

Edgartown Planning Board - Meeting Minutes

Tuesday, April 20, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, April 20, 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

A site visit was scheduled for 32 Ocean View Avenue. Members attended on their own schedule. No deliberation was conducted.

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 - SP(Pier): Thomas M. Sheehan, Trustee of the 32 Ocean View Avenue Realty Trust, 32 Ocean View Avenue (29-137)

The Planning Board scheduled a public hearing on Tuesday, April 20, 2021 at 5:30 PM, at the request of Kara Shemeth, SBH, Inc., on behalf of Thomas M. Sheehan, Trustee of the 32 Ocean View Avenue Realty Trust (Owner) to extend an existing "L" of a pier in Edgartown Harbor southward and add a 6'x20' float and move a spile. The extension will continue the "L" 21.5' southward at a slight angle to accommodate the edge of the faired pier line.

The application was made in accordance with Section 6 ("Surface Water District") of the Edgartown Zoning Bylaw. The property is located at 32 Ocean View Avenue, Assr. Pcl. 29-137.

Present for the applicant: Kara Shemeth, kshemeth@sbhinc.net

Prior to opening the public hearing, Mr. Morgan recused himself from deliberation.

The public notice was read, and the public hearing was opened at 5:36 PM.

Presentation / Findings

The application requests an extension to an existing pier.

The extension will be about 21 feet in length, and about 8 feet in width. The pier will be angled to meet an existing piling about 20' south of the existing pier.

A float is proposed, and will be about 6' x 20' in size. An existing piling will be moved to accommodate the float. The float will be removed for the commercial scalloping season.

The proposal has been approved by the Marine Advisory Committee, and the Conservation Commission.

Mr. McCourt asked if the pier would extend to the faired-pier line. Answer: Yes.

Mr. Searle asked if other piers in this area also extend to the faired-pier line. Answer: Yes.

The harbormaster has expressed no concern relative to the location of the pier, and does not believe it will pose a hazard to navigation.

Ms. Morrison asked whether there would be any disturbance outside of the proposed work. Answer: No.

Mr. Mascolo and Mr. Cisek noted no individual concerns.

Mr. McCourt asked whether there were other improvements to be done to the existing pier: Answer: Yes, the existing "L" would likely be reconstructed in order to comply with the limits of the pier.

Mr. Bo Reily (abutter) noted no objection to the project.

There being no further comment, the public hearing was closed at 5:42 PM.

Deliberation / Decision

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

To approve the application with standard conditions for piers.

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: (RECUSED)

SEARLE: YES

CISEK: YES

MCCOURT: YES

5, 0, 0 (5:43 PM)

Mr. Morgan rejoined the meeting at 5:43 PM.

Curb Cut - Adler

The Planning Board considered a Request for Access to a Public Way, submitted by Paul Adler, on behalf of Lots 12 & 13 LLC.

Mr. Mascolo recused himself from deliberation at 5:44 PM.

Presentation / Findings

Location of Curb Cut shall be Starting at a point 125' from North East corner of lot, extending 16 feet west, and ending 259' from North West corner of lot.

The proposed work includes cutting of an existing curb, and the creation of a driveway across the tree-belt, shared-use path, and onto the private lot.

The board determined that, while the lot is in the Island Roads District, it has been in existence since prior to the creation of the District, has not been subdivided, and has a right to an access on Edgartown Vineyard Haven Road.

The property consists of about 11 acres in size, and is in the R-20 District. There was some discussion relative to the potential for subdivision of the subject property, but it was noted that no subdivision was proposed at this time.

There was some discussion related to the reasons for the request, the timing of same, and how the curb cut may be changed in the future. The board reviewed the conditions under which the curb-cut would be constructed, including maintenance of the curb, maintenance of the bicycle path, and ensuring that erosion would not be an issue.

After deliberation, it was MOVED by Morgan SECONDED by Morrison

To grant the access permit as requested, with standard conditions for curb cuts.

	VOTED:
MASCOLO: (RECUSED)	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (5:53 PM)

Mr. Mascolo rejoined the meeting at about 5:54 PM.

5:50 PM - PUBLIC HEARING - Cellular Facility: Eversource Energy, jointly and severally with Cellco Partnership d/b/a Verizon Wireless, Utility Pole #56 / 34S in ROW on Herring Creek Road, adjacent to 70 Herring Creek Road and 2 Pradas Way

The Edgartown Planning Board will hold a public hearing on Tuesday, April 20, 2021 at 5:50 PM, at the request of Daniel D. Klasnick, Duval & Klasnick LLC, on behalf of Eversource Energy (Owner) jointly and severally with Cellco Partnership d/b/a Verizon Wireless, to install a small cell antenna and supporting equipment on an existing utility pole located within the Town right of way of Herring Creek Road.

Application is made in accordance with Section 13.4 of the Edgartown Zoning Bylaw. The property is identified as Utility Pole #56 / 34S in the ROW on Herring Creek Road, and is adjacent to 70 Herring Creek Road and 2 Pradas Way.

Applicant: Daniel D. Klasnick, dklasnick@dkl-legal.com

The public hearing was opened at 5:55 PM

Presentation / Findings

The board reviewed the packet information, which presented the location of the work, and the purpose of the request.

Mr. Klasnick noted that the small cell installation will function as a wireless communications services facility, operating under the same license from the FCC. The proposed small cell is within an area where Verizon Wireless has identified a need to install an additional facility to provide reliable wireless service for customers and emergency responders.

Mr. Klasnick noted that the topography of the land in the vicinity of the site requires the installation of small cell equipment to allow for adequate service to the residents, businesses and public safety officials, complementing the macro (tower) network sites.

The small cell installation will be located on the utility pole. The proposed equipment consists of a single canister style antenna and radio equipment on top of the existing wooden utility pole, as well as a small cabinet with support equipment mounted lower on the pole.

Canister will be light gray.

The installation of the equipment will not appear to adversely impact adjacent properties and neighborhoods.

The installation will not significantly change the appearance of the existing utility pole

This Site will not generate any objectionable noise, odor, fumes, glare, smoke, or dust or require additional lighting.

No increase in traffic or hindrance to pedestrian movements will result from the utility pole installation.

The small cell equipment does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

The facility as proposed will help to minimize community impact while allowing the provision of wireless service.

There was some discussion as to the purpose of the facility. Mr. Klasnick reiterated that the facility is intended to improve reception and service in the immediate area.

Mr. Finn noted that similar facilities have been installed elsewhere on the island.

Mr. Klasnick that the proposal is the same as previously approved by the board in 2017.

Mr. John Honeycutt suggested that the Town could work with cell service providers, to discuss the larger strategy of placement of small-cell facilities in the public rights of way, and particularly in relation to potential 5G Deployments. Mr. Mascolo encouraged Mr. Honeycutt be invited to participate in future discussions on the subject.

There being no further questions, the public hearing was closed at 6:09 PM.

Deliberation / Decision

After a brief discussion, it was MOVED by Morrison, SECONDED by Searle

To approve the application as presented, with standard conditions.

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (6:10 PM)

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

The board continued a public hearing from March 16, relative to a request from 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.

Mr. Finn noted that the applicant had written to the board, requesting to withdraw without prejudice.

It was MOVED by Searle, SECONDED by Morrison

To close the public hearing, and allow the applicant to withdraw without prejudice.

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (6:12 PM)

6:00 PM - PUBLIC HEARING - Street Name Change: Jennifer O'Hanlon and Thomas O'Hanlon, off of Watcha Path

The board continued a public hearing on an application to change the name of a private way as shown on a Plan of Land in Edgartown, Mass., surveyed for Stephen W. & Roberta Tilton, May 13, 1995 (Dukes County Registry of Deeds, Edgartown Case File #650); road to be named "Watcha Circle"

Ms. Jen O'Hanlon was present.

The public hearing was continued at 6:15 PM.

Mr. Finn noted that the applicant had changed their request to name the road “Tilton Trail”, and that the name had not yet been vetted by the E-911 authority.

It was MOVED by Morrison, SECONDED by Searle

To continue the public hearing to May 4, 2021, 6:10 PM

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (6:18 PM)

Mr. Finn will confirm the street name is acceptable to local EMS folks.

POST SP PROJECT REVIEW - Stop &Shop (245 Upper Main Street, 20A-57.1)

The board conducted a post-permitting review of specific areas of development related to the expansion of the Stop & Shop, 245 Upper Main Street, as approved by the Board in 2018.

Mr. Adam Turner (MV Commission) reported that the MVC’s review of the project was complete. Mr. Alex Elvin (MV Commission) noted that all outstanding items were approved.

The final design of the bus stop shelter was reviewed. Mr. Nicholas Nitschke (VHB) described the details of the shelter. The specific location of the bus shelter was noted. Two uncovered benches were described. The location and design of the bus shelter has been reviewed by VTA, and approved.

The design of the west exit and the landscaping plan was reviewed. The traffic circulation pattern was described.

The proposal for a sound-abatement wall along the north boundary was reviewed. Ms. Morrison asked about the proposal for the sound barrier. Ms. Renee Codega (VHB) noted that the wall was intended to maintain a sound level of 40db or less. Ms. Morrison asked if a contingency plan existed in case the sound wall did not perform as expected. Mr. Turner noted that the condition was to achieve the sound reduction as noted in the decision, and that if the wall did not perform as expected, then the condition would not be met, and the applicant would have to return to the MV Commission with plans by which the conditions could be met.

Mr. McCourt noted that ongoing traffic monitoring for one year after the Occupancy Permit is issued, which will measure any unforeseen negative traffic impacts.

Mr. Turner noted the overall positive collaboration between the MV Commission and the Town.

After some deliberation, it was MOVED by Searle, SECONDED by Mascolo

To approve the project as presented.

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (6:39 PM)

Site clearing is anticipated to occur over the next several months, with the overall construction project expected to commence in the fall.

6:30 PM - PUBLIC HEARING - Street Name Change: Glenn Hutchins, 375 Katama Road

The Planning Board continued a public hearing at to change the name of a private way, known as Faulker Drive; Applicant has requested a continuance to May 4, 2021.

The public hearing was continued at 6:40 PM.

Mr. Finn noted that Mr. Harry Garvey, on behalf of Glen Hutchins, requested a continuance to the next regular meeting.

It was MOVED by Morrison, SECONDED by Searle

To continue the public hearing to May 4, 2021, 6:10 PM

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
CISEK: YES	MCCOURT: YES
	5, 0, 0 (6:40 PM)

6:30 PM - PUBLIC HEARING - Street Name Change: Glenn Hutchins, 375 Katama Road

The board continued a public hearing in regard to an application to change the name of a private way, known as Mapes Road, to Swan’s Lane.

The public hearing was continued at 6:41 PM.

Mr. Finn noted that Mr. Harry Garvey, on behalf of Glen Hutchins, requested a continuance to the next regular meeting.

It was MOVED by Morrison, SECONDED by Searle

To continue the public hearing to May 4, 2021, 6:10 PM

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

OTHER BUSINESS

DE MINIMIS – 82 Turkeyland COve Road (44-3)

The board considered a request for a De Minimis Determination, related to a previously approved special permit for a swimming pool. The applicant also requested an extension of the previously approved special permit.

Present for the applicant: Reid Silva, VLSE, reid@vlse.net

The original and amended site plans were reviewed. It was noted that the demolition and reconstruction of the existing dwelling (as proposed) was allowed by right. The pool – originally planned to be 20’ x 40’, about 100 feet from the pond – is proposed to be slightly smaller (16’ x 32’) and about 10’ further from the pond. Mr. Silva noted that the Conservation Commission has approved the amendments.

After review and deliberation, it was MOVED by Mascolo, SECONDED by Morrison

That the changes as proposed constitute a De Minimis change to the approved special permit, requiring no further review by the Planning Board.

MASCOLO: YES
MORGAN: YES
CISEK: YES

VOTED:
MORRISON: YES
SEARLE: YES
MCCOURT: YES
5, 0, 0 (6:47 PM)

It was MOVED by Searle, SECONDED by Mascolo
To extend the original Special Permit to July 19, 2022.

MASCOLO: YES
MORGAN: YES
CISEK: YES

VOTED:
MORRISON: YES
SEARLE: YES
MCCOURT: YES
5, 0, 0 (6:48 PM)

OTHER BUSINESS

Mr. McCourt asked Mr. Alex Elvin (MV Commission) to consider scheduling a discussion regarding the procedures of filing a referral to the MV Commission. There was some discussion about changes to the procedures that were being considered. Mr. Elvin stated that he would be happy to discuss the new procedures once adopted.

ADJOURN

It was MOVED by Mascolo, SECONDED by Searle
To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(6:53 PM)

These minutes were approved as the official record of the meeting, by a vote of the Planning Board at a regular meeting on October 5, 2021.

Attest:



Douglas Finn
Planning Board Assistant

Meeting Attendees (from Zoom report)

Name (Original Name)	User Email	Join Time	Leave Time	Duration (Minutes)
<u>Staff:</u>				
Doug Finn (PB Assistant) (Town of Edgartown)	zoom1@edgartown-ma.us	5:20 PM	6:53 PM	93
<u>Board:</u>				
Lucy Morrison	lcmorrison31@gmail.com	5:21 PM	6:53 PM	93
Glen Searle (Glen 's iPad)		5:26 PM	6:53 PM	88
James Cisek		5:26 PM	6:53 PM	87
Mike McCourt		5:26 PM	6:53 PM	87
Fred Mascolo (Fred's iPad)		5:33 PM	6:53 PM	81
Scott Morgan (Scott)		5:33 PM	6:53 PM	81
<u>Attendees:</u>				
Alex Elvin		5:32 PM	6:53 PM	82
Tim Moriarty	tmoriarty@bfmlegal.com	5:24 PM	6:45 PM	81
Adam Turner (Martha's Vineyard Commission MVC)	info@mvccommission.org	5:32 PM	6:53 PM	81
Randy Hart - VHB	rhart@vhb.com	5:44 PM	6:40 PM	56
Daniel Klasnick		5:21 PM	6:10 PM	50
Kara Shemeth		5:59 PM	6:48 PM	50
Bo Reily		5:28 PM	6:13 PM	45
John Honeycutt	johnkhoneycutt@gmail.com	5:28 PM	6:11 PM	43
Lisa Davis Lewis	davislewis@hotmail.com	5:59 PM	6:40 PM	41
Erik Bednarek		6:00 PM	6:40 PM	41
Nicholas Nitschke	nnitschke@sga-architects.com	6:05 PM	6:40 PM	35
Kara Shemeth (Kara Shemeth# Town of Chilmark)	kshemeth@chilmarkma.gov	5:21 PM	5:52 PM	32
Linda Figueiredo	figs810@gmail.com	6:16 PM	6:40 PM	24
Renee Codega	rcodega@vhb.com	6:18 PM	6:40 PM	23
Reid Silva		6:30 PM	6:48 PM	19
Thomas Scott		6:23 PM	6:40 PM	18
Eric Las	elas@bealsandthomas.com	6:01 PM	6:13 PM	12
Reid Silva		6:25 PM	6:30 PM	5
Jen O'Hanlon	ohanlongroup@gmail.com	6:16 PM	6:19 PM	4
Lisa Davis Lewis	davislewis@hotmail.com	5:57 PM	5:59 PM	3