

Edgartown Planning Board - Meeting Minutes

Tuesday, May 4, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, May 4, 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 5:32 PM, and called the roll:

MASCOLO: PRESENT	MORRISON: PRESENT
MORGAN: PRESENT	SEARLE: PRESENT
CISEK: ABSENT	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.

COMMENTS FROM THE CHAIR

Mr. McCourt noted with sadness the passing of former Town Administrator Peter O Bettencourt and Edgartown Attorney Sean Murphy.

Mr. Searle noted with appreciation the contributions of both to the Town, and that they would be missed.

Mr. Cisek also noted the loss to the community.

Ms. Morrison suggested that the board send a letter to Priscilla and Robin Bettencourt, as well as Lisa and Hannah Murphy. The members concurred.

Mr. McCourt called for a moment of silence.

In fond memory:

Mr. Peter O Bettencourt

Mr Sean Murphy, Esq.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP(B-II DISTRICT) (CONT'D FROM MAR 16): STONY BROOK LLC, 222 UPPER MAIN ST. (20C-27)

The board continued a public hearing relative to an application to convert an existing dwelling to a Transient Residential Facility. Present for the applicant: Mr. Chuck Sullivan (Sullivan & Associates), Attorney Geoghan E. Coogan, Esq., cooganlaw@gmail.com

Prior to continuance of the public hearing, Mr. Fred Mascolo recused himself from deliberation or discussion.

Mr. Finn noted that the agenda erroneously listed the topic to be taken up at 5:50 PM, the vote to continue the public hearing was for 5:30. Mr. McCourt concurred with continuing the hearing at 5:30.

Presentation / Findings

GENERAL

- Trash Containers will be placed immediately in front of the ‘garage’ building at the south-east corner of the lot. A fence enclosure for the trash containers is proposed.
- A six-foot fence along the side and back boundary lines is proposed; the applicant will submit cut sheets, or photos of existing fences to remain.
- The rear ‘one-bedroom guest house’ at the south of the property will be reoriented to run parallel to the rear property line, in order to make room for the increased parking areas.
- The ‘garage’ at the south-east corner will remain.

DRAINAGE

- A drainage plan was reviewed
- Six drainage wells will manage drainage from the roof, as well as surface storm-water.
- A trench drain is proposed for the east entrance, to channel water away from the public sidewalk and SUP, and along the south-east portion of the driveway to capture rainwater from the driveway, channeling it into the drain at the south-east corner of the lot.
- A revised drainage plan will be submitted for review.

LANDSCAPE

- A landscape plan was reviewed.
- A “fire pit” shown on the plan in the front yard is not proposed, and will not be constructed.
- The new driveway is proposed to be pea stone. The last twenty-feet of the outgoing driveway (on the west side of the lot) will be surfaced with brick for a linear distance roughly twenty feet south of the sidewalk, to prevent pea stone from being kicked out into the bike path.
- A “stop sign” warning exiting drivers to stop before the sidewalk, is proposed.
- A proposed granite-post-and-rope fence will not be constructed.
- The proponents are not interested in placing a fence along the sidewalk. Some members have expressed support for placement of a fence inside the front boundary.
- The Board requested that a rendering of a fence along the boundary, likely an Edgartown “historic District” style picket fence. Applicant agreed to provide.
- The concept of a low-hedge was discussed. The intent of the owners as to public accessibility of the front yard was considered.

- The potential ‘fence line’ was noted as being parallel to the street, but not to the front of the building.

LIGHTING

- A lighting plan was reviewed. Some taller parking lights are proposed. Some building mounted lights are proposed where required by the building code. Some of the exterior lights may be on a timer, if allowable under the building code.
- Lower-level path lighting on metal posts (roughly 24”-30” in height), and set into granite posts (also 24” – 30” in height) are proposed.
- All lighting fixtures are proposed to be downward lit or shielded, in compliance with the ‘dark skies’ philosophy of the Town.
- The taller outdoor parking-lot lighting will likely be on timers. Lower landscape lighting will likely need to remain on for building code compliance.
- Light source in parking-lot fixtures will likely be recessed into the light shroud, and will not be directly visible, except from the area intended to be lit.
- Spotlights on the building will be limited, will be adjacent to doorways, and where required by building code. Most of the building-mounted lighting will likely need to remain on for building code compliance.
- A single light above the first floor level is proposed for the second-story egress stairway at the south-west corner of the building. No other lighting will be above the first-floor level.
- A granite curb ‘stop’ will be placed at each parking space.

SOLAR

- Updated plans show solar panels to be installed on portions of the roof of the structure.
- Estimates reveal that the proposed Solar Photovoltaic equipment should provide about 1/3 of the total energy consumed on the site.
- More solar potential exists, but will result in the solar equipment being more visible from the public way (e.g., east wing of existing building roof, facing south-east).
- Some potential exists for more solar panels to be placed that will be less visible from the public way; however, the additional panels would be minimal, and would not result in a significant increase in generation capacity.
- The board expressed some interest in expanding the solar capacity, and recognizes that the MV Commission’s review will likely look at solar capacity.
- Given a recent commercial project approved by the commission, the proposal solar photovoltaic array seems to be of similar capacity, seems to offset the same portion of the energy to be used on the site, is acceptable to the Planning Board, and should meet the criteria of the MV Commission.

Mr. Finn noted that the findings would be drawn up into a letter, to be delivered to the MV Commission as part of the public hearing relative to the project.

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

To continue the public hearing to June 15, 2021, 5:30 PM.

VOTED:
MASCOLO: {NOT VOTING} MORRISON: YES
MORGAN: YES SEARLE: YES
CISEK: YES MCCOURT: YES
APPROVED 5, 0, 0.

At 6:29 PM, Ms. Morrison excused herself and left the meeting.

6:00 PM - PUBLIC HEARING - SP: HAJJAR MANAGEMENT PROPERTIES, 238 EDGARTOWN - VINEYARD HAVEN RD (21-10.16)

The Planning Board scheduled a public hearing on Tuesday, May 4, 2021 at 6:00 PM, at the request of Susan Sanford, Vineyard Complementary Medicine, on behalf of Hajjar Management Properties(Owner) to modify a special permit to allow for the temporary placement of three 10' x 10' tents for the purposes of providing additional Covid-19 safe service areas for patrons. Tents would be placed upon approval, and would be removed in the Fall.

The application was made in accordance with Sections 3.2 and 10.1.G.6 of the Edgartown Zoning Bylaw. The property is located at 238 Edgartown - Vineyard Haven Rd, Assr. Pcl. 21-10.16.

Prsent: Ms. Susan Sanford, VCM.

The public hearing was opened at 6:30 PM.

Presentation/ Findings
GENERAL

- The proposal is nearly the same as what was done the previous year.
- Three tents would be placed along the south-east boundary of the property, inside an existing fence, and in a row parallel to the fence line.
- Additional lattice panels would be provided for screening and privacy.
- The area is surfaced with compacted peastone and wood-chips as needed.
- The applicant will comply with all regulations as mandated by the Board of Health, including an outdoor hand-washing station, access to the interior bathroom, and etc.
- No comments or letters were received from neighbors or abutters.

There being no further presentation, the public hearing was closed at 6:33 PM.

Deliberation / Decision

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

To approve the application as presented.

VOTED:
MORGAN: YES
CISEK: YES
MCCOURT: YES
APPROVED 5, 0, 0. (6:34 PM)

MASCOLO: YES
SEARLE: YES

6:10 PM - PUBLIC HEARING (CONT'D FROM MAR 2): STREET NAME CHANGE: JENNIFER O'HANLON AND THOMAS O'HANLON, OFF OF WATCHA PATH ()

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 "Tilton Trail".

Presentation / Findings

- Mr. Finn noted that the new name, "Tilton Trail" has been reviewed by both the Fire and Police chiefs, without objection. Mr. Finn noted that Mr. Allan Debettencourt also had no comment on the proposal.
- The applicant was not present.

As the applicant was not present, the board was reluctant to close the public hearing.

Mr. Finn was directed to confirm the date and time of the continuation of the public hearing.

Therefore, it was MOVED by Mascolo SECONDED by Searle

To continue the public hearing to May 18, 2021, 6:10 PM.

VOTED:
MORGAN: YES
CISEK: YES
MCCOURT: YES
APPROVED 5, 0, 0. (6:39 PM)

MASCOLO: YES
SEARLE: YES

6:20 PM - PUBLIC HEARING - STREET NAME CHANGE(CONT'D FROM APR 20) : GLENN HUTCHINS, 375 KATAMA ROAD

The board continued a public hearing from April 20, 2021, regarding an application 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"

Present for the Applicant: Harry Garvey, hmgarveyco@aol.com

The public hearing was continued at 6:40 PM.

Presentation / Findings

- Mr. Finn noted that written statements from all street abutters have been received, citing no opposition to the name.
- Mr. Finn also noted that, while the Faulkner family had owned property in Edgartown previously, the street was simply named by the Faulkner family, being the first family to purchase property on the

subdivision road.

- Mr. Finn also noted that a Faulkner was noted as owning property closer to the center of Edgartown around 1945, but found no other relevant information.
- Mr. Harry Garvey, for the applicant, reiterated the applicant’s interest in changing the name of the road, and has the endorsement of all affected property owners.
- Mr. Finn noted that no objection to the street name change has been cited by police or fire; the Streets Superintendent had no opinion on the matter.

There being no further presentation or comment, the public hearing was closed at 6:44 PM.

Deliberation / Action

Mr. Morgan cited an objection to changing street names where the name is that of a family with long ties to Edgartown History. Mr. Searle and Mr. McCourt generally agreed.

After further deliberation, Mr. McCourt entertained a motion to approve. No motion was made. Mr. Morgan then entertained a motion to deny. It was MOVED by Morgan SECONDED by Searle

To deny the request as presented.

	VOTED:
MASCOLO: YES	MORGAN: YES
SEARLE: YES	CISEK: YES
	MCCOURT: YES
	APPROVED 5, 0, 0. (6:46 PM)

6:20 PM - PUBLIC HEARING - STREET NAME CHANGE(CONT'D FROM APR 20) : GLENN HUTCHINS, 375 KATAMA ROAD ()

The board continued a public hearing regarding an application 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 name not yet determined)

Present for the applicant: Harry Garvey, hmgarveyco@aol.com

The public hearing was continued at 6:47 PM.

Presentation / Findings:

Mr. Finn noted that a letter had been received on March 22, 2021, requesting to withdraw the application.

Action

It was MOVED by Morgan SECONDED by Searle

To allow the applicant to withdraw the application without prejudice.

	VOTED:
MASCOLO: YES	MORGAN: YES
SEARLE: YES	CISEK: YES
	MCCOURT: YES
	APPROVED 5, 0, 0. (6:47 PM)

6:30 PM - PUBLIC HEARING - SP(COASTAL DISTRICT)(CONT'D FROM MAY 4) : JEFFREY AND CARTER SHARFSTEIN, 55 NORTH NECK ROAD (18-50)

The board continued a public hearing relative to an application 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

Applicant: Jude Villa, jude@workingearthmv.com

The public hearing was continued at 6:48 PM.

Presentation / Findings

- Neither the applicant, nor their agent, was present.
- Mr. Finn noted that he had been in regular contact with the applicant, and that a modified fence design was being forwarded to the Conservation Commission for review.
- Mr. Finn noted that the Conservation Commission would not review the proposed fence layout until May 12, and suggested a continuance to May 18.

It was MOVED by Searle SECONDED by Mascolo

To continue the public hearing to May 18, 7:00 PM.

VOTED:

MASCOLO: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

APPROVED 5, 0, 0. (6:50 PM)

OTHER BUSINESS

Mr. Finn asked the board to act on a request received from Mr. Ron Sargent (44 Green Hollow Road), requesting an extension of his special permit (issued on July 19, 2020) for two years.

It was MOVED by Morgan SECONDED by Searle

To extend the Special Permit for an additional two years, to July 19, 2022.

VOTED:

MASCOLO: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

MCCOURT: YES

APPROVED 5, 0, 0. (6:52 PM)

CHAIRMAN'S COMMENTS

Mr. McCourt noted that he had met with other chairs from Planning Boards in four island towns, with a significant amount of the discussion relative to dissatisfaction with the Towns' interactions with the Commission. Mr. McCourt asked that the Board permit him to continue to meet with the multi-town group, in order to formulate a response to the Commission, and to more actively participate in the DRI Checklist matters.

Due to a limited-area power outage, Mr. Morgan's connection dropped at 6:55 PM, resulting in a minor pause in the meeting. Mr. Morgan returned to the meeting at 7:01 PM.

Senior Residential Housing Zoning Bylaw Change

Mr. McCourt noted that the zoning bylaw change regarding senior residential developments would be coming before Town Meeting on May 22, and asked for comments from the board. The board generally expressed concern with a yet-to-be proposed development, currently in the preliminary planning stage.

Mr. McCourt reminded board members that the proposed bylaw change does not result in approval of the proposed development, but simply creates a means by which the board can entertain such proposals.

Mr. Finn noted that approval of the zoning bylaw change does not automatically allow the proposal, and encouraged board members to address and support the bylaw change on its own merits, and not in the context of ‘approval’ of the proposed development.

Mr. Morgan also expressed concern about the proposed facility. Mr. McCourt noted that the need for a facility of some kind was an absolute need on the project; however, approval of the bylaw does not result in approval of the project, but will allow the Planning Board to more comprehensively review and potential proposal.

Mr. Searle noted that the potential applicant had been requested by some Town officials to speak to the bylaw change. Mr. Finn noted that the article was proposed by the Planning Board, and that it is appropriate that the Planning Board address the article.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

ADJOURN

It was MOVED by Morgan, SECONDED by Searle

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.

(7:07 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