

Edgartown Planning Board - Meeting Minutes

Tuesday, January 5, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, January 5, 2021, 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 5:34 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 (CONTINUED FROM DECEMBER 15, NOVEMBER 10): SP – CHANGE OF USE - STONY BROOK LLC (222 UPPER MAIN STREET)

The Edgartown Planning Board continued a public hearing from November 10 and December 15, 2020 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.

Prior to continuance of the hearing, Mr. Mascolo disclosed that he had a prior business relationship with the applicant that did not constitute a conflict of interest, and had filed the necessary disclosure form with the Town Clerk.

The public hearing was continued at 5:38 PM.

Mr. Chuck Sullivan spoke on behalf of the applicant. Mr. Sullivan noted that the Change of Use required approval by the Planning Board, with an expansion of the existing structure also requiring review and approval. Mr. Sullivan noted that the project also required referral to the MV Commission.

Presentation and Findings

- “Phase One” includes renovation of the existing building
- Exterior renovations include
 - relocation of an existing detached bedroom to be place parallel to the rear lot line

- an addition to the front of the building to accommodate a proper ADA compliant entrance and access ramp.
- A slight increase in height to a dormer on the west side, and slight change in fenestration.
- Wastewater has given approval for the use on the lot.
- The Driveway will be shared by an adjacent lot (230 Upper Main Street), with a single common entrance onto 222, and a single exit on 230.
- No parking is proposed forward of the building.
- The lot is 21,991 square feet (EZB, Section 3.2.E.1.a, requires a minimum of 6,500 sq ft.)
- 9,544 sq feet of open space is proposed (EZB 3.2.E.1.D requires 20%)
- 19 guest units, 21 parking spaces are proposed (EZB 3.2.E.2.c.v requires 21)
- Area equal to 35% of parking area is provided as planted areas (EZB 3.2.E.2.D requires 25%)
- 8 bicycle racks are proposed (EZB 3.2.E.2.e requires 7)
- 33.5% FAR is proposed (EZB 3.2.E.4.b allows up to 50%)

Mr. McCourt noted that the building inspector has the right to consider a building permit for interior renovations that are consistent with the present residential use of the property.

Ms. Reade Milne noted that, since the current use is a single-family dwelling, interior renovation is permissible without a special permit, provided an application is submitted as renovations to an existing single-family residence.

Mr. Sullivan asked clarification on the timing of exterior work.

Ms. Milne noted that if submitted as exterior work on an existing residential building, the work might be permissible without Special Permit by the Planning Board.

Mr. Sullivan noted that the intention is to abandon and remove the existing septic system, and make connection to the municipal sewer system.

There was discussion relative to exterior work, including doors, windows, dormers, and the front entry, and the role of the Planning Board in approval of work on the structure, versus the requested change of use.

Ms. Milne noted:

- The request is to include the exterior work (windows, doors, front entrance expansion, dormer) under a residential renovation building permit application.
- The Planning Board has no authority to review or approve work on a residential structure.

Mr. Cisek asked as to the purpose of the application. Mr. Sullivan stated that the change of use was still standing, but that the work on the structure would be ongoing.

Mr. Finn noted that the applications to the building inspector (under the existing residential use) should be allowed to proceed, while the Planning Board's process continues.

Mr. Morgan suggested that the Building Inspector's review of proposed building permit applications should be completed prior to continuance of the Planning Board's review.

Ms. Morrison suggested that the applicant seemed to be separating out pieces of the application, and was concerned with how that might play out.

It was MOVED by Morgan, SECONDED by Searle

To continue the public hearing to January 19, 2021, at 6:30 PM.

VOTED BY ROLL CALL:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

Public Hearing continued at 6:06 PM.

5:45 PM: PUBLIC HEARING – SP – PETER DEFEO AND DARA FRIGOLETTO (41 SO WATER STREET)

The Edgartown Planning Board scheduled a public hearing on Tuesday, January 5, 2021 at 5:45PM, at the request of Peter DeFeo and Dara Frigoletto, to modify conditions #17 of a Special Permit originally issued to David B. Vietor et al, and filed with the Edgartown Town Clerk on June 6, 2007, so to read as follows:

*"17. No additional piers may be constructed on the following parcels: Assessors Map 20D, Lots 325, 326.1, 327, 328. **However, this restriction shall not apply to a single structure intended to facilitate stern-to mooring of a single vessel, where such single structure measures no more than five (5) feet perpendicular to a properly licensed and constructed bulkhead, and no more than eighteen (18) feet parallel to the same bulkhead.**"*

This is not intended to grant greater or different relief than originally sought, nor is it intended to change the result of the original decision.

This application is submitted in accordance with Section VI ("Surface Water District") of the Edgartown Zoning Bylaw.

Application Materials were made available for review online at: <https://bit.ly/EPB-2021-0105>

Present: Peter DeFeo and Dara (Frigoletto) DeFeo

Prior to opening the public hearing, Mr. Glen Searle recused himself, stating a current business relationship with an abutting neighbor.

Presentation / Findings

Mr. DeFeo spoke in support of a request by Mr. Norman Rankow (31 South Water Street, Parcel 20D, lot 326.1) for a 'structure' to be built parallel to the existing bulkhead on his property.

Mr. Morgan asked if the proposal had been before Marine Advisory Committee for review.

Mr. Finn asked if Mr. Rankow's landing had been reviewed by the Marine Advisory Committee. Mr. Bruce McIntosh noted that it had. Mr. Morgan asked if the present action needed to be reviewed. Mr. McIntosh noted that the present action is likely just a 'clean-up' of the previous action.

Mr. Norman Rankow noted that his expectation was that this action was simply cleaning up the previous action approving his landing. Mr. Rankow provided some history relative to the original special permit, and the impact of Condition #17 as well as Condition #13.

Mr. DeFeo reaffirmed his intent to modify Condition #17 as proposed.

After some discussion, Mr. McCourt asked about the scope of the action before the board. Mr. Finn noted that the application and notice was specific in its intent, and that the board could not 'stray' too broadly from that original intent.

Mr. Morgan noted that, if Mr. DeFeo is not required to share his pier, and if Condition #17 is removed entirely, Mr. Rankow would be enabled to request a permit for a full pier.

Mr. DeFeo noted that the 'shared pier' language of Condition #13 was not a subject they wished to engage.

Mr. Finn reiterated the scope of the request before the board.

Mr. David Vietor made some comments, which prompted rebuttals from Mr. Rankow, with counters by Mr.

Vietor.

Mr. Morgan stated his belief that the Mr. Rankow's structure as approved is a landing, and not a pier. This prompted conversation with Mr. Vietor.

Mr. Morgan asked Mr. Vietor whether, if the modification were approved, if it would prompt legal action on his part. Mr. Vietor did not affirmatively answer.

It was MOVED by Morgan, SECONDED by Mascolo

To request a formal opinion from Town's Counsel in regard to the ability of the Planning Board to modify condition #17, and to continue the public hearing to January 19, 2021, 7 PM.

VOTED BY ROLL CALL:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

6:00 PM: PRESENTATION – MV COMMISSION ENERGY POLICY

Mr. Alex Elvin, and Mr. Ben Robinson made a presentation on behalf of the Martha's Vineyard Commission detailing proposed revisions to the MVC's Energy Policy. The board enjoyed opportunities to ask questions about the presentation, and to ask questions. Members of the Edgartown Energy Committee attended the meeting to also receive the presentation.

Addendum to these minutes:

- Energy Policy Table – Draft (dated August 10, 2020)
- Energy Policy Narrative – annotated draft (dated November 30, 2020)
- Energy Policy FAQ, dated December 8, 2020
- PDF of "Powerpoint" as presented on January 5, 2021.

Mr. Strahler thanked the board for the invite to attend the meeting, and Mr. Robinson for the presentation, and expressed concern as to the impacts of climate change. Mr. Strahler noted his approval and support for the policy directives, including building and construction guidelines, etc. Mr. Strahler noted that state and federal incentives would help to move markets toward 'green' green solutions, net-zero building techniques, etc., and supports the direction to be taken by the MVC through this policy.

There was some discussion related to incentives for energy efficient building upgrades, solar photovoltaic systems, and electric heat pumps.

Mr. McCourt complemented the group in working on building awareness as to the problem, and the solutions that are available, and thanked the group for their time and efforts. (7:14 PM)

6:30 PM: PUBLIC HEARING: SP (COASTAL DISTRICT, PONDS DISTRICT) – JOBS NECK FARM TRUST #1 (60 POHOGONOT RD.)

The Edgartown Planning Board scheduled a public hearing on Tuesday, January 5, 2021 at 6:30 PM, at the request of Brian Casey, MVBG, LLC, on behalf of Job's Neck Farm Trust #1(Owner) to construct an accessory building to be used as an office and wine cellar, and an accessory building to be used as an open storage shed in the Inland Zone of the Coastal District in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 60 Pohogonot Rd, Assr. Pcl. 42-1.103.

Application Materials were available for review online at: <https://bit.ly/EPB-1905-0105>

The public notice was read, and the public hearing was opened at 7:15 PM. Present for the applicant: Mr. Brian Casey, MV Builders Group.

Presentation / Findings

The property is roughly about 24 acres.
The proposed structures are clearly subordinate to the primary dwelling, and do not constitute a new dwelling.
The property has substantial acreage to support the use without disturbance to adjoining neighbors
The proposal has been approved by the Conservation Commission.
The proposed shed will provide visual and sound abatement for outdoor mechanical equipment.
The proposal is otherwise in harmony with the intent and purpose of the bylaw.
No comments were received from the public.
The closest dwelling is about 1,000 feet away from the construction site.
After a brief presentation and discussion, the public hearing was closed at 7:19 PM.
It was MOVED by Mascolo, SECONDED by Searle

To approve the application as presented; further, to waive any time limitations on construction in its conditions for approval.

VOTED BY ROLL CALL:
MASCOLO: YES MORRISON: YES
MORGAN: YES SEARLE: YES
CISEK: YES MCCOURT: YES
APPROVED 5, 0, 0. (7:24 PM)

6:45 PM: ACCESS PERMIT / SITE PLAN REVIEW: 8 HERRING CREEK ROAD (DAVID LUNIN AND ELYCIA EDELMAN)

The board reviewed an application Applicant requests permission to relocate an existing curb cut on Herring Creek Road in order to provide better and safer access to dwelling and guest house.
The site plan was reviewed. Recommendations from Bill Chapman (Edgartown Water Department) and Allan deBettencourt (Streets Superintendent) were discussed.

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

To approve the change to the curb cut as presented, with standard conditions and additional conditions as discussed.

VOTED BY ROLL CALL:
MASCOLO: YES MORRISON: YES
MORGAN: YES SEARLE: YES
CISEK: YES MCCOURT: YES
APPROVED 5, 0, 0. (7:29 PM)

ADMINISTRATIVE UPDATE

Mr. Finn noted that his payroll had been approved. Mr. Finn also noted that minutes from the previous meetings are still under review.
Mr. Finn noted that DRI Checklist #14 had been approved by the state, and would take effect on January 15, 2020.
Mr. Finn also reminded the board of the public hearing relative to proposed zoning bylaw changes on January 12, 2021 at 5:30 PM.

There was some informal discussion with Ms. Christina Brown and Mr. Ted Rosbeck, the Town's representatives to the MV Commission.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

ADJOURN

It was MOVED by Searle, SECONDED by Morgan

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.

(7:36 PM)

###

MINUTES APPROVED by a vote of the Planning Board, taken on March 2, 2021.

Attest:



Douglas Finn
Planning Board Assistant