

Edgartown Planning Board - Meeting Minutes

Tuesday, May 18, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, May 18, 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 scheduled:

- 9 AM – 234a Upper Main Street (20a-85)
- 9:30 AM – 12 Mattakesett Rd (Katama Airport)
- 10:00 AM – 79 Turkeyland Cove Road (44-7)
- 10:30 AM – 100 Oyster Pond Road (40-1.1)

CALL TO ORDER / ROLL CALL

Mr. McCourt called the meeting to order at x 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.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP(Coastal District): The 79 Turkeyland Cove Road Nominee Trust, 79 Turkeyland Cove Road (44-7)

The Edgartown Planning Board scheduled public hearing on Tuesday, May 18, 2021 at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of The 79 Turkeyland Cove Road Nominee Trust(Owner) to construct a field office (a non-dwelling, non-minor accessory structure).

The Application was made in accordance with Sections 5.1 and 5.6 of the Edgartown Zoning Bylaw. The property is located at 79 Turkeyland Cove Road, Assr. Pcl. 44-7.

Present for the Applicant: Doug Hoehn, SBH, Inc.; Chuck Sullivan, Sullivan & Associates Architects.

The public hearing was opened at 5:33 PM

Presentation / Findings

- Applicant proposes to place two modular units, each measuring 10' in width, 36' in length.
- Units are to be used as "field offices" on the site.
- Two units are to be placed on piers, and will have a deck about 12' in width between them.

- Units will be placed in an area of scrub brush. A few trees currently in very poor condition will be removed; most of the existing trees will remain.
- Site lines will be maintained from site offices towards driveway (at north) and driveway loop (at west).
- A ½ bath will be in one unit.
- Field offices will not support sleeping or cooking uses.
- Electricity, Water and Wastewater services will connect to the existing lines.
- Units will not be visible from any neighboring property.
- Units will be generally shielded from view by existing shrubs.
- Field offices are about 75' off of existing driveway.
- A tennis court, shown on the existing site plan, is not proposed at this time.
- No public comment was received during the meeting.
- No letters were received.

There being no further presentation, the public hearing was closed at 5:43 PM.

Deliberation / Decision

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

To approve the project as presented.

	VOTE:
CISEK: YES	MCCOURT: YES
MASCOLO: YES	MORRISON: YES
	SEARLES: YES
	5, 0, 0 (5:44 PM)

5:45 PM - PUBLIC HEARING - SP: MV 100 Oyster Pond Road LLC, 100 Oyster Pond Rd (40-1.1)

Application to construct and maintain a 16' x 36' in-ground swimming pool, retaining wall, fencing, and associated landscaping and utilities.

The Edgartown Planning Board will hold a public hearing on Tuesday, May 18, 2021 at 5:45 PM, at the request of Reid Silva, VLSE, Inc., on behalf of MV 100 Oyster Pond Road LLC(Owner) to construct and maintain a 16' x 36' in-ground swimming pool, retaining wall, fencing, and associated landscaping and utilities.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 100 Oyster Pond Road, Assr. Pcl. 40-1.1.

Present for the applicant: Cody Couthino, Vineyard Land Surveying and Engineering

The public hearing was opened at 5:45 PM.

Presentation / Findings

- LOCATION: The proposed pool location will be setback greater than 100' from Oyster Pond. The location is in an area with existing patio and stone wall. Site lines from the pool will be consistent with existing conditions.
- Separation from ground water is approximately 7'.

- A stone wall and code compliant 4 ‘ high wire pool fence with secure gates will be constructed.
- Pool will be filled with water from the on-site well. Disposal of any pool water will be via a dry-well to be constructed on site.
- Pool will be treated with a salt-treatment system.
- Pool is located sufficiently far from neighbors and public spaces that no disturbance is anticipated.
- Pool equipment will be placed in the basement of the house.
- A ring buoy will be available on site to assist swimmers in distress.
- No lighting, unless required by code, is proposed. Any lighting will be downward shielded and “dark skies” compliant.
- Ms. Lauren Galvin was present on the call to ‘monitor the proceedings’.
- No other public comment was received.
- No letters were received.

There being no further public input, the public hearing was closed at 5:47 PM.

Deliberation / Decision

After brief discussion, it was MOVED by Searle, SECONDED by Mascolo

To approve the project as presented, with Standard Conditions for Swimming Pools.

CISEK: YES
 MASCOLO: YES

VOTE:
 MCCOURT: YES
 MORRISON: YES
 SEARLES: YES
 5, 0, 0 (5:48 PM)

5:49 PM: Change of Address – 12 LOON COVE (44-10.3152)

Applicant requests change of address to Slough Cove Road.

Present: Chris Castanon, chriscastanon@gmail.com

Presentation / Findings / Action

- The property is a conforming lot, with frontage on Loon Cove Road (a private subdivision road) and Slough Cove Road (a public road)
- Property currently is listed as being on Loon Cove Road.
- Applicant requests change to Slough Cove Road.
- Property has sufficient frontage on Slough Cove Road.
- Streets Superintendent has indicated no objection to the request.

There being no further presentation or discussion, it was MOVED by Searle, SECONDED by Morrison

To approve the request, and change the address from Loon Cove Road to Slough Cove Road.

CISEK: YES
MASCOLO: YES

VOTE:
MCCOURT: YES
MORRISON: YES
SEARLES: YES
5, 0, 0 (5:53 PM)

Mr. Finn updated the board on recent activities of the Master Plan Steering Committee, and the development of the Master Plan Consultant RFP. There was brief discussion on the scope of the RFP, and the potential availability of potential contractors.

6:00 PM - PUBLIC HEARING - SP(Coastal District): Starbuck Neck Realty Trust, 7 Starbuck Neck Road (19A-9)

The Edgartown Planning Board will hold a public hearing on Tuesday, May 18, 2021 at 6:00 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Starbuck Neck Realty Trust (Owner) to construct a pool, spa, and cabana, and all associated landscaping and utilities.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 7 Starbuck Neck Road, Assr. Pcl. 19A-9.

The public hearing was opened at 6:00 PM.

Mr. Finn read a letter from Mr. Hoehn, dated May 18, 2021, requesting to withdraw the application without prejudice.

It was MOVED by Morrison, SECONDED by Searle

To allow the application to withdraw without prejudice.

CISEK: YES
MASCOLO: YES

VOTE:
MCCOURT: YES
MORRISON: YES
SEARLES: YES
5, 0, 0 (6:00 PM)

Mr. McCourt noted that the meeting would be his last as chair, and congratulated Ms. Morrison as the next presumptive chair, noting that Planning Board tradition is to offer the chair to the member on the fifth year of their term.

Mr. Cisek, Mr. Mascolo, and Mr. Adam Turner offered congratulations to Mr. McCourt for his work.

There was some discussion relative to Town Meeting, to happen on Saturday, May 22, and who would be available to speak to Town Meeting Warrant Articles.

Mr. Finn noted that a new internet-based permitting system was in development, and would move Edgartown to a fully "online" solution for all licenses and permits. Ramp up would take about a year.

6:10 PM - PUBLIC HEARING (cont'd from Mar 2, May 4): Street Name Change: Jennifer O'Hanlon and Thomas O'Hanlon, off of Watcha Path ()

Present for the Applicant: Attorney Robert Moriarty, rdm@edgartownlaw.com

The public hearing was continued at 6:10 PM.

Presentation / Findings

Mr. Finn updated the board on the matter:

- Written correspondence from all owners on the street concur with the proposed name: "Tilton Trail"

- No other public input was received.

Attorney Moriarty affirmed the intent of the applicants to continue with their request to change the name of the street.

There being no further presentation, the public hearing was closed at 6:12 PM.

Deliberation / Decision

It was MOVED by Searle, SECONDED by Mascolo

To approve the request, and change the name of the street from Lighthouse Lovers Lane to Tilton Trail.

	VOTE:
CISEK: YES	MCCOURT: YES
MASCOLO: YES	MORRISON: YES
	SEARLES: YES
	5, 0, 0 (5:55 PM)

Mr. Finn also noted that the application for 222 Upper Main Street had proceeded quickly through the MV Commission’s public hearing process. Mr. Adam Turner (MVC) offered congratulations to the board for its work on the matter, and expressed his hope that the process stands as a model for future projects.

Mr. McCourt also noted his desire to see all projects be fully vetted by the Town prior to referral to the Commission.

6:15 PM - PUBLIC HEARING - SP(B-II District): Norman Rankow, 234A Upper Main Street (20A-85)

The Planning Board scheduled a public hearing on Tuesday, May 18, 2021 at 6:15 PM, at the request of Igor Vukoje, Vineyard Wash, on behalf of Norman Rankow (Owner) to add car detailing, and sale of small retail items including pre-packaged food and beverage items to the existing commercial uses on the property.

Application was in accordance with Sections 3.2 and 10.2 of the Edgartown Zoning Bylaw. The property is located at 234A Upper Main Street, Assr. Pcl. 20A-85.

Present for the Applicant: Igor Vukoje, vineyardwash@gmail.com

The public hearing was opened at 6:15 PM.

Presentation / Findings

- The proposal is for a seasonally operated auto detailing business.
- Appointments would be by appointment only.
- Detailing takes about one to two hours per vehicle.
- One car will be detailed at a time, for a total of about three- to five cars per day.
- Less than three gallons of water will be used per vehicle, with an anticipated monthly use of about 300 gallons of water.
- Very little if any runoff is anticipated, due to the use of pressure-washers.
- Equipment is electrically powered (no motors), and consist of small pressure-washers, and vacuums.
- Three parking spots are available.
- The detailing area (about 20’ x 30’) will have a canopy tent to allow for detailing in inclement weather, and to provide sun-shelter for cars and employees.

- No more than three employees will be on site at any time.
- The site uses include three one- or two-bedroom apartments, a retail store, and a food-establishment (seating capacity unknown).
- The garage on site will not be used by this operation.
- There will be no obstruction of other parking areas, or the garage.
- The applicant also proposes to sell prepackaged food (chips, candy-bars, bottled water or beverages) on. No food preparation is proposed.
- The business would operate from 8 AM to 8 PM, but would be by appointment only.
- All detergents, waxes, etc., are biodegradable.
- Mr. Searle noted that the parking on the site is very limited, and expressed concern that the use on the site is maximized. Mr. Vukoje noted that the parking dedicated to his proposal are separate from the parking for the other uses on the lot.
- Mr. Cisek asked whether access to a bathroom was available for employees. Mr. Vukoje noted that his employees would be able to use the rest room in the restaurant.
- Ms. Morrison noted that the business was primarily a mobile-detailing business, and this location was strictly for the convenience of some customers who could not take advantage of the on-site option.
- Mr. Mascolo asked about parking on the site. No specific count was available, due to the unknown number of seats at the restaurant.
- No public comment had been received. No letters had been received.

The public hearing was closed at 6:28 PM

Deliberation / Decision

Mr. Searle stated that he could not support the request, as he felt use on the site was maximized at this point.

Mr. Mascolo asked about parking on the site. No specific count was available, due to the unknown number of seats at the restaurant.

Ms. Morrison noted that the proposal was for a commercial use in the commercial district, and would not reasonably impact the already busy Upper Main Street.

Mr. Cisek asked whether the permit could limit the hours of the business.

Mr. Finn noted that the special permit could be limited in overall duration, requiring the applicant to reapply after the term for continued use. Mr. Mascolo did not support limiting hours, except to what was offered by the applicant.

Mr. McCourt asked if the tenants on the property were informed of the proposal. Mr. Vukoje noted that the tenants had been notified, and were generally in favor.

Mr. Finn also suggested that the tenants could be given notice of the special permit, and requested to provide feedback in the case of any difficulty.

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

To issue a special permit for the use on the site as proposed, including the use of a canopy style tent (no sides) not exceeding 20' x 30', to be used on the site; said special permit shall be effective through November 1, 2021; hours of operation shall be limited to the period of 8 AM to 8 PM. Applicant must reapply for a new special permit if the operation is to be continued after the current year.

CISEK: YES
MASCOLO: YES

VOTE:
MCCOURT: YES
MORRISON: YES
SEARLE: NO
5, 0, 0 (6:37 PM)

6:25 PM - PUBLIC HEARING - SP(Coastal District): George B. Bennett and Camilla L Russell Bennett, 37 North Neck Road (18-28.1)

The Planning Board scheduled a public hearing on Tuesday, May 18, 2021 at 6:25 PM, at the request of Reid Silva, VLSE, Inc., on behalf of George B. Bennett and Camilla L Russell Bennett (Owner) to permit the construction and maintenance of an 8' by 15' above-ground swim spa, to be placed on a 10' x 17' concrete slab, all landscaping and associated utilities within the Inland Zone of the Coastal District.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 37 North Neck Road, Assr. Pcl. 18-28.1.

Applicant: Mr. Cody Couthino, Vineyard Land Surveying & Engineering

The public hearing was opened at 6:37 PM.

Presentation / Findings

- The applicant proposes placement of a self-contained “swim spa”
- The unit is 8’ in width, 16’ in length, and 48” in height.
- The unit will be accessed by lockable, removable stairs.
- The unit’s filtration system is self-contained.
- Conservation Commission has approved the proposal.
- The unit is intended to be permanently placed, but can be easily removed, if needed or desired.
- The unit will sit on a slab.
- The Building Inspector has confirmed that no fencing is required according to building code.
- No other public comment was received.

There being no further presentation, the public hearing was closed at 6:41 PM.

Deliberation / Decision

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

To approve the project as presented.

CISEK: YES
MASCOLO: YES

VOTE:
MCCOURT: YES
MORRISON: YES
SEARLE: YES
5, 0, 0 (6:42 PM)

6:40 PM - PUBLIC HEARING - SP: Zared Shai, d/b/a Katama Kitchen, 12 Mattakesett Way (45-25)

The Planning Board scheduled a public hearing on Tuesday, May 18, 2021 at 6:40 PM, at the request of Zared Shai, Katama Kitchen MV Corporation, on behalf of the Town of Edgartown (Owner) to renovate and operate

a restaurant at Katama Airfield. Applicant proposes a 74 seat capacity, take-out service, to hold and use a full liquor license, and to build and operate an outdoor bar.

Application was accordance with Sections 5.5, 10.1.G and 10.2.E of the Edgartown Zoning Bylaw. The property is located at 12 Mattakesett Way, Assr. Pcl. 45-25.

Present: Applicant Zared Shai and Megan Shai, Katama Kitchen MV

The public hearing was opened at 6:43 PM.

Presentation / Findings

- Mr. Finn noted that the terms of the existing special permit (issued to Jamie Langely, Right Fork Diner, issued to May 17, 2017) were still in effect, and reviewed the existing conditions.
- Mr. Finn also noted that the applicant wishes to proceed under these same terms, but also wished to add a full-service liquor license, and to place a small bar on the deck.
- The applicant presented a proposed seating layout (respecting social distancing rules in effect), as well as a post-Covid-19 seating arrangement, showing 54 seats at tables, 4 seats at the proposed 2' x 10' bar, and an estimated 16 seats along the deck rail, for a total of 74 seats.
- Two existing doors provide access to the interior from the deck.
- ADA access to the deck and building is provided by an existing ramp.
- The current beer/wine license is proposed to expand to a full liquor license.
- The applicant testified that the limits on the hours of service will likely preclude any disruption to the neighbors, and noted that, in their other locations, "they had not had any issues"; the applicants further committed to fixing any issues that might cause disturbance to the neighbors.
- The proposed hours of the restaurant would be limited to daylight hours only.
- The restaurant has the only rest rooms available to the public, which are used by restaurant patrons, and other members of the public. The airport renovation may provide for public rest-room facilities.

Ms. Molly Dillon expressed concern with the approval of a full liquor license, noting that it might change the character of the restaurant. The applicants again reiterated their interest and willingness to control sources of noise and activity on site.

Sam (last name not provided) noted that, as a close abutter, noise is a concern, and that hard liquor had never been served. Sam also expressed concern that adding a full liquor license would fundamentally change the character of the restaurant. Finally Sam noted that the capacity of 74 seemed more than the site could allow, and that on-site parking was insufficient, causing additional on-road parking in a residential area.

Mr. Shai responded by noting that the restaurant would be a family-run operation, and reiterated his interest in keeping the restaurant family friendly. Mr. Shai also noted that the liquor license would help generate more revenue and offer more options to their customers.

Sam again asked the question about seating. Ms. Shai noted that the previous operator was licensed at 74 seats.

Mr. Brendan Howard (Thaxter Lane) confirmed the seating capacity (74 seats), and noted that the current Google Map view showed no less than 20 cars in a 15 car parking lot. Mr. Howard expressed concern that the continued success of the restaurant would result in increased congestion.

Mr. Finn noted that the limit on hours of operation were enforced by the property deed restriction, the Conservation Commission's Order of Conditions, and the Special Permit.

There was a question in regard to a limit of on-street parking on Crocker Drive.

The scope of the operation was discussed, and whether the picnic tables were included in the seat count.

There was some discussion about maintaining some area on the site open to the public for family activities. Mr. Finn noted no letters in the file. Mr. Finn noted the various levels of review in regard to issuance of a ABCC license.

There being no further public comment, the public hearing was closed at 7:13 PM.

Deliberation / Decision

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

To amend the Special Permit, issued on May 17, 2017, allowing the use to be expanded to include a full liquor license, and the placement of a 2' x 10' outdoor bar. All other provisions of the original Special Permit remain in full force and effect.

VOTE:

CISEK: YES

MCCOURT: YES

MASCOLO: YES

MORRISON: YES

SEARLE: YES

5, 0, 0 (7:13 PM)

7:00 PM - PUBLIC HEARING - SP(Coastal District)(Cont'd from May 4) : Jeffrey and Carter Sharfstein, 55 North Neck Road (18-50)

The Edgartown Planning Board continued a public hearing from May 4, 2021, on the request of Jude Villa, Working Earth Organic Gardening & Landscaping, on behalf of Jeffrey and Carter Sharfstein, Owner, for approval 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: Jeffrey and Carter Sharfstein; Jude Villa, Working Earth

The public hearing was continued at 7:13 PM.

Presentation / Findings

Mr. Finn noted a letter from Susan Plaine (50 North Neck Road) citing no objection to the proposal as presented (letter in project file).

Mr. Finn noted a letter from Sam Fuller (59 North Neck Road) citing no objection to the proposal as presented (letter in project file).

Mr. Finn noted a letter from Jane Varkonda (Edg. Cons. Comm.) noted a site visit by the Conservation Commission, specifically to examine the proposed fence, and noted no objections to the construction and/or location of the fence as proposed (letter in project file).

Mr. Finn presented several photos of the site visit, showing a mockup of the fence as proposed (Photos in project file).

Ms. Villa noted that approval had been received from the Conservation for the pool fill sources, the fence, from Matt Poole (regarding the pool fill source), and have provided evidence to note that the operation of the swimming pool would not negatively impact the aquifer.

Mr. Andrew Kelly noted that proposed changes to the current irrigation system would result in a net reduction in water use on the site of nearly 18,000 gallons per week. Mr. Kelly noted that some changes in landscape design may result in further reductions in water use.

Mr. Kelly noted that Chilmark has a mandatory requirement to connect a hydrant to any proposed in-

ground swimming pool, and suggested that in this case, this could be a condition for approval, as well as a provision allowing the fire department to connect to the hydrant in case of fire on the site or a neighboring site.

Ms. Morrison suggested the installation of basic water monitoring wells, and the establishment of a schedule for water tests.

Mr. Doug Bryant noted his continued objection to the proposal, and reiterated his recommendation for a smaller pool; Mr. Bryant reminded the board that there were additional comments earlier from other residents stating their objection.

Mr. Searle asked whether the applicant would consider a smaller pool. Mr. Derek Bowser noted that the applicant was not interested in amending their proposal.

Mr. Bowser noted the investment of money that the applicants had made in the property, and were interested in protecting that investment through careful stewardship of the property.

Mr. Henry Bryant spoke favorably about the proposed reductions in water use, and the proposal to install monitoring wells.

Mr. Bryant asked about the responsibility for installation of monitoring wells, and water testing schedule. Ms. Morrison suggested:

The Sharfsteins shall be responsible for placing and maintaining at least three monitoring wells on the property for a period of at least two years; well water , with tests to be conducted prior to installation of the pool, immediately after installation, three to six months after installation and about one year after installation.

Mr. Andrew Kelly noted that the test wells and testing would be covered by the applicant.

The public hearing was closed at 7:37 PM.

Deliberation / Decision

Mr. Mascolo favorably noted the additional condition of requiring a hydrant be connected to the pool, allowing fire services to draw water from the pool in case of emergency. The board concurred.

After brief deliberation, it was **MOVED** by Searle, **SECONDED** by Mascolo

To approve a special permit, subject to

- *Standard Conditions for Swimming Pools; and further*
- *The pool shall be connected to a standpipe designed to provide ready access to the pool water for the purpose of fighting fires in the vicinity; stand pipe shall be placed at a location satisfactory to the Fire Department; applicant shall submit a schematic design for the stand pipe to the Edgartown Fire Department, and receive written approval for same, prior to issuance of a building permit; and further*
- *The applicant shall prepare a site plan with locations groundwater test wells, and a schedule for testing of ground water, in order to determine the impact of the installation and fill of the proposed pool on the groundwater in the immediate area; a qualified groundwater hydrologist or engineering firm shall prepare a site plan showing the test well locations, and a water testing schedule at no less than three times over a period of two years. all testing shall be completed by a certified water lab, and in accordance with the schedule; testing should measure and determine at a minimum VOCs, bacteria, nitrates, dissolved solids; testing should also measure salt-water intrusion and depth to groundwater; testing should establish a baseline prior to installation of the pool, water quality immediately after the installation and filling of the pool, and water quality for a period of not less than one year; Site Plan and Schedule shall be submitted to the Agent for the Edgartown Board of Health, the Agent for the Conservation Commission, and the Planning Board Assistant, for review*

and advisement prior to issuance of a building permit; all test results shall be submitted to the Town of Edgartown for review by the Board of Health, Conservation Commission and Planning Board for review.

CISEK: YES
MASCOLO: YES

VOTE:
MCCOURT: YES
MORRISON: YES
SEARLE: YES
5, 0, 0 (7:42 PM)

Mr. Adam Turner (Martha's Vineyard Commission) complimented the board on its management of the map.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

ADJOURN

It was MOVED by Searle, SECONDED by Morrison

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(7:44 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