

# Edgartown Planning Board - Meeting Minutes

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Tuesday, June 22, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, June 22, 2020, 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.*

## **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: 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 - ADMINISTRATIVE REVIEW – AT&T / American Tower - 59 NORTH STREET (29A-96)**

*Present for the applicant: Ms. Kristina Cottone, Smartlink Group*

#### **Presentation / Findings**

- Applicant proposes to remove 1 antenna and install 1 antenna;
- Applicant will remove 6 remote radio units; install four new radio units
- Applicant will install six new diplexers in the shelter / equipment building
- There will be no increase in tower height.
- No new equipment will be placed on the ground outside of the equipment building.
- While equipment on the plan is noted as supporting “5G” technology, there is no plan to add 5G service at this time.
- Mr. Morgan noted that the work on the tower has always been done respectfully, and the site maintained satisfactorily.

#### **Decision**

It was MOVED by Searle SECONDED by McCourt

*To approve the application as presented.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
APPROVED: 5, 0, 0.

**5:40 PM - ANR DIVISION OF LAND – SWF LLC, 21 Louis Field road (21-156.2)**

*Agent: George Sourati, Sourati Engineering, Inc.*

The board considered a request for an endorsement of a plan not believed to require approval under subdivision control bylaw.

The board reviewed the plan, and found that it proposed a lot line adjustment for the purpose of transferring land area of 6,792 square feet to an abutting lot owner,. No new lots will be created, and all lots will retain frontage on an existing right of way.

It was MOVED by Searle SECONDED by McCourt

*To endorse the plan as not needing approval under the subdivision control law.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
APPROVED: 5, 0, 0.

**5:50 PM - ANR DIVISION OF LAND – Charles Hand, 300 Edgartown VH Road (21-36.1)**

The board considered a request for an endorsement of a plan not believed to require approval under subdivision control bylaw.

The board reviewed the plan and found that it proposed the division of an existing parcel into two conforming lots.

Mr. Finn noted that the division of land had been referred to the Martha's Vineyard Commission, which remanded the matter back to the Planning Board without concurrence.

Mr. Sourati noted that the applicant proposed a single curb cut to jointly serve both lots, resulting in no increase in curb cuts on Edgartown Vineyard Haven Road. The board determined that a single curb cut, serving both lots, would satisfy the requirements of the Edgartown Zoning Bylaw.<sup>1</sup>

Both lots would be left with at least 50 feet of frontage on a public right of way. With the construction of the new curb cut, and an easement granting reciprocal access to both lots, the board found that each of the two lots would each enjoy access across their own frontage to the buildable portion of the lot.

It was MOVED by Morgan SECONDED by Searle

*To endorse the plan as not needing approval under the subdivision control law.*

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<sup>1</sup> Edgartown Zoning Bylaw, Section Zoning Bylaw, section 5.2.A.3.b: "No land shall hereafter be divided if such lot or lots would not be entitled to a way to provide vehicular access to a public way as provided herein."

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
APPROVED: 5, 0, 0.

Agent: George Sourati, P.E., [gsourati@souratigroup.com](mailto:gsourati@souratigroup.com)

**6:00 PM - REQUEST FOR DE MINIMIS DETERMINATION – David Malm, 17 Forever Wild Way (44-45.2)**

Present for the applicant: Doug Hoehn, SBH, Inc.; Norman Rankow, Colonial Reproductions.

The board considered a request for a De Minimis determination, submitted on behalf of David Malm, 17 Forever Wild Way.

**Presentation / Findings:**

- The applicant proposes to replace an existing swimming pool, measuring about 18' x 46', and a separate 10'x10' "spa" tub, with a new swimming pool with integrated spa.
- The existing pool is approximately 18' x 46'; the existing spa is about 10'x10'
- The integrated pool and spa will be 18' x 58'.
- The pool will be constructed in the same footprint as the existing pool.
- The pool equipment would be located inside an insulated building adjacent to the pool, which will also enclose the water supply filtration system.
- The Conservation Commission has determined that no action is needed on their part to review or approve the replacement pool.
- The applicant has offered to install a dry hydrant, connected to the main drain of the pool, for emergency use and access, and continues to be in contact with the fire department in regard to placement and design of the hydrant.
- While not required, the new house design and swimming pool has received approval from the adjacent Homeowners Association.
- The overall "disturbed" area appears to be only slightly larger than previous. No new use is proposed on the lot.

**Decision:**

After some discussion, it was MOVED by Mascolo, SECONDED by Morgan

*To approve the request as a De Minimis change to an approved special permit, allowing the replacement of the existing pool as proposed. All other conditions imposed with the original special permit continue to remain in effect.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
APPROVED: 5, 0, 0.

**6:10 PM - Request for De Minimis Determination – 23 Edgartown Bay Road (46-5)**

*Present: Robert Snider (applicant); Doug Hoehn, SBH Inc.*

The board considered a request for relief from a condition that limited construction during summer months, imposed as a condition of approval for a Special Permit approved on March 2, 2021.

**Presentation / Findings:**

- The approved project included installation of an advanced treatment septic system.
- A delay in the construction project was likely due to the COvid-19 pandemic, and its impact on Board of Health scheduling of reviews for the septic system.
- The garage has been moved to its new location.
- The septic system has not yet been installed.
- The pool has not yet been installed.
- Mr. Snider noted that the swimming pool was necessary for his personal health and well being.
- Mr. Finn noted that the dwelling does not currently have an operable septic system, and that its installation seemed to be necessary.
- Mr. Snider noted that his neighbors did not oppose the work.
- Board members expressed concern that continuing construction work into the summer months would disrupt the neighbors' enjoyment of their own property.
- Board members expressed concern that the requested relief would establish 'precedent', and encourage other applicants to seek similar relief.
- The applicant noted that other construction projects not in the coastal district are not bound by the same time limitations, and were continuing into the summer months.
- Mr. Searle noted that he was dealing with ongoing construction next to him, and found it to be a significant intrusion and constant interruption, and could not support the request for that reason.
- The applicant offered to limit construction time to no earlier than 8 AM, no later than 6 PM, and only on Monday through Saturday.
- The applicant offered to discuss the extended construction project with his neighbors.
- The board encouraged the applicant to request that his neighbors write letters to the Town, confirming their acquiescence with the continued construction period.
- The applicant agreed that if a formal complaint was received by the Town, construction activity would be halted until the fall.

**Decision:**

After extensive discussion, it was **MOVED** by Mascolo, **SECONDED** by Morgan

*To approve the request to remove the limit on construction time, subject to the following:*

*- The applicant will limit construction activity on the site to no earlier than 8 AM, and no later than 6 PM.*

*- No construction activity will take place on Sunday.*

*- All construction vehicles must be contained on site, and may not be parked on the street.*

*- The applicant will notify his two direct abutters of the construction activity to take place, and provide them with an anticipated construction schedule.*

*- If the Town receives a formal complaint from an abutter in regard to the project, construction activity will be halted until September 15, 2021.*

*- All other conditions imposed with the original special permit continue to remain in effect.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: NO  
MCCOURT: YES  
APPROVED: 4, 1, 0.

#### **6:20 PM - APPROVAL OF PLANNING BOARD MINUTES**

The minutes of March 2, March 8, March 16, March 30, and April 6 were reviewed.

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

*To approve the minutes of March 2, March 8, March 16, March 30, and April 6.*

MASCOLO: YES  
MORGAN: YES  
CISEK: YES

VOTED:  
MORRISON: YES  
SEARLE: YES  
MCCOURT: YES  
APPROVED: 5, 0, 0.

Ms. Morrison suggested that personal email addresses should be removed from minutes. The Board concurred, and Mr. Finn confirmed that he would do so prior to final printing of minutes.

#### **OTHER BUSINESS**

##### **DEP RECEIPT**

Mr. George Sourati noted that he had submitted a Chapter 91 license, in regard to a pier on 12 Milikin Way that had been previously approved, and needed to have the form signed as received. Mr. Finn noted that endorsement of receipt of the DEP license application was an administrative act, and would be taken care of in office.

##### **LETTER – From Ms. Carol Fligor**

A Letter from Ms. Carol Fligor was read, followed by brief discussion (attached as an amendment to these minutes). It was noted that Ms. Fligor's letter might be interpreted as a request to join the Master Plan Steering Committee; the board declined to take any action on that request. The board encouraged Ms. Morrison and Mr Finn to send a letter to Ms. Fligor, thanking her for her lifelong commitment to the Town, and encouraging her participation in the activities of the Master Plan Steering Committee.

#### **OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE**

Ms. Morrison requested the consensus of the Board in regard to a special permit application received from Mr. George Sourati, regarding a project at 86 Turkeyland Cove Road.

After review of the application materials, the board concluded that approval by the Planning Board would not be required for the proposed work. Mr. Finn was directed to so inform the Building Inspector and the applicant.

Ms. Morrison suggested that the board establish a sub-committee to review the town's zoning bylaw for possible amendments or changes. There was some discussion related to the request.

#### **NEXT MEETING**

Mr. Finn noted that there would be a meeting on July 6, 2021.

**ADJOURN**

There being no further business, it was MOVED by Searle, SECONDED by McCourt

*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.

(7:00 PM)

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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