

Edgartown Planning Board - Meeting Minutes

Tuesday, April 6, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, April 6, 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

Some members made individual visits to 56 Crocker Drive. There was no deliberation or discussion as part of any site visit.

CALL TO ORDER / ROLL CALL

Mr. McCourt called the meeting to order at 5:31 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: SUBDIVISION -- (CONT'D FROM Oct 6, 2020) MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47)

The public hearing was continued at 5:32 PM.

Mr. Finn read a request from Attorney Sean Murphy to continue the public hearing to a date certain.

It was MOVED by Morgan SECONDED by Searle

To continue the public hearing to October 5, 2021, 5:30 PM.

VOTED:	
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
5, 0, 0 (5:34 PM)	

5:35 PM - De Minimis Request Determination: Town Bar & Grill, 20A-93 - 227 Upper Main Street.

The board considered a request for a de minimis determination received from Alex Tamargo, Towne Bar and Grill, to place two canopy tents on the existing patio for limited use (spring/summer 2021).

Present: Mr. Alex Tamargo, Manager, Town Bar & Grill

Mr. Tamargo presented the request, which would place two tents on the front-yard patio between the building

and the sidewalk. The tents would allow for dining outdoors in inclement weather. Mr. Tamargo suggested that fire-rated heaters would be placed on either side of the patio.

Mr. Morgan noted that the tents had already been placed on the site, in spite of no decision from the Planning Board Determination. Mr. Tamargo offered an apology.

Mr. Cisek asked if the tents had been inspected by the Fire Department and the Building Inspector. Mr. Tamargo affirmed that the tents had been given a permit.

Mr. Finn noted that, as of April 5, according to the Building Inspector's office, no building permit had been issued for the tent.

Mr. Searle noted that this was asking for permission for something that had been already done. Mr. Tamargo offered an apology, and noted that he had applied for a permit about 30 days prior.

Mr. McCourt noted that there could be consequences for moving ahead with additional use on the lot without appropriate permits. Mr. Finn reminded the board of the various permitting paths that could apply.

Mr. Finn also noted that the tents would go over an existing service area. Mr. Finn also noted that the outdoor heaters had been prohibited in the B-I district.

Mr. Adam Turner (MV Commission) noted that the application would not require referral to the MV Commission.

Mr. Morgan again reiterated his objection to the placement of the tents without a permit, and suggested a continuance of the matter in order to better understand the matter.

There was further discussion on the matter between board members and the applicant.

It was MOVED by Morgan SECONDED by Searle

That the proposal constitutes a De Minimis addition to the use on the site, and did not require further action by the Planning Board; tents are permitted to be constructed and in use through September 30, 2021, or the revocation of the Governors State of Emergency, whichever comes first; inspections by the building inspector and the fire chief shall be conducted.

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

5, 0, 0 (5:34 PM)

5:45 PM – SP(Coastal) – 56 Crocker drive (45-30) – Schaney

The Planning Board scheduled a public hearing on Tuesday, April 6, 2021 at 5:45 PM, at the request of Chuck Sullivan, chrome, on behalf of Dennis M and Eileen Schaney (Owner) to demolish an existing single family residents and pool, and rebuilding a new single-family residence and pool, all site and utilities work related thereto; also, to convert an existing detached bedroom into a garage.

The application was made in accordance with Sections 5.5 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 56 Crocker Drive, Assr. Pcl. 45-30.

Present for the Applicant: Chuck Sullivan, Sullivan and Associates Architects

The public hearing was opened at 5:50 PM.

Presentation / Findings

- Property is located in the Katama Airfield Conservation District
- An existing dwelling will be removed and rebuilt.

- An existing detached bedroom will be converted to a garage with a habitable space on the second floor (proposed to be used as studio or office space).
- The existing detached bedroom is non-conforming, as it encroaches into the setback area.
- A swimming pool is proposed; fencing will run along the southeast, south and south-west boundary of the lot.
- The proposal includes the connection of the property to the municipal water system (an on-site well will be capped and abandoned).
- An existing shed at the north-west corner of the site will be removed.
- Pool equipment will be enclosed in a sound-proof enclosure on the back of the garage.
- The new dwelling will be two-stories, with a total of three bedrooms.
- The existing structure is just under 1,500 square feet. The new structure is about 2,400 square feet.
- The footprint of the proposed structure(s) increase by about 300 square feet.
- There are no limits on the volume of the structures.
- A trash enclosure on the north-east wall of the garage does extend further into the setback area, but is not considered a setback area.
- Side setbacks on the lot are twenty-five feet.
- All standard conditions for swimming pools will apply; gates on the fence will swing outward; fence will comply with safety codes.
- From Town Water Department: Applicant will have to pay to extend water main to the lot in accordance with Water Department Policies; connection to Town Water is necessary to approve the use of four bedrooms on the lot.
- The building permit for the four-bedroom house would not be issued until arrangements for extension of the water main were confirmed.
- The occupancy permit would not be issued until the water connection was tested and approved.
- A letter from William Chapman (Edgartown Water Department) was received (included in project file).
- A letter from Chuck Sullivan was reviewed, noting that the contractor has been in communication with the Town Water Department, in regard to a new connection to the system.

There was extensive discussion about approving a four-bedroom structure, where the capacity to serve such structure (water and wastewater) was not available on the lot. The board considered whether it could approve the project, with either the building permit or the certificate of occupancy being contingent on an approved connection to the Town's water supply.

Dennis and Elieen Shaney spoke about the project, and noted that they purchased the property conditional on the ability to tie into the municipal water supply, and are expecting to do so as part of their construction project; they emphasized their commitment to tie into the water line.

After additional discussion, the Public Hearing was closed at 6:30 PM.

Deliberation / Decision

Mr. Morgan noted his appreciation for the opportunity to discuss the concerns relative to the water connection. Ms. Morrison agreed, and noted no issues with the plans. Mr. Searle, and Mr. Mascolo had no comments. Mr. Mascolo noted his trust in the Building Commissioner to enforce regulations as needed. Mr. Cisek noted that the extension of the water line will benefit the neighborhood.

It was MOVED by Morgan, SECONDED by Mascolo

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

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

6:00 PM – SP(Coastal) – 56, 62 & 64 Harbor View Ave (47-82, -83, -84) – Kumpitch

The Planning Board scheduled a public hearing on Tuesday, April 6, 2021 at 6:00 PM, at the request of Reid Silva, VLS&E, on behalf of Peter M. and Joan M. Kumpitch (Owner) to relocate a pre-existing camp / boathouse on a non-conforming lot in the Shore Zone of the Coastal District.

The application was made in accordance with Sections 5.1 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 56, 62 & 64 Harbor View Avenue, Assr. Pcl. 47-82, 47-83, 47-84.

Present for the applicant: Mr. Reid Silva, VLSE.

The public hearing was opened at 6:33 PM.

Presentation / Findings

- The structure is a pre-existing ‘balloon construction’ wood-frame structure, approximately 25’ x 36’, and has been used as a boat-house.
- The building was likely constructed in the 1930s, and has been well maintained.
- The structure meets setbacks, but is located about 65 feet from the edge of water / wetlands.
- The proposal is to move the structure north and east (inland, away from Katama Bay) about 150 feet.
- No improvements to the structure are proposed.
- The structure is not served by water or electricity.
- The proposal has been approved by the Conservation Commission.
- A letter was received from Deborah Radway, asking about the easement for access to the beach by certain abutters. The existing deeded right-of-way / easement will remain unchanged, and will not be affected.
- The building will be moved without dismantling.
- No addition to the building is proposed.

There being no further comment, the public hearing was closed at 6:40 PM.

Deliberation / Decision

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

To approve the application as presented.

MASCOLO: YES
MORGAN: YES
CISEK: YES

VOTED:
MORRISON: YES
SEARLE: YES
MCCOURT: YES
5, 0, 0 (6:41 PM)

6:00 PM – Definitive Subdivision – (Cont'd from – 268 Katama Road (36-101) – Snider

The Plannin Board continued a public hearing from Tuesday, March 2, 2021 at 5:30 PM, at the request of Doug Hoehn, SBH Inc., on behalf of Mattakesett Realty Trust–II (Owner) for approval of a definitive subdivision plan, proposing the division of one parcel into five conforming lots in the R-20 zoning district; applicant is requesting a waiver to allow for a narrower than permitted road to serve the five lots.

Present: Mr. Oliver Snider (Applicant), Mr. Doug Hoehn

The public hearing was continued at 6:42 PM.

Presentation / Findings

- A revised landscaping / screening plan was presented and reviewed, showing a pedestrian easement along the north boundary of the property.
- The applicant worked with Kristen Reiman on the visual screening of the site, and has proposed planting a hedgerow of Thuja Occidentalis ‘Nigra’ and/or Thuja Occidentalis ‘Techny’ (two varieties of northern white cedar, or arborvitae).
- The applicant is open to a different species of evergreen – or one that is more ‘deer resistant’ - if needed.
- Fire Chief Schaefer (Edgartown Fire Department) has generally approved the road design with conditions (see email from Schaefer to Snider, dated March 19, 2021, in project file)
- The trail easement has been reviewed by Mr. Bill Veno (MV Commission) and Mr. James Lengyel (Land Bank) who have endorsed the proposal.
- No specific plan for use of renewable energy (solar photovoltaic) is proposed. The applicant asked not to have approval conditional on the use of photovoltaic energy.
- Mr. Hoehn noted a slight adjustment to the previous plan, which modifies the line between lot 4 and 5.
- Mr. Finn noted that the road is to be constructed to 12-feet in width (narrower than required) but that the Planning Board could approve the road, given the limited anticipated use of the road. Mr. Snider also noted that the proposed road management agreement would help to ensure adequate access along the road for emergency purposes.
- Mr. Finn noted that no public comment had been received by mail or email.

Mr. Adam Helfant (2 Field Club Drive) cited his appreciation for the refined plan, and thanked the applicant for considering the neighbor’s concerns.

Mr. Ron Redmond (10 Field Club Drive) also noted his appreciation for the modifications to the plans; Mr. Redmond asked about plans to mark the bounds of the property. Mr. Doug Hoehn noted that marking the property would likely occur over the next few weeks.

Mr. Snider reiterated the hope that renewable energy resources (e.g., solar photovoltaic systems) could be employed on the site, but did not commit to requiring it as part of his proposal.

Mr. Snider noted that, he would likely work with local contractors to design and construct the dwellings to be built in the subdivision, and would work to educate and promote renewable energy options to potential new home-owners.

No further public comment was received.

Deliberation / Decision

Morgan: A good presentation, all questions have been answered, abutters seem satisfied with the proposal.

Morrison: The narrow width of the road is a concern, but the EMS seems satisfied. Mr. Finn noted the approval of the Fire Department Chief, and the need to maintain no on-street parking, and drivable shoulder areas. **Mr. Finn noted that approval of the prepared road surface can be a condition prior to release of lots.**

Searle: A good presentation, happy to see the trail easement preserved.

Cisek: no issues.

There being no further deliberation, it was MOVED by Morrison SECONDED by Mascolo

The subdivision is approved as presented, conditioned on the construction of the roadway to the satisfaction of the Town's EMS chiefs, and that the applicant agree to promote sustainable energy options in the development and construction of new dwellings.

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

5, 0, 0 (7:04 PM)

6:15 PM - PUBLIC HEARING - SP: Mariners Way LLC, 1 Mariners Landing (21-34.223)

The Board scheduled a public hearing on Tuesday, April 6, 2021 at 6:15 PM, at the request of Shane Tank, Premier Chef Services, on behalf of Mariners Way LLC(Owner) to modify a special permit, issued on January 7, 2015, and as further amended, to change use of Unit A from office/retail to restaurant / food service; and, for a special permit to allow operation of a food-service / quick-service restaurant with dine-in and take-out options, up to 20 seats indoors, and no seating outdoors.

The public notice was read, and the public hearing opened at 7:07 PM.

Mr. Finn read a letter from Shane Tank (applicant) asking to withdraw the application without prejudice.

It was MOVED by Searle SECONDED by Morrison

To allow the applicant to withdraw without prejudice.

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

5, 0, 0 (7:08 PM)

6:45 PM - PUBLIC HEARING - SP: Stop & Shop a subsidiary of Ahold USA , 225 Upper Main Street (20A-57.1 et seq.)

The Board scheduled a public hearing on Tuesday, April 6, 2021 at 6:45 PM, at the request of Mary McEvoy, Manager, Stop and Shop / Edgartown, on behalf of Stop & Shop, a subsidiary of Ahold USA (Owner) for a modification to the Special Permit in order to construct a temporary outdoor display to sell garden and outdoor products. Garden products, flowers and plants to be displayed on carts provided by the vendor. The display will be in the same location as in the previous years. Pedestrian walkways will not be disturbed and ample space will remain for carts and wheelchair access.

Present for the applicant: Ms. Mary McEvoy

The public hearing was opened at 7:09 PM.

Presentation / Findings

- The proposal is the same as in previous years.
- Ample room will be left to allow for pedestrian passage on the sidewalk.
- Conditions as assessed before are acceptable to the applicant.

The board thanked Ms. McEvoy and her staff for their work over the past year. Ms. McEvoy noted that positive feedback to her staff is appreciated.

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

To approve the application with conditions as previously assessed.

VOTED:

MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (7:14 PM)

7:00 PM - PUBLIC HEARING - SP(Coastal District)(Cont'd from March 30, 2021): Jeffrey and Carter Sharfstein, 55 North Neck Road (18-50)

The Board continued 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: Jeffrey and Carter Sharfstein
Jude Villa, Working Earth Organic Gardening & Landscaping;
Derek Bowser, Saltair Design*

The public hearing was continued at 7:15 PM.

Presentation / Findings

- A letter was received from Mr. John Clark (included in project file).
- A letter was received from Mr. Brad Woodger (included in project file).
- A letter was received from Mr. Matt Poole (Edgartown Board of Health Agent) (included in project file).
 - o Mr. Poole recommended a pool fill rate of no more than 5 gallons per minute.
 - o Mr. Poole recommended a dry-well location that is 'down gradient' of any receptors.
- A letter was received from Ms. Louise Marx (included in project file).
- Ms. Villa noted that the fence had been part of their original proposal, which has been approved by the Conservation Commission.
- Ms. Marx asked about the location and height of the fence (four feet high, and at the edge of the beach). Ms. Marx also asked whether the applicant would reconsider the size of the swimming pool.
- Mr. Derek Bowser confirmed that the fence is proposed to be built on or just inside the existing bulkhead, below the grade, and that the location of the fence was made clear to the Conservation Commission.
- Ms. Morrison asked about whether swimming pools could be used as emergency reserves for fire fighting purposes. Mr. Finn noted that he had had discussions with Town Staff regarding fire-fighting resources,

and that drawing water from a private pool was not necessarily a recommended practice.

- Mr. Bryant noted that this would be the only pool on North Neck Road, and could pose a burden on the aquifer. Mr. Bryant further noted that the irrigation system on the subject property has been significantly excessive in the past.
- Ms. Jude Villa noted that no studies have been presented that demonstrate that the proposed use would be a detriment to the aquifer.
- Mr. Henry Bryant noted his concerns related to the scarcity of water, generally, and the fragility of the aquifer serving north-neck road.
- There was extensive anecdotal testimony about the quality of water, and the general need for water filtration systems for potable water wells.
- Ms. Liz Villard noted that in her experience the water quality on north neck was poor, and expressed her belief that installing a swimming pool would worsen the situation.
- One existing pool on North Neck roughly measures 20' x 40'.
- A proposal to truck water in was discussed; Mr. Finn noted that recommendations from Town Hall staff point to a local water draw over time having less of an impact.

Mr. Searle asked whether the Conservation Commission weigh in on the location of the fence, and the source of the water and the overall impact on the aquifer. Mr. Morgan noted that allowance of a swimming pool at this location would set a significant precedent. Mr. McCourt suggested that the applicant reconsider the size of the swimming pool. Mr. Finn noted whether the existing irrigation system – as resized – reduced the overall water consumption on the property.

After brief deliberation and comparison of schedules, it was MOVED by Searle, SECONDED by Mascolo

To continue the public hearing to April 13, 2021, at 5:30 PM.

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (7:57 PM)

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.
(7:59 PM)

Respectfully Submitted,

Douglas Finn, Planning Board Assistant

ADDENDUM: ATTENDEES (FROM “ZOOM” REPORT)

Staff / Board:

Doug Finn (Admin Asst) (Town of Edgartown), zoom1@edgartown-ma.us

Mike McCourt, mike@murdicks.com

Glen Searle (Glen 's iPad)

Lucy Morrison, lcmorrison31@gmail.com

Scott Morgan (Scott)

James Cisek

Fred Mascolo (Fred's iPad)

Members of the Public

Adam Turner (MVC) (Hydee Turnip)

Rob Strayton (robmacbook)

Evan Thomas, evanjth@gmail.com

Oliver Snider, osnider@stanmar-inc.com

Doug Hoehn (Doug)

Carrie Bryant

Ron Redmond

Bill Veno (Bill Veno), aicpbv@gmail.com

Henry Bryant

Adam Helfant

Jeff Sharfstein, jeff@sharfstein.com

Jude Villa (Jude's iPad)

Elizabeth Villard

Dennis and Eileen Schaney (Dennis)

Cynthia Hubbard, cynthiaphubbard@comcast.net

Louise Marx (louisemarx)

Derek Bowser, Salt Air Design (Derek)

Robert M Shorrock

Paul and Carol Falvey (14 Field Club Dr) (Paul's iPad Mini)

Reid Silva, reid@vlse.net

Deborah Radway (Deb R iPad)(2)

Alex Tamargo, atamargo@goodnuhospitality.com

Juliet Mulinare, juliet.mulinare@gmail.com

Mary McEvoy (Stop & Shop) (ocean)

Mike Zadeh

Henry Bryant

Alex Tamargo, atamargo@goodnuhospitality.com

William Sullivan,
chuck@sullivanassociatesarchitects.com

Ron Redmond