YES

MCCOURT: YES

APPROVED: 5, 0, 0.

CHANGE OF ADDRESS – SCHAEFER – 40 PEASE POINT WAY N (20D-71.12)

Request to change address from Pease Point Way N to Cottle Ln (location of existing parking area).

Applicant: Andrea Schaefer

Mr. Finn explained that the applicant wished to change their formal address from 40 Pease Point Way to Cottle Lane, which appropriately recognizes their parking area, and will assist drivers to more safely make deliveries to the property.

It was **MOVED** by Searle, **SECONDED** by Morrison

To approve the request.

MORRISON: YES
MASCOLO: YES

ROLL CALL VOTE
MORGAN: YES
SEARLE: YES
MCCOURT: YES
APPROVED: 5, 0, 0.

DE MINIMIS – 10 JACOBS NECK (43-1.4) SP – COASTAL (SWIMMING POOL)

A slight change to an approved Special Permit. De Minimis Determination Requested. Reid Silva, Vineyard Land Surveying and Engineering.

Mr Finn summarized the request. Mr. Reid Silva further explained that, due to changes to the landscaping plan requested by the owners, a slight change to the pool location is necessary. The change will move the pool further from the water’s edge, and adjust the location of the pool equipment shed. The Conservation Commission has approved the request.

Mr. Morgan: have the neighbors been notified?

Mr. Silva: The nearest neighbor is several hundred feet away; the change to the pool equipment location moves it further from the neighbors.

Mr. McCourt: The equipment building remains insulated for sound? Mr. Silva confirmed.

Mr. Finn noted that all conditions imposed with the original approval remain in full force and effect.

It was MOVED by Morrison SECONDED by Searle

To approve the request as de minimis, and approve the new location for the pool, in accordance with the illustrated site plan, prepared by Horiuchi Solien Landscape Architects, dated July 9, 2020, Scale 1” = 30’ and the “Site Plan, Prepared for Island Roses Trust”, by Vineyard Land Surveying and Engineering, Scale 1” = 30’, dated July 22, 2020; all other conditions remain in full force and effect.

MORRISON: YES
MASCOLO: YES

ROLL CALL VOTE
MORGAN: YES
SEARLE: YES
MCCOURT: YES
APPROVED: 5, 0, 0.

DE MINIMIS – 50 OYSTER WATCHA ROAD (41-1.3) SP-COASTAL (SWIMMING POOL).

A slight change to an approved Special Permit. De Minimis Determination requested. Doug Hoehn, SBH, Inc.

Mr. Doug Hoehn described the proposal, which is requested due to desired changes to the landscaping plan requested by the owners.

- The pool terrace shifts from the east side to the west side of the pool
- The pool is slightly larger (20'x60' original, 25'x60' proposed) but shifts 24' north away from the pond
- The pool is elevated 30" above grade and gives the pool more clearance from groundwater
- All structures (pool, hardscape, fencing, pool equipment vault) remain outside the Shore Zone and Zone 1 of the EPAD

Mr. Hoehn noted that the pool location is hundreds of feet away from the nearest neighbor. The pool equipment is proposed to be place in an underground ‘vault’.

It was MOVED by Morrison SECONDED by Searle

To approve the request as de minimis, and approve the new location for the pool, in accordance with the “Site Plan, Edgartown Mass, Prepared for 50 Oyster Watcha Road (MV 10516)”, by

SBH, Inc., dated February 12, 2020, and as revised on February 14, 2020, and further revised on September 18, 2020, scale 1" = 50'; all other special permit conditions remain in full force and effect.

	ROLL CALL VOTE
MORRISON: YES	MORGAN: YES
MASCOLO: YES	SEARLE: YES
	MCCOURT: YES
	APPROVED: 5, 0, 0.

DE MINIMIS – The Town Bar and Grille

The Planning Board reviewed a request to extend their previous approval of placement of two 10' x 15' tents on the patio at The Town Bar and Grill, 227 Upper Main Street. The request was made by Alaex Tamargo, Manger of the Town Bar and Grill.

The Planning Board found that,

- The request would continue the temporary placement of two tents on the patio to provide sun and rain cover for patrons.
- The restaurant is approved to use the patio for dining.
- The current ABCC (Liquor) license covers the outdoor patio area.
- The tents would allow for more capability to provide service while adhering to Covid-19 restrictions in place by the State and the Board of Health.
- Approval would allow the restaurant to more adequately serve patrons while keeping to the health restrictions in place.
- Extending the timeframe through the end of the calendar year is acceptable.
- Extending this timeframe beyond the end of the calendar year would require a formal to the special permit.
- The use of side-curtains and heaters may require review by the Board of Health and/or the Building Inspector.
- The Board agreed that the applicant must seek an inspection from the appropriate agencies (fire, board of health).

There being no further questions, it was MOVED by Searle SECONDED by Morrison

To approve the request to extend the use of the tent to the end of the year, with the condition that any use of side curtains and/or heaters may only proceed after inspection and approval from the Board of Health, the Building Inspector, and the Fire Department, as applicable.

	ROLL CALL VOTE
MORRISON: YES	MORGAN: YES
MASCOLO: YES	SEARLE: YES
	MCCOURT: YES
	APPROVED: 5, 0, 0.

6:00 PM: PUBLIC HEARING: SUBDIVISION -- (CONT'D FROM SEP 21, 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. Doug Hoehn, SBH; Sean Murphy, McCaron Murphy & Vukota

The Public Hearing was continued at 6:01 PM.

PRESENT: Doug Hoehn, SBH, Inc., Sean Murphy, McCaron, Murphy, Vukota LLP.

As the final decision of the MV Commission has been appealed by the applicant, and as that court case will likely take months, if not years, Mr. Murphy requested that the public hearing again be continued “indefinitely”.

Mr. Morgan spoke strongly in favor of continuance.

Mr. Finn suggested that, in order to maintain the special permit public hearing process, the matter instead be continued to a date certain. Mr. Murphy concurred.

It was MOVED by Morgan SECONDED by Searle

To continue the public hearing to April 6, 2021, 5:30 PM.

MORRISON: YES

MASCOLO: YES

ROLL CALL VOTE

MORGAN: YES

SEARLE: YES

MCCOURT: YES

APPROVED: 5, 0, 0.

(18:07 PM)

OTHER / ADMINISTRATIVE:

FORM A ENDORSEMENT - DOHERTY - DAVIS LANE, PEASE POINT WAY S, PENT LANE (20D-45, 20D-46.1, 20D-46.2, 20D-51.1, 20D-169) Davis lane, Pease Point Way So., Pent Lane;

Mr. Doug Hoehn presented a plan not believed to require approval under Subdivision Control Law; the plan shows a rearrangement of the internal lot lines, resulting in no new lots being created. All proposed lots will have adequate frontage on a public way.

After presentation and discussion, it was MOVED by Morgan, SECONDED by Searle

To endorse the plan as not requiring approval under Subdivision Control Law.

MORRISON: YES

MASCOLO: YES

ROLL CALL VOTE

MORGAN: YES

SEARLE: YES

MCCOURT: YES

APPROVED: 5, 0, 0.

(6:19 PM)

FORM A ENDORSEMENT - MORGADO-MAVROGENIS REALTY TRUST – 66-70 CHASE ROAD (21-92, -93, -94) Chase Road

Mr. Reid Silva (VLS&E) presented a division of land, proposing to combine three existing buildable lots and creating two separate lots. The two lots to be created will both have frontage on a public way, and will be conforming.

After presentation and discussion, it was MOVED by Morrison, SECONDED by Searle

To endorse the plan as not requiring approval under Subdivision Control Law.

MORRISON: YES
MASCOLO: YES

ROLL CALL VOTE
MORGAN: YES
SEARLE: YES
MCCOURT: YES
APPROVED: 5, 0, 0.
(6:23 PM)

DISCUSSION / COMMITTEE WORK

Mr. Finn noted that the Town Administrator had requested a representative to serve on the CPC committee.

Mr. McCourt noted that he would be happy to continue in that regard.

Mr. Finn read a letter from Ms. Elaine Miller in regard to a proposal for an “All Island Planning Board Retreat” After some discussion, the board concurred that it would be interested in participating, depending on the scheduled day, the cost from the board, and the matters to be discussed. Would this be educational in nature? More of conversation? More information was requested.

Mr. McCourt: it would be inappropriate for a committee from the Commission to unilaterally make decisions for the entire island.

Mr. Finn suggested that the proposal was intended to determine what topics of concern were common to all planning boards.

Mr. Cisek: it’s more important to communicate, rather than to stay silent.

Mr. Finn noted that he would communicate the following to Ms. Miller: the board is generally receptive to the idea, but needs more information in regard to agenda, scheduling and cost.

Mr. Finn communicated a request from Liz Durkee (Conservation Agent in Oak Bluffs, and chair of the MVC Climate Resilience Committee) looking for an Edgartown Planning Board member to join the committee. There being no significant interest, Mr. Finn noted that he had been observing the meetings, and would continue to ‘attend’ the meetings and report back to the board on a regular basis.

Mr. Finn communicated a request from Reade Milne to address Zoning Bylaw changes that have been recommended to the town, as well as some changes that have been discussed among Edgartown staff. Mr. McCourt suggested that the board meet with Ms. Milne to discuss the matter at a regular meeting. The board concurred.

Copies of newspaper articles from the MV Gazette (09/26/2020) and the MV Times (09/25/2020), regarding the MV Commission DRI Checklist Review, were presented for review.

Mr. Finn noted the public notice received from the proponents of Vineyard Wind, and asked if there would be any comment or concerns. After some discussion related to the proposal, the board submitted no comments for consideration.

Mr. Finn noted that he had been working with Mike Mauro and Allan DeBettencourt on a potential plan for a sidewalk along Pease’s Point Way North, which would improve pedestrian travel along that road. Mr. Finn noted that the project involved collaboration with the staff of the commission, and would not necessarily rely on deliberation or a vote of the MVC commissioners.

MINUTES - FINAL REVIEW –MOTION TO APPROVE

Minutes from August 4, August 11, August 18, Sept 1, and Sept 15 were presented for review.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No further business.

ADJOURN

It was MOVED by Searle, SECONDED by Morrison
To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(6:51 PM)

Respectfully Submitted,

Douglas Finn
Planning Board Assistant