

Edgartown Planning Board - Meeting Minutes

Tuesday, November 10, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, November 10, 2020, 5:30 PM.

The meeting was audio and video recorded. Attendees participated by video conference, in accordance with Chapter 53 of the Acts of 2020. All supporting materials were provided to the members of this body and made available on a publicly accessible internet website. Members of the public were able to access the site, using the instructions included in the Meeting Agenda. The public was encouraged to follow along using the posted agenda. Deviations from the agenda, if any, were noted.

SITE VISITS

A site visit to South Ridge Lane was held at about 9 AM. No discussion or deliberation was conducted.

CALL TO ORDER / ROLL CALL

Ms. Morrison (serving as Chair Pro Temp) 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 (no video)

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.

5:30 PM DEPARTMENT REPORT

REVIEW OF MINUTES

ZONING BYLAW - SCHEDULE DISCUSSION

Mr. Finn noted that the agenda for November 17 would focus on proposed revisions to the Zoning Bylaw. All interested parties are invited to attend. Mr. Finn noted that the zoning discussion would likely include a review of the Cape Pogue DCPC, review of regulations for assisted living facilities, and other matters.

All Island Planning Board Update

Mr Finn apprised the board on the status of the All Island Planning Board meeting, and preparations for same.

SCHEDULED BUSINESS

5:40 PM - PUBLIC HEARING – SP (Coastal District): Bernard Chiu, 26 Orr Ln (20B-76.3)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board will hold a public hearing on Tuesday, November 10, 2020 at 5:40 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Bernard Chiu (Owner) to construct a pool in the inland zone of the coastal district.

This application is made in accordance with Section 5.3 of the Edgartown Zoning Bylaw. The property is located at 26 Orr Ln, Assr. Pcl. 20B-76.3. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Mr. Doug Hoehn, SBH, Inc.; Mr. Sasha Robinson White, RW Architects.

Presentation / Findings

After presentation and discussion, the following was determined:

- The Parcel (Assessors #20B-76.3) is a conforming lot in the Coastal District.
- A new dwelling is proposed to be constructed in the inland zone.
- The swimming pool will be constructed in the inland zone.
- The proposal has received approval from the Conservation Commission.
- The site is shielded from neighbors view by vegetation.
- The bottom of the pool foundation is at least five feet above high groundwater.
- Fencing will be constructed to meet health and building code.
- All lighting will be downward lit and shielded.
- There will be no disturbance in the shore zone.
- Water source is Town Water. A dry well is proposed for minor water draw down at end of season. If pool has to be emptied, water will be transported off site.
- Pool treatment will be salt.
- No ‘accessory structure’ (pool cabana) is proposed.
- Pool equipment would be located in a shed at the north-west corner of the house; however, the exact location or design of the pool equipment shed was undetermined. The shed was described as having a footprint of roughly four feet by fifteen feet.
- A cross section of the pool was not provided.
- A plan showing the location of the pool fencing was not provided.
- A landscaping plan was not provided.

After some discussion, the applicant was requested to provide a plan showing the location of the fence, and drawings depicting the location and elevations of the pool equipment shed.

It was MOVED by Morgan, SECONDED by Searle,

To continue the public hearing to November 17, 2020, at 5:30 PM.

	ROLL CALL VOTE
MORGAN: YES	SEARLE: YES.
MCCOURT: YES	MASCOLO: YES.
	MORRISON: YES.
	(5:55 PM)

5:50 PM - PUBLIC HEARING – SP (B-II District): Stony Brook LLC, 222 Upper Main St. (20C-27)

The Edgartown Planning Board scheduled a public hearing on Tuesday, November 10, 2020 at 5:50 PM, at the request of Geoghan E. Coogan, Esq., on behalf of Stony Brook LLC (Owner) to convert an existing dwelling to a Transient Residential Facility.

This application was made in accordance with Sections 3.2.B.1.e and 3.2.B.2 of the Edgartown Zoning Bylaw. The property is located at 222 Upper Main St., Assr. Pcl. 20C-27. Copies of the application are available in the Planning Office for public review.

This public hearing was conducted exclusively using Remote Conference technology, in accordance with

Chapter 53 of the Acts of 2020.

Present for the applicant: Geoghan E. Coogan, Esq., cooganlaw@gmail.com

The public hearing was opened at 5:57 PM.

Presentation / Findings

- The property was last used as an inn on or about 2011.
- The property has since been used as a privately-rented property, used for employee housing.
- Some exterior changes to the existing structure are proposed, including an external stair from the second floor to the ground floor along the north-side of the structure.
- Parking as depicted on the plan is not sufficient (plan shows seven parking spaces, with at least 14 needed).
- The proposal is required to be referred to the MV Commission as a DRI (section 4.2).

The applicant requested the project be referred to the Commission as soon as possible.

Mr. Searle noted that the application would need approval from the town’s Wastewater Commission.

Mr. McCourt agreed, and suggested that it be continued for further presentation prior to referring the matter to the Commission.

The timing of referral was discussed. Ms. Morrison noted that the board can act concurrently but may not conclude the matter until the MV Commission is concluded.

It was MOVED by Morgan, SECONDED by Searle

To refer the project to the MV Commission.

MORGAN: YES
MCCOURT: YES

ROLL CALL VOTE
SEARLE: YES.
MASCOLO: YES.
MORRISON: YES.
(6:00 PM)

It was MOVED by Morgan, SECONDED by Searle

To continue the public hearing to December 15, 2020, 6 PM.

MORGAN: YES
MCCOURT: YES

ROLL CALL VOTE
SEARLE: YES.
MASCOLO: YES.
MORRISON: YES.
(6:00 PM)

6:00 PM – FORM O – Release of Lots (27-249.1, 27-249.2) – Shawn Chapps, Katama Acquisitions

A request for a release of lots was made by Shawn Chapps, on behalf of Katama Acquisitions, related to the South Ridge Lane subdivision as approved by the Planning Board in 2018.

The completion of public ways and utilities being satisfactory to the board, it was MOVED by Searle, SECONDED by Mascolo.

To approve the release of all lots on South Ridge Lane.

MORGAN: YES
MCCOURT: YES

ROLL CALL VOTE
SEARLE: YES.
MASCOLO: YES.
MORRISON: YES.
(6:00 PM)

6:10 PM – De Minimis – Ted Rosbeck, 8 & 10 Blue Heron Way (12-9, 12-10, 12-11)

The board considered a request for a minor change to an approved plan, allowing a dwelling to exceed the height limit of 26’ (Inland Zone of the Coastal District). The board reviewed the plan, and noted that the portion of the house in the Coastal District (below the 10’ elevation) consists only of an attic area, and is an insubstantial portion of the overall dwelling.

Mr. Ted Rosbeck described the request, and provided details.

Findings

The proposal would not

- Change the footprint
- Change the proposed height
- Add living space
- Change the use of the structure
- Materially impact any abutter.

After some deliberation, it was **MOVED** by Morgan, **SECONDED** by Searle

That the request constitutes a De Minimis change to an approved plan, and that no further action by the Planning Board is necessary or requested.

MORGAN: YES
MCCOURT: YES

ROLL CALL VOTE
SEARLE: YES.
MASCOLO: YES.
MORRISON: YES.
(6:17 PM)

6:20 PM – DE MINIMIS – Catalina Island Nominee Trust, 24 Ocean View Avenue (29-149)

Request for a modification to the garage layout, and removal of a condition related thereto.

Present for the applicant: Kristine Makwinski (kristine@selldorf.com)

A request from the applicant was received related to a modification to the use of the proposed Garage Building. The Special Permit issued requires that “the detached bedroom in the garage structure shall not connect to any other spaces in the garage structure, other than the bathroom.”

As the design evolved, the Owner decided not to use this space as a Bedroom, but instead be simply an office/projects room. There will only be a half-bath (not the full bath as previously planned). The Owner would like to give up the Detached Bedroom designation, in exchange for more square footage and less restrictions on this space as an office.

The applicant noted that the proposal had been reviewed by the building commissioner over the summer, and understands that the larger space is allowable. A door connecting the ‘office’ to the other garage spaces will be added. The changes are internal, the overall footprint and appearance of the structure have not changed from what was approved previously.

Board Findings:

- The change would not alter or expand the structure.
- The change would not expand a non-conformity.
- The change is not anticipated to affect any party outside of the property.
- There would be no issues related to wastewater capacity.
- The Building Inspector has confirmed that the change is allowable under the Zoning Bylaw.

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

That the request constitutes a De Minimis change to an approved plan, and that no further action by the Planning Board is necessary or requested.

MORGAN: YES
MCCOURT: YES

ROLL CALL VOTE
SEARLE: YES.
MASCOLO: YES.
MORRISON: YES.
(6:22 PM)

6:30 PM – ANR – Jill Diorio, 21 Louis Field Road (21-156.2)

Lot Line adjustment, creating two non-conforming parcels for transfer to direct abutters. No new building lots created.

A plan was presented by George Sourati on behalf of the owner, Jill Diorio, related to a lot line adjustment on 21 Louis Field Road (parcel 21-156.2), for the purposes of conveying a very minor amount of area to abutting property owners.

The board reviewed the plan.

It was MOVED by Mascolo, SECONDED by Morgan

To endorse the plan as not requiring approval under the subdivision control bylaw.

Morgan: yes Searle: Yes.

MCCOURT: YES

ROLL CALL VOTE
MASCOLO: YES.
MORRISON: YES.
(6:24 PM)

6:40 PM – REQUEST TO NAME A PRIVATE ROAD – Stephanie Tilton, 83-91 Watcha Path (25-4.11, 25-4.12, 25-4.13)

A properly constructed subdivision way, approved in 1995, but never named. Applicant has approval for new name from all members of Trust that owns all lots on the road.

Applicant: Stephanie Tilton (tiltonmy@gmail.com)

The Planning Board reviewed a request for assignment of a street name to a private subdivision way, shown on the above referenced plan. Said plan approved by the Edgartown Planning Board on or about October 10, 1995, and showed the creation of a 40’ wide WAY, extending west from Watcha Path, and service three conforming lots. The construction of the subdivision road was completed but a name was not assigned.

Mr. Finn presented the application. Mr. Finn noted that the three lots continue to be held by a single Trust, and that her request has approval from all members of the Trust.

After reviewing the applicant's request, it was MOVED by Searle, SECONDED by Morrison

To approve the request, and to assign the name "Lighthouse Lovers Lane" to the 40' wide way as shown on the Subdivision Plan, as approved on or about October 10, 1995.

	ROLL CALL VOTE
MORRISON: YES	MORGAN: YES
MASCOLO: YES	SEARLE: YES
	MCCOURT: YES
	APPROVED: 5, 0, 0.
	(6:28 PM)

BOARD CONCERNS

Morgan: 59 North Street cell Tower site -- tree clearing

Mr. Morgan noted that there had been substantial tree clearing at 59 North Street, the site of the AT&T cell tower and ground facility, and that substantial cleanup of brush and other debris remaining to be done.

After some discussion, the board directed Mr. Finn to reach out to the property owner, and request an update as to their plan for completing the work, and cleaning up the debris and brush.

Mascolo: Discussion - Compressed Gas Storage / Distribution

Mr. Mascolo noted that he was pursuing an opportunity to provide cylinder gas sales from his retail location, and asked the opinion of the Planning Board as to whether such a use would be consistent with the B-II Zoning regulations.

After some discussion, the board advised Mr. Mascolo to develop a more complete proposal, and present it to the Board for formal consideration.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

ADJOURN

It was MOVED by Mascolo, SECONDED by Searle

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(6:47 PM)

Respectfully Submitted,

Douglas Finn
Planning Board Assistant