

Edgartown Planning Board - Meeting Minutes

Tuesday, March 30, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, March 30, 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 conducted

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:

Approval of Minutes from March 16, 2021

Mr. Finn noted that the minutes from March 16 were not yet ready for review. Mr. McCourt deferred action to a later meeting.

Appointment to Master Plan Steering Committee: John Honeycutt

The board met briefly with Mr. John Honeycutt in regard to his request to join the Master Plan Steering Committee. The board took no action on the request, but deferred the request to its next meeting.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP: 50 Oyster Watcha Road Nominee Trust, 50 Oyster Watcha Road (41-1.3)

The Planning Board scheduled a public hearing on Tuesday, March 30, 2021 at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of 50 Oyster Watcha Road Nominee Trust(Owner) to construct a habitable accessory structure (an artist studio) in Zone 2 of the Edgartown Ponds Area District.

The application was made in accordance with Sections 5.6, 5.1 and 8.4 of the Edgartown Zoning Bylaw. The property is located at 50 Oyster Watcha Road, Assr. Pcl. 41-1.3.

Present for the applicant: Mr. Doug Hoehn (SBH, Inc.); The Reiters (owners); Aaron Schiller (Schiller Projects, Architect); Kris Horichi (Horiuchi Solien, Inc., Landscape Designer); Scott Sterns (J.G.Early Contractor).

The public hearing was opened at 5:48 PM.

Presentation / Findings

- The site has been the subject of previous reviews, with a pool and hot-tub approved in September of 2018, and minor changes to the location of the pool approved in late 2020.
- The proposed structure is described as an ‘artist studio’, is generally an open space, about 1,350 square feet, and will be adjacent to the existing swimming pool.
- The studio will be deed restricted from use as a detached bedroom.
- The Building Inspector has generally reviewed the application.
- The Health Agent stated that, provided a deed restriction is imposed, the building would be acceptable.
- A previous building (“bunk house”) was about 850 square feet, and has been removed.
- The existing house will generally remain in place.
- The proposed building will be lower than the existing house.
- The project has been issued an Order of Conditions by the Conservation Commission.
- The intent of the current owners is to maintain the scale of the existing dwelling on the site.
- The lot is roughly 11.5 acres.
- The neighborhood property owners’ association has reviewed the project, and has issued its preliminary approval.
- The existing septic system is roughly forty years old; the system will be replaced with a new system further from the pond, and will serve the main house, the proposed studio, and (potentially) the guest house.
- A copy of the Deed Restriction will be submitted to the Planning Board for the record.
- Mr. Adam Turner: the 1,500 square feet is large building. Why was the use chosen? Mr. Hoehn: The use of the building was not intended to be a guest house or a detached bedroom. In the absence of anything else, the building was designated to convey that intent.

There being no further information or public comment, the public hearing was closed at 5:58 PM.

Deliberation and Decision

After brief deliberation, it was MOVED by Searle SECONDED by Morrison

To approve the application as presented; the recorded deed restriction must be provided to the Town prior to issuance of a building permit.

VOTED:
 MASCOLO: YES MORRISON: YES
 SEARLE: YES CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (6:02 PM)

5:45 PM - PUBLIC HEARING - SP: Andrew P. Houlahan, Trs., 14 Bayside South (36-159.15)

The Planning Board scheduled a public hearing on Tuesday, March 30, 2021 at 5:45 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Andrew P. Houlahan, Trs.(Owner) to construct a 320-foot elevated walkway across wetland and salt marsh to existing pier.

Application was made in accordance with Sections 5.1 and 8.4 of the Edgartown Zoning Bylaw. The property is located at 14 Bayside South, Assr. Pcl. 36-159.15.

Present for the Applicant: Doug Hoehn, SBH, Inc.

The public hearing was opened at 6:03 PM.

Presentation and Findings

- A site plan prepared by SBH was reviewed.
- The subject lot is the southern-most lot of the subdivision.
- A total of five piers are permitted in the subdivision.
- The other four piers have approved boardwalk structures over the salt marsh.
- An existing path roughly follows the southern boundary line, then continues about 100’ due north on the beach before reaching the existing pier.
- The proposed board walk would proceed directly across the marsh to dry ground.
- The boardwalk would be about three feet in height; posts and deck boards would be constructed of mahogany. Joists would be pressure-treated wood.
- Conservation Commission has approved the application.
- The walkway is roughly the same width as the walkway on Lot four, but is somewhat longer.
- The applicant received a recommendation from the state of a minimum height of 1.5 x the width – or a 4-1/2 foot height above the salt marsh, which would also require hand-rails. The conservation commission did not mandate the suggested height.
- The existing decking will have a 1” spacing.
- The walkway and pier will be shared (by covenant / easement) by the owners of three lots in the subdivision (lots 6, 7 and 8 of the original subdivision).
- No written comment or emails were received. No one was present to speak to the application.

There being no further presentation or comment, the public hearing was closed at 6:14 PM.

Deliberations / Decision

After brief deliberation, it was MOVED by Morrison SECONDED by Searle

To approve the application as presented, with standard conditions for piers.

VOTED:
 MASCOLO: YES MORRISON: YES
 SEARLE: YES CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (6:15 PM)

6:00 PM - PUBLIC HEARING - SP: Howe Realty Trust 1, 9 Guernsey Lane (36-334)

The Planning Board scheduled a public hearing on Tuesday, March 30, 2021 at 6:00 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Howe Realty Trust I (Owner) to construct a pool, a hot tub and a gazebo on a conforming lot in the inland zone of the Coastal District.

Application was made in accordance with Sections 5.1 and 8.4 of the Edgartown Zoning Bylaw. The property is located at 9 Guernsey Lane, Assr. Pcl. 36-334.

Present for the applicant: Doug Hoehn, dhoehn@sbhinc.net

The public hearing was opened at 6:16 PM.

Presentation / Findings

- The property has access onto Guernsey Lane and Down Harbor Road
- The application is for a swimming pool in the inland zone of the Coastal District.
- The application was first presented in July 2017, and approved by the Planning Board.
- However, the pool was not constructed, and the Special Permit expired.
- No changes from the 2017 plan are proposed.
- The pool equipment will be inside the garage.
- An “open” gazebo is proposed for the east end of the pool; no elevations were presented; however the gazebo is described as less than 200 square feet, and will be an open, screen-house style structure.
- A second shade structure is proposed for the west end of the pool.
- A dry well is proposed to manage water draw-down at the end of the season.
- There is no guest house on the property.
- There were no comments from the board, and no public comment.

There being no further comment, the public hearing was closed at 6:21 PM.

Deliberation / Decision

There being no further comment, it was MOVED by Searle SECONDED by Mascolo

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

VOTED:
 MORRISON: YES
 CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (6:22 PM)

MASCOLO: YES
 SEARLE: YES

6:15 PM - PUBLIC HEARING - SP: Barry Lundgren, 22 Leland's Path (35-33.3)

The Planning Board scheduled a public hearing on **Tuesday, March 30, 2021 at 6:15 PM**, at the request of Doug Hoehn, SBH, Inc., on behalf of **Barry Lundgren (Owner) to construct a single-bedroom guest house on a conforming lot in the inland zone of the Coastal District.**

6:15 PM - PUBLIC HEARING - SP: Barry Lundgren, 22 Leland's Path (35-33.3)

Further, the Planning Board scheduled a public hearing on **Tuesday, March 30, 2021 at 6:15 PM**, at the request of Doug Hoehn, SBH, Inc., on behalf of **Barry Lundgren(Owner) to construct a pool on a conforming lot in the inland zone of the Coastal District.**

The board agreed to conduct both public hearings concurrently.

The public hearing was opened at 6:23 PM.

Present for the Applicant: Doug Hoehn, SBH, Inc.

Presentation

- The proposal is for a swimming pool, and a pool cabana.
- The pool cabana qualifies as a guest house, as it has facilities for sleeping, bathing and preparation of food.

- The proposed location of the pool is relatively flat, and would require a minimal alteration of grade, and would be placed behind an existing retaining wall.
- The guest house is about 670 square feet +/-.
- A basement space is proposed for the pool house.
- The pool equipment is proposed to be in a fenced area, open to the air.
- The pool equipment would be about 200 feet to the property line, about 330 feet to the nearest dwelling, and about 430 feet to the edge of the harbor.
- The fence enclosure will be treated with sound-proofing blankets or similar, in order to mitigate sound impacts.
- The pool will be salt-treatment, and heated with propane.
- The setbacks to the nearest neighbor and the water are satisfactory.
- No public comment (in person, or in writing) was received.

The public hearing was closed at 6:31 PM.

Deliberation / Decision

It was MOVED by Searle SECONDED by Mascolo

To approve the swimming pool as presented, with standard conditions for the swimming pool.

VOTED:
 MASCOLO: YES MORRISON: YES
 SEARLE: YES CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (6:32 PM)

It was MOVED by Searle SECONDED by Mascolo

To approve the guest house as presented, with standard conditions for construction projects.

VOTED:
 MASCOLO: YES MORRISON: YES
 SEARLE: YES CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (6:32 PM)

6:30 PM - PUBLIC HEARING - SP(Coastal District): Jeffrey and Carter Sharfstein, 55 North Neck Road (18-50)

The Edgartown Planning Board will hold a public hearing on Tuesday, March 30, 2021 at 6:30 PM, at the request of Jude Villa, Working Earth Organic Gardening & Landscaping, on behalf of Jeffrey and Carter Sharfstein (Owner) to install a 17' x 56' swimming pool, and adjacent dry-laid stone patio, including all landscaping and utility work required; also to construct a stone seat wall and stone grill enclosure; to enlarge an existing wooden deck; and to install plantings to provide visual screening.

Present for the applicant: Ms. Jude Villa (Working Earth Landscaping), Derek Bowser, SaltAir Designs.

Mr. Finn noted that the only aspects of the construction under review by the Planning Board was the swimming pool – all other aspects of the project are allowed by right.

The public hearing was opened at 6:35 PM.

Presentation / Comments / Findings

- The proposal is for a salt-water treated pool with adjacent hot-tub.
- Pool equipment will be in the adjacent garage, enclosed and insulated. Equipment will be placed on rubber matting to reduce translation of sound through the concrete floor.
- Pool water will be heated by propane. Venting is proposed through the south wall.
- The property is proposed to be screened with a wire-mesh fence along the perimeter.
- There will be a single pool light, and no other flood-lighting.
- The property had a series of walls and patios, which have been removed.
- The pool is immediately adjacent to the 25' setback.
- Various plantings will be installed to provide screening along the south boundary.
- Applicant agrees to vent all pool equipment vertically instead of through the wall.
- Pool fencing is to be located below the top of the bank, in the newly planted beach grass, just adjacent to the bulkhead wall.
- Fence gates will be four-feet tall, with child-proof locks. Doors from the house will be alarmed in accordance with code.
- The client requested that they be able to walk to the edge of the dock without going through the fence.
- The building inspector has not reviewed the location or placement of the fence.
- The fence is intended to be a metal-mesh fence on wooden posts.
- The client is attempting to preserve views by placing the fence below the top of the bank.
- An automatic pool cover is proposed.
- The pool water must be filled with fresh water, and is anticipated to be filled with water from the residential well.

There were some concerns expressed by board members relative to the location and construction of the fence.

Mr. McCourt asked for public comment:

- Mr. Henry Bryant (43 North Neck Road) asked questions relative to the type of fill water, and source. Mr. Bryant expressed concerns about the amount of water draw due to the pool, and the potential for salt water intrusion to the local aquifer as a result. Mr. Bryant noted the ongoing concerns relative to the quality of water drawn from the aquifer.
- Ms. Jude Villa noted that concerns related to water draw, and salt-water intrusion, had been addressed through the Conservation Commission's inquiry.
- Mr. Doug Bryant (47 North Neck Road) noted his concerns related to significant draw of water from the aquifer due to the pool.
- Ms. Villa noted that other individuals have addressed the concerns about the water quality, and the impact of a pool on the aquifer, to the satisfaction.
- Mr. Finn affirmed that the Conservation Commission had reviewed and approved the application, and that they had examined the draw of the water.
- Mr. Cisek expressed concerns relative to water quality, and requested more information from Jane Varkonda.
- Mr. Henry Bryant noted that the property had historically been heavily irrigated, which represents a significant draw on the property. Mr. Bryant noted that, if there is a report from the MV Commission

relative to water quality, it should be reviewed.

- Ms. Villa noted that a new landscape design was being developed that would involve ‘native’ plants, which would require less irrigation than before. The lawn would continue to be irrigated, but the east (inland) side of the property would require less irrigation.
- Mr. Doug Bryant expressed concerns relative to the water use and size of the pool.
- Mr. McCourt requested the final report from the Conservation Commission included in the project file.

Mr. McCourt suggested a continuance might be in order in order to get more information.

Ms. Louise Marx noted a study done by the Chappaquiddick Island Association relative to the island’s aquifers, and noted concerns relative to water use.

It was MOVED by Searle SECONDED by Morrison

To continue the public hearing to April 6, 2021, at 7 PM.

VOTED:
MASCOLO: YES MORRISON: YES
SEARLE: YES CISEK: YES
 MCCOURT: YES
VOTED: 5, 0, 0 (7:00 PM)

6:45 PM - PUBLIC HEARING - SP(Coastal District): 11 EarlMV LLC, 11 Earl Avenue (11A-409)

The Planning Board scheduled a public hearing on Tuesday, March 30, 2021 at 6:45 PM, at the request of Sam Sherman, Sherman Associates, on behalf of 11 Earl-MV LLC(Owner) to remove an existing dwelling and rebuild a new dwelling of similar capacity and size; to replace an existing cesspool; to install a fiberglass swimming pool and deck; pool will be partially above grade.

Present for the applicant: Sam Sherman.

Presentation / Findings

- The property owner also owns the abutting property.
- The owner wishes to replace the existing dwelling with a new structure, and to add a swimming pool.
- The existing septic is to be replaced with a “FAST”-capable system.
- The proposal will also include an elevated deck surrounding the pool
- The Pool will about 6’6” deep at the most, and will be elevated above the ground about 2 to 3 feet.
- The pool will be separated from groundwater by about two feet.
- The new house footprint will increase in area, but the house will remain a two-bedroom house.
- All setbacks are met with the new structures.
- The Pool water will be salt-filter treated.
- The pool equipment will be enclosed for sound mitigation, and will be under the south side of the proposed (elevated) deck.
- The proposal has approval and an order of conditions from the Conservation Commission.
- The existing house is about 23 feet to the ridge; the new structure will be within a foot or so of that height.
- A glass railing will surround the pool. All doors will be alarmed according to code.

- A shade structure (pergola) will be located on the south side of the deck. No other structures are proposed.
- The pool will be enclosed with wood, which will be allowed to weather naturally.
- No public comment was received; no one was present to make comments about the application.

There being no further public presentation or comment, the public hearing was closed at 7:12 PM.

Deliberation / Decision

After minimal deliberation, it was MOVED by Searle SECONDED by Morrison

To approve the application with standard conditions for swimming pools.

VOTED:
 MORRISON: YES
 CISEK: YES
 MCCOURT: YES
 VOTED: 5, 0, 0 (7:13 PM)

MASCOLO: YES
 SEARLE: YES

OTHER BUSINESS

All Island Planning Board Retreat – Post Mortem

Ms. Morrison and Mr. McCourt provided a follow-up report to the All Island Planning Board retreat, held on March 10. Generally, the experience was not found to be as effective as hoped.

General Discussion: Referrals of Applications to MV Commission

Mr. Adam Turner was present.

Mr. Turner made comments relative to self-referral of developments by developers, and a proposed policy that would inform town boards of any such self-referral. Mr. Turner touched briefly on other topics.

OTHER BUSINESS NOT 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.
 (7:26 PM)

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

Certified:



Douglas Finn
 Planning Board Assistant