

Edgartown Planning Board - Meeting Minutes

Tuesday, December 1, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, December 1, 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

No site visits were scheduled.

CALL TO ORDER / ROLL CALL

Mr. McCourt called the meeting to order at 5:30 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Absent

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.

ADMINISTRATIVE

Payroll

Mr. Finn noted that the payroll for the week ending November 24 had been submitted to Mike McCourt and approved.

Minutes

Mr. Finn noted that minutes from November 4 and November 18 were previously submitted to the Board, and would ask for a vote to approve at the next regular meeting.

Notable Correspondence

Letter from Ted Rosbeck, MVBA, to Town re/ DRI Checklist

A letter from Mr. Ted Rosbeck to the MV Commission and copied to the Planning Board, was read into the record (attached to these minutes for reference).

Mr. McCourt noted a recent conversation with Sara Barnes (MV Mediation Collaborative), who is coordinating a proposed all-island Planning Board meeting. Mr. McCourt noted that the MV Commission was encouraged to attend that meeting. Mr. Finn also noted that the conversation was positive, and is encouraged that the AIPB meeting will be productive.

There was some discussion relative to the role filled by the MVC, and the town's ongoing interactions with the regional planning agency.

Letter from Kara Shemeth to Town, re Stop & Shop noise

A letter from Kara Shemeth to the Town was read into the record. There was some discussion related to the concerns expressed, centered mainly around noise generated from idling trucks and refrigerated trailer compressors running prior to the Thanksgiving holiday. Mr. Finn noted that the problem had been resolved for the short term, but is not necessarily resolved definitively. Mr. Finn explained research done to try to address the problem through the Board of Health and/or the Town's noise bylaw.

The conditions associated with the special permit were discussed; potential solutions were discussed.

Mr. Finn was directed to develop a letter to Stop and Shop, describing the nature of the complaint, and requesting a response detailing a strategy to address the concerns.

SCHEDULED BUSINESS

5:45 PM - PUBLIC HEARING – SP (Pier): Norman Rankow, 31 South Water Street (20D-326.1)

Application to construct and license a landing pier and three piles, and to move two existing piles.

The Edgartown Planning Board scheduled a public hearing on Tuesday, December 1, 2020 at 5:45 PM, at the request of Norman Rankow, to construct and license a landing pier and three piles, and to move two existing piles.

This application is made in accordance with Section 6 of the Edgartown Zoning Bylaw. The property is located at 31 South Water Street, Assr. Pcl. 20D-326.1. Application Materials were made available online through a publicly available website: <https://bit.ly/EPB-2020-1201>

This 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 invited to 'attend' the meeting using an internet-enabled device with a camera and mic, by visiting: <https://zoom.us/j/83953208580>, or by making a voice phone call to (646) 558-8656, entering Meeting ID #8395 320 8580 when prompted.

Present for the Applicant: Mr. Norman Rankow, owner.

Prior to opening the public hearing, Mr. Glen Searle recused himself from the matter, disclosing a financial relationship with an abutter who had previously expressed opposition to the matter.

There being only four members present and able to vote, Mr. Rankow was permitted the option to continue the matter to a later meeting; Mr. Rankow opted to proceed.

The public hearing was opened at 5:48 PM.

Presentation / Findings

The applicant wishes to construct and license a landing pier and three piles, and to move two existing piles at his residence at 31 South Water Street.

The property is served by town water and wastewater.

A plan was presented, showing the locations of the proposed structures.

The "pier" would serve to facilitate "stern-to" docking of a single vessel against the existing bulkhead. Side docking is not proposed and would not be possible.

Mr. Rankow reported that consensus had been reached between himself and the current owners of abutting properties. Letters on file from Tom and Mary Folliard (29 South Water Street), and Peter and Dara DeLeo (owners of 41 South Water Street). A letter from Victor Zollo (55 South Water Street) dated December 7, 2016, also supported the application, stating their "support for any future applications or modification to this License going forward for a Water dependent use at their bulkhead..."

Mr. Rankow noted that The Edgartown Shelfish Constable had expressed support, as had the Conservation Commission and Marine Advisory Committee.

Mr. Rankow noted that the Harbormaster had recused himself from the matter, and had not expressed an opinion.

Mr. DeLeo was present, and verbally expressed his support for the application.

The reason for the application is to facilitate stern-to docking of a new boat, which is wider than a vessel previously owned by the applicant.

Mr. Finn noted that a special permit issued in 2007 to 41 South Water Street included a condition that would prohibit construction of the proposed pier, and that a notation related to this fact would be included in the Decision.¹

There being no further input, the public hearing was closed at 5:57 PM.

Decision

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

To approve the application with standard conditions for piers, noting that the proposal was appropriate and necessary for boarding and disembarking from a single vessel.

	ROLL CALL VOTE:
MASCOLO: YES	MORRISON: YES
SEARLE: (ABSTAIN)	CISEK: YES
	MCCOURT: YES
	APPROVED (4, 0, 1)

6:00 PM - PUBLIC HEARING - SP: 32 Ocean View Realty Trust, 32 Ocean View Ave. (29-137)

Application to construct a pool cabana on a pre-existing non-conforming lot in the Inland Zone of the Coastal District

The Edgartown Planning Board scheduled a public hearing on Tuesday, December 1, 2020 at 6:00 PM, at the request of William Sullivan, Sullivan & Associates Architects, on behalf of 32 Ocean View Realty Trust(Owner) to construct a pool cabana on a pre-existing non-conforming lot in the Inland Zone of the Coastal District.

This application was made in accordance with Sections 11 and 16 of Chapter 40A of the General Laws. The property is located at 32 Ocean View Ave, Assr. Pcl. 29-137. Copies of the application were made available online at a publicly accessible site, located at <https://bit.ly/EPB-2020-1201>

This 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 by visiting: <https://zoom.us/j/83953208580>, or by calling (312) 626-6799 and entering Meeting ID #8395 320 8580

The public hearing was opened at 18:01

Mr. Finn noted that the applicants had requested a continuance to a date certain. It was **MOVED** by Searle, **SECONDED** by Morrison

To continue the public hearing on January 19, 5:30 PM.

¹ Decision was held by the Planning Board; refer to the Planning Board minutes from December 8, 2020. A public hearing being necessary for the board to modify the conditions of the special permit, a hearing was scheduled with notice given. Refer to minutes of Planning Board, dated January 19, 2021. Both decisions were recorded with the Edgartown Town Clerk on or about January 21, 2020.

MASCOLO: YES
SEARLE: YES

ROLL CALL VOTE:
MORRISON: YES
CISEK: YES
MCCOURT: YES
APPROVED: 5, 0, 0.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Zoning Bylaw Changes / Green House Homes

Mr. Finn noted the following potential changes were being considered by a committee of staff members, and with the assistance of Ted Rosbeck.

- Frontage – Building Inspector requests a definition.
- Front Lot Line – Building Inspector requests a definition.
- Pool House – Building Inspector requests definition for a pool house
- Accessory Building or Use – Building Inspector requests separate definitions for accessory building and accessory use.
- Mean Natural Grade – Building Inspector requests revision of the definition of Mean Natural Grade.
- Gross Floor Area – Building Inspector and others have suggested that only UNFINISHED basements not be counted towards gross floor area.
- Setback / Setback Area – Building Inspector and Planning Administrator recommend that definitions for ‘setback’ and ‘setback area’ be added.

The Definition and Use of Setback Areas (Section 1.4)

Ms. Milne has requested clarification as to what is allowable in setback areas. There was some discussion related to what could, or should be allowable on a lot where an existing structure is being partially or totally removed. After some deliberation, Mr. McCourt requested that, in this case, and with other items, it would be sensible to provide some recommended language for the board to consider.

Permitted Uses – Clarification regarding existing dwellings (section 8.4.A.8)

Building Inspector has requested clarification as to allowed actions for existing non-conforming structures.

Clarify language regarding Height of buildings; elevated decks and porches. (Section 10.1.C.1)

Building Inspector has requested clarification related to measurement of structure height measured against Mean Natural Grade.

Allow Small Structures By Right on Nonconforming Lots. (Section 10.1.G)

Mr. Finn recommended that small ‘utility’ (small, single-story, non-habitable) structures be allowed by right on non-conforming lots.

Simplify Review Process of “Accessory Apartments” (Section 10.3.D)

The ZBA has recommended changes to “Accessory Apartment” language, streamlining the application process (eliminating regulation requiring sequential application for HDC and ZBA approvals).

Other Areas of Focus

Sound Mitigation for Mechanical Equipment

Mr. Searle asked the board to consider a potential requirement that mechanical equipment be required to be

installed with sound-mitigating measures to reduce noise pollution. Mr. Ted Rosbeck noted that noise emissions varies depending on the equipment, and that a noise bylaw might better address the concern. Mr. Rosbeck provided some input related to what would be possible, what is practicable and what the intent was. There was extensive discussion related to what equipment might be included, what equipment could or could not be affected or regulated, and other related matters.

Mr. McCourt noted that the board had discussed this matter, and several other topics proposed at several times in the past, and suggested that the board commit to making necessary changes.

Mr. Finn also noted that zoning bylaw language had been developed to address “Residential Assistance Living” projects, and that it had been forwarded to Sean Murphy who will forward it to his client for review.

Mr. McCourt stated that the proposed zoning bylaw changes would be more further discussed at a meeting to be scheduled for December 8, with decisions made at that time.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

ADJOURN

It was MOVED by Searle, SECONDED by Morrison

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.

(7:33 PM)

Respectfully Submitted,

Douglas Finn
Planning Board Assistant

ADDENDA:

LETTER – from Ted Rosbeck to the MV Commission, CC to Planning Board, re DRI Checklist.

LETTER – From Kara Shemeth to the Planning Board, re Stop & Shop noise concerns