

Edgartown Planning Board - Meeting Minutes

Tuesday, March 16, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, March 16, 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

The following site visits were conducted

- 9 AM – 222 Upper Main Street

No deliberation was conducted at any site visit.

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: 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 (continued from January 19, December 1, 2020): 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 public hearing was continued at 5:31 PM.

Mr. Finn reported that a request had been received from Attorney Michael Bonner on behalf of the applicant for a continuance had been received by the applicant.

It was MOVED by Searle, SECONDED by Morrison

To continue the public hearing to April 20, 2021, 6:00 PM.

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

VOTED: 5, 0, 0 (5:32 PM)

Admin Review – 59 North Street (29A-96) - T-Mobile

Replacement and upgrade of equipment and structures on a PWSF Tower

Applicant: Adam Wolfrey, C-Line LLC for T-Mobile LLC

(Due to technical difficulties, Ms. Morrison did not take part in the deliberation or vote on this item).

The board took up a request relative to equipment upgrades at an existing Personal Wireless Services Facility located at 59 North Street.

Mr. Wolfrey presented the proposal:

Presentation / Findings

- Three existing antennas will be replaced with new equipment.
- Six additional antennas will be added, for a total of nine antennas on the tower.
- The existing tower is able to structurally support the equipment.
- The equipment is intended to fill a gap in service.
- With the added equipment, the structural load on the tower will be an estimated 39% of its capacity.
- The new equipment will be rated to withstand windspeeds of up to 134 MPH (in three-second gusts).

After brief discussion and deliberation, it was MOVED by Morgan, SECONDED by Searle

To approve the proposal as presented

| | |
|--------------|--------------------------|
| MASCOLO: YES | MORRISON: (ABSENT) |
| MORGAN: YES | SEARLE: YES |
| CISEK: YES | MCCOURT: YES |
| | VOTED: 5, 0, 0 (5:45 PM) |

(At about 5:45 PM, Ms. Morrison returned to the meeting).

CURB CUT REQUEST: 33 Fuller Street (20B-44) – William and Patricia Phelan

Request to adjust an existing curb cut; applicant requests a 22' curb cut.

Agent: Gary Conover

Mr. Conover was present, and presented the application.

Presentation / Findings

- The proposal is to slightly adjust and expand the existing curb-cut at 33 Fuller Street.
- Fuller Street has no on-street parking permitted in the vicinity of the subject parcel.
- The existing curb cut is about 16 feet in width.
- The new curb cut is proposed to be 22 feet in width.
- Mr. McCourt noted that curb cuts are limited to 16 feet in width.
- There is an existing sidewalk.
- Fuller Street is expected to be repaved in the Spring.
- Board members expressed concern that allowance of a wide curb cut would set a precedent.
- The provisions of Section 10.1.E and Section 17.5.B of the Zoning Bylaw were reviewed.

- The requirements for grant of a variance were reviewed.
- The size of the lot was noted.
- Site Photos were reviewed; one section of the fence, about seven and a half feet in length is proposed to be removed.
- The applicant’s reasons for the request were reviewed.
- The Historic District has completed its review of the proposal, and granted a certificate of appropriateness.

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

To waive the requirements of 10.1.E, granting an exemption to the limitation in curb-cut width, and to approve the request as presented, as the specific location, the lack of on-street parking, and other factors supporting the request; the action is not intended to create a precedent, will improve access to the site, will provide for additional parking off street, and otherwise not frustrate the purposes or intent of Section 10.1.E, or the Zoning Bylaw.

| | |
|-------------------------|--------------|
| CISEK: YES | MASCOLO: YES |
| MORRISON: YES | SEARLE: YES |
| MORGAN: YES | MCCOURT: YES |
| VOTE: 5, 0, 0 (6:03 PM) | |

ADMINISTRATIVE REPORT

Discussion: Cape Pogue

Mr. Finn noted that the proposed changes to the Cape Pogue DCPC had been reviewed by the MV Commission’s LUPC, and the MVC’s legal counsel; the recommended changes would limit the authority of the ‘Rules’ committee as proposed to rules that “in regard to wildlife and recreation management”.

Mr. Adam Turner further commented: The purpose of the DCPC allows the town to regulate activity in the District in accordance with the Guidelines issued by the MV Commission. The Commission is hoping to grant clear standing to the Town to regulate on its own without further input from the Commission.

There was some discussion as to the appointment authority of the Chappaquiddick resident to the Advisory Committee.

There was some discussion relative to the scope of authority of the proposed ‘rule-making’ group.

Mr. Morgan: a number of issues relative to Cape Pogue (construction of docks, starting of oyster farming, etc.) have been raised in the past that may go beyond ‘wildlife and recreation’.

Mr. McCourt thanked Mr. Turner, and the MV Commission for working with the Town on the matter.

Mr. Finn requested approval to forward the modified language, if approved by the commission, on March 18, 2021.

It was MOVED by Mascolo, SECONDED by Searle

To approve submission to the Town Administrator of the proposed changes to the Cape Pogue DCPC, as explained by Mr. Turner, upon approval by a vote of the MV Commission.

CISEK: YES
MORRISON: YES
MORGAN: YES
MASCOLO: YES
SEARLE: YES
MCCCCOURT: YES
VOTE: 5, 0, 0 (6:18 PM)

Review of Minutes

Mr. Finn presented Meeting Minutes from January 5, January 12, and January 19 for review.

It was MOVED by Morrison, SECONDED by Searle

To approve the minutes of January 5, 2021, January 12, 2021, and January 19, 2021, as submitted.

CISEK: YES
MORRISON: YES
MORGAN: YES
MASCOLO: YES
SEARLE: YES
MCCCCOURT: YES
VOTE: 5, 0, 0 (6:20 PM)

6:20 PM – PUBLIC HEARING: Street Name Change - Mapes Road to Swans Way

Agent: Harry Garvey

The Planning Board scheduled a public hearing on Tuesday, March 16, 2021 at 6:20 PM, at the request of Harry Garvey, Garvey & Company, on behalf of Glenn Hutchins (Owner) to change the name of a private way as shown on a Plan of Land in Edgartown, Mass., dated July 15, 1924, (Dukes County Registry of Deeds, Land Court Plan #8761-D); road to be named "Swans Way".

The application was made in accordance with Section 74 of Chapter 41, and Sections 3A and 3B of Chapter 85 of the General Laws.

Present: Mr. Harry Garvey.

The public hearing was opened at 6:20 PM.

Presentation / Findings:

- The street was created in 1924, through filing of a plan with the Registry of Deeds.
- The applicant is the only property owner served by the way.
- Notice was given to abutting property owners.
- Mr. Garvey noted that other abutting properties are also owned by the applicant.
- The name as requested ("Swans Lane") was noted as in use already in Edgartown.
- The applicant agreed to a continuance to consider a different option.

After some discussion, it was MOVED by Morrison SECONDED by Searle

To continue the public hearing to April 20, 2021, 6:30 PM.

CISEK: YES
MORRISON: YES
MORGAN: YES
MASCOLO: YES
SEARLE: YES
MCCCOURT: YES
VOTE: 5, 0, 0 (6:29 PM)

6:30 PM – PUBLIC HEARING: Street Name Change - Faulker Drive to Cygnet Lane

The Planning Board scheduled a public hearing on Tuesday, March 16, 2021 at 6:30 PM, at the request of Harry Garvey, Garvey & Company, on behalf of Glenn Hutchins, to change the name of a private way, known as Faulker Drive, as shown as "Road" on a Plan: "Subdivision Plan of Land in Edgartown", prepared by Dean Swift, dated August 22, 1973 (Dukes County Registry of Deeds, Land Court Plan #8761-49); road to be named "Cygnet Lane".

Application is made in accordance with Section 74 of Chapter 41, and Sections 3A and 3B of Chapter 85 of the General Laws.

Present for the Applicant: Mr. Harry Garvey

The public hearing was opened at 6:30 PM.

Presentation / Findings

- Three lots on the west of Faulker Drive are owned by the applicant.
- Three lots on the east of Faulker Drive are owned by two other abutters: Carlucci and Melrod.
- Joe and Miriam Carlucci (17 Faulker Drive) were present, and spoke in favor of the proposal.
- Mr. Garvey noted that Mr. Melrod would likely not object to the street name change as proposed.
- Mr. Morgan expressed concern with future requests to rename streets, and that such requests should be carefully measured against the historical significance of a street name.
- Ms. Morrison noted that agreement from all abutters should be a prerequisite prior to determination.
- The board concurred that more information is needed prior to making a decision.

It was MOVED by Morgan SECONDED by Morrison

To continue the public hearing to April 20, 2021, 6:30 PM.

CISEK: YES
MORRISON: YES
MORGAN: YES
MASCOLO: YES
SEARLE: YES
MCCCOURT: YES
VOTE: 5, 0, 0 (6:38 PM)

**6:30 PM - PUBLIC HEARING: (Cont'd from Jan 19, Jan 5, 2021, Dec 15, 2020, Nov 10, 2020) – SP (B-II District):
Stony Brook LLC, 222 Upper Main St. (20C-27); applicant wishes to convert an existing dwelling to a
Transient Residential Facility.**

Mr. Mascolo, citing a perceived conflict of interest, recused himself from the public hearing. Mr. Mascolo left the meeting at 6:39 PM.

The public hearing was continued at 6:41 PM. Present: Chuck Sullivan, architect.

Presentation / Findings:

- The facility is expected to open in 2022.
- An updated plan was presented.

- A solar package is being developed and will be submitted when prepared. Panels would not be proposed to be clearly visible from Main Street.
- A construction schedule is being drafted, and will be submitted.
- A lighting plan is being developed, and will be submitted.
- A landscaping plan is being developed and will be submitted.
- Affordable housing contributions are still being considered and will be reviewed by the MV Commission
- Details relative to fenestration and current renovations to the building were reviewed.
- A fence is not in the current application.
- Approval for the entire development (Phase 1 and Phase 2) is being considered by both the Planning Board and the MV Commission. However, the project will be constructed in phases.
- The facility is not expected to be ‘open’ in CY 2021.
- No removal of significant landscaping features are anticipated, unless absolutely necessary for the current construction, until a landscaping plan has been approved.
- A single exterior stair is proposed to the south-west corner second floor exterior deck.
- A shared-access easement is proposed, and will be recorded at the Registry of Deeds.
- The property will be connected to municipal wastewater; a certification will be filed with the Town. An existing on-site septic will be abandoned and properly decommissioned in accordance with “Title V” regulations.

Mr. Cisek suggested that finding ways to continue and enhance the “Edgartown” architectural style – form of buildings, landscaping or fencing elements, etc. – would benefit both the applicant and the town. Mr. McCourt and Mr. Searle concurred. Ms. Morrison expressed no opinion. Mr. Morgan countered with his preference of a more open front yard, with paths and selections of landscaping.

Mr. Sullivan noted that fences were more predominant on the north side of Upper Main Street, and that there were no fences on the south-side of the street in that immediate area.

The impact of a potential fence on sightlines for the entrance and exit were considered. An existing split-rail fence along the west boundary were considered.

Ms. Reade Milne noted that the separation between the permitting of the physical work to the structure, and the separate adjudication of the change of use.

Ms. Christina Brown spoke in support of the local review of the various plans prior to the project going to the MV Commission for review. Mr. Adam Turner also spoke favorably about the level of review being conducted locally.

A date for continuance was discussed to coordinate with the MVC Review.

It was MOVED by Searle SECONDED by Morrison

To continue the public hearing to May 4, 2021 at 5:30 PM.

CISEK: YES
MORRISON: YES
MORGAN: YES

MASCOLO: YES
SEARLE: YES
MCCOURT: YES
VOTE: 5, 0, 0 (7:13 PM)

OTHER BUSINESS

Mr. Morgan requested that Mr. Finn write a letter to the owner of the MV Edgar Hotel, suggesting that the newly constructed gravel parking lot is an expansion of the parking lot, as it is being used to provide parking for guests of the hotel, and patrons of the restaurant, and requires a modification under the terms of the MV Commissions Decision (DRI 165-M3).

There was some discussion relative to how the parking lot was adjudicated, and the timeline for construction of same, the zoning of the lot. Mr. McCourt suggested research to understand the impact of the construction of the lot, and the development of reasonable conditions for approval; reasonable upgrades to the lot might include improved lighting, better preparation of the surface, screening, etc.

Mr. Turner suggested that the MV Commission would also review the situation, and provide information to the board.

ADJOURN

It was MOVED by Morgan, SECONDED by Searle

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(7:21 PM)

Minutes APPROVED by a vote of the Planning Board, June 22, 2021

Certified:



Douglas Finn
Planning Board Assistant