

# Edgartown Planning Board - Meeting Minutes

Tuesday, July 6, 2020, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, July 6, 2020, 5:30 PM.

*The meeting was audio and video recorded. Attendees participated by video conference, in accordance with Chapter 20 of the Acts of 2021. 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:

- 9:05 Am - 12 Milikin Way (36-343.1)
- 9:30 Am - 55 King Point Way (44-10.22)

No deliberation was conducted on the site visits.

## **CALL TO ORDER / ROLL CALL**

Ms. Morrison called the meeting to order at 5:34 PM, and called the roll:

MASCOLO: Present	MORRISON: Present
MORGAN: Absent (arrived at 5:36 PM)	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): 55 King Point Way Realty Trust, 55 King Point Way (44-10.22)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, July 6, 2021 at 5:30 PM at the request of 55 King Point Way Realty Trust to construct a pool and spa on a conforming lot in the inland zone of the Coastal District, and in the Edgartown Ponds District. Work to include: A) clearing of existing vegetation; B) installation of swimming pool and spa, associated equipment; C) grading D) installation of stone and wood walks and decking; E) installation of pool enclosure fencing and gates; F) installation of trees, shrubs, and perennials; G) installation of lawns; and H) installation of meadows.

Application was made in accordance with Sections 5.1 and 5.6 of the Edgartown Zoning Bylaw. The property is located at 55 King Point Way, Assessors' Parcel #44-10.22.

### **5:30 PM - PUBLIC HEARING - SP(Coastal District): 55 King Point Way Realty Trust, 55 King Point Way (44-10.22)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, July 6, 2021 at 5:30 PM, at the request of 55 King Point Way Realty Trust (Owner) to (1) Construct a tennis court within Zone 2 of the Edgartown Ponds Area District and within the Inland Zone of the Coastal District; and (2) construct a non-minor accessory structure (fitness studio) within Zone 2 of the Edgartown Ponds Area District and within the Inland Zone of the Coastal District.

The Application was made in accordance with Sections 5.1 and 5.6 of the Edgartown Zoning Bylaw. The

property is located at 55 King Point Way, Assessors' Parcel #44-10.22.

The Chairman opened both public hearings concurrently. (5:36 PM)

*Present for the Applicant: Douglas Hoehn. Also present: Michael McNally (owner); Matt Kramer and Phil Regan (Hutker Architects); Dan Gordon and Patrick Taylor (Dan Gordon Architects); Richard Dubin, Attorney for the applicant.*

### **Presentation / Findings**

- The property is about 4.2 acres.
- An existing house and garage are on the property.
- The work is proposed to take place in the inland zone of the Coastal District, and Zone 2 of the Edgartown Ponds District.
- All improvements will be just outside of the FEMA 100-year storm boundary (Zone AE, Elevation 10).
- **The Tennis Court (as originally requested) is being withdrawn from the application.**
- Submitted for Planning Board approval: the fitness studio, pool, spa and garage.
- The construction of the house is allowed by right.
- Depth of the pool is 5.6, with pool foundation about .7 feet thick. Clearance of about 1' to groundwater.
- A dry-well for pool water draw down is proposed.
- A central 'dry hydrant' or stand-pipe hydrant from the pool for fire-fighting purposes will likely be incorporated into the design.
- Approval is received from National Heritage.
- The applicant intended to move the development on the lot as far to the east as possible.
- A garage is proposed.
- Pool equipment will be located in the basement of the fitness studio.
- The applicant is continuing to research the history of the renovations and upgrades to the existing dwelling.
- The pool is proposed to be a salt-treatment or approved equal. Pool water will be heated by propane.

### **DEED RESTRICTIONS**

- A letter was received from C Dylan Sanders, attorney for the abutters, Richard and Bette Saltzman, at 65 King Point Way, noting concerns related to deed restrictions about the site and building design, suggesting that the plans being presented may not reflect the final plans that might be approved by the Saltzman's.
- A plan, referred to in the October 5, 1995 Deed<sup>1</sup> notes a building envelope, and refers to a "Plan", neither of which is clearly identified.
- Mr. Finn noted that the Planning Board is not able nor empowered to enforce deed restrictions; however, if the plans change due to discussions related to the deed restrictions, those changes would be required to be reviewed and approved by the Planning Board.

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<sup>1</sup> Ref: Deed, recorded at the Dukes County Registry of Deeds, Certificate No 36918.

- Mr. McNally noted that the removal of the tennis court was contingent upon approval of all other aspects of the plan, and that the Saltzman’s concerns were being reviewed and considered on an ongoing basis.
- Ms. Morrison noted that the main house (to be demolished) is slightly over 100 years old. While the demo and rebuild of the main house is outside of the purview of the board, that proposal does trigger referral of the proposal to the MVC under DRI Checklist item #8.1.
- The location of the proposal in the context of the neighborhood was reviewed.
- Mr. Richard Saltzman noted his interest in preserving the nature and community of King Point, as well as the privacy of the various neighbors. Mr. Saltzman also discussed some of the history of the development on his lot, and the consideration given to the concerns of the neighbors at the time.
- Mr. Mascolo expressed his hope that the concerns of the neighbors could be resolved to the mutual satisfaction of all interested.
- Mr. Morgan suggested that direct conversation between homeowners would be the easiest, most direct path to positive conclusion.
- A resident of Katama (“Johanna”) asked about trees proposed to be removed, and expressed concern with the impact of the proposal on local natural habitat. The applicant responded that a final landscape plan was unfinished; however some of the vegetation on the east side of the existing clearing would likely be removed; other trees that are close to the location of the proposed house will be preserved if possible. Mr. Hoehn noted that preservation of existing habitat had been considered by National Heritage and the Conservation Commission, and the proposal had received approval from both parties.

**Referral / Continuance**

It was MOVED by Searle, SECONDED by Morgan

*To refer the project to the Martha’s Vineyard Commission under DRI Checklist Version 14, Item #8.1.b*

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

It was MOVED by Searle, SECONDED by Morgan

*To continue the public hearing to August 3, 2021, at 5:30 PM.*

	VOTED:
MASCOLO: YES	MORRISON: YES
MORGAN: YES	SEARLE: YES
MCCOURT YES	CISEK (ALTERNATE): YES
	APPROVED 5, 0, 0 (6:14 PM)

**5:45 PM - PUBLIC HEARING - SP(B-II District) (Cont'd from June 15, May 4, etc.): Stony Brook LLC, 222 Upper Main St. (20C-27)**

The Edgartown Planning Board continued a public hearing on Tuesday, July 6, 2021 at 6:15 PM at the request of Geoghan E. Coogan, Esq., on behalf of Stony Brook LLC (Owner) to convert an existing dwelling to a Transient Residential Facility.

This application is made in accordance with Sections 3.2.B.1.e and 3.2.B.2 of the Edgartown Zoning Bylaw. The property is located at 222 Upper Main St., Assessors' Parcel #20C-27. Copies of the application are available in the Planning Office for public review.

*Present for the Applicant: Geoghan E. Coogan, Esq.;*

Prior to continuance, Mr. Fred Mascolo recused himself from deliberation.

### **Presentation / Findings**

- The referral to the MV Commission is complete, and the Decision is recorded with the Registry of Deeds.<sup>2</sup> The project has been returned to the Town for local permitting.
- The Conditions imposed by the Martha's Vineyard Commission were reviewed.
- A photo-realistic rendering of the proposed property with and without an "Edgartown style" fence was reviewed.
- The plans as submitted to and approved the MVC were reviewed, and have been included in the file.
- The proposed schedule for construction: Major construction on both phases as originally proposed will commence immediately following Labor Day, continue through the winter, with construction complete by April 2022. Operation of the Inn is proposed to be in April, 2022.
- There was some discussion related to whether a fence would fit into the overall landscape; the board generally concluded that a fence need not be a required component of the final project.
- The landscape plan as revised on May 11, 2021 was added to the file, and will be referred to in the final decision.
- An asphalt apron at the west exit will be maintained. Applicant will be asked to insure that the sidewalk and bike path remain clear of any stone that might be 'kicked up' into the public way or pedestrian paths.
- There was some discussion related to whether utilities would be moved from overhead lines to underground service. It was generally assumed that service would be extended underground from the utility pole to the building, but would not be required as a condition for approval.
- A condition will be added requiring the owner to maintain the sidewalks clear of debris from the stone driveway.
- No letters have been received from the general public.
- Board members requested an update from the applicant sometime in the mid-winter. Applicant agreed.
- Standard Conditions for Construction Project were quickly reviewed.

### **Decision**

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

*To close the public hearing, and to approve the project as presented, in accordance with the presentation and findings, the Decision of the MV Commission (DRI-250-M); approval is subject to Standard Conditions for Construction Projects, and further that applicant is required to maintain the sidewalks clear of stones or other debris from the west driveway.*

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<sup>2</sup> Refer to MV Commission Decision DRI-250-M, recorded with the Dukes County Registry of Deeds at book 1583, page 1018, document number 5080.

VOTED:  
MORRISON: YES                      MORGAN: YES  
SEARLE: YES                        MCCOURT YES  
CISEK (ALTERNATE): ABSTAIN  
APPROVED 4, 0,1 (CISEK) (6:33 PM)

**6:00 PM - PUBLIC HEARING - SP(Coastal District): John Finn and Sarah Finn, 2 Swan Neck Road (43-3.1)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, July 6, 2021 at 6:00 PM at the request of Reid G. Silva, Vineyard Land Surveying & Engineering, on behalf of John Finn and Sarah Finn (Owner) to construct and maintain a 16' x 32' in-ground swimming pool, fencing and associated landscaping in the shore-zone of the Coastal District.

Application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 2 Swan Neck Road, Assessors' Parcel #43-3.1.

*Present for the applicant: Reid G. Silva, [reid@vlse.net](mailto:reid@vlse.net)*

The public hearing was opened at 6:34 PM.

**Presentation / Discussion**

- The site plan (Dated May 5, 2021, prepared by VLS&E) was reviewed.
- No elevations or other architectural plans were submitted.
- The lot is currently undeveloped.
- The pool as proposed is 16' x 32'.
- A "pine harbor shed" style non-habitable pool shed is proposed for storage.
- The proposed pool location will not be directly visible to Swan Neck Road or abutters.
- Setback is 170' from Jacob's Pond.
- The separation from ground water is estimated to be about 6".
- A code compliant 4' high post and wire fence with self-latching gates is proposed.
- Lighting will be shielded, downward lit, and limited to only what is required by building code.
- Pool will be located at existing grade.
- No construction damage in the shore zone is anticipated.
- Fill water will be from an on-site well.
- Water draw down will be to a dry well located on site, downgradient from any potable water source.
- A salt-water treatment system is proposed.
- Pool equipment will be located inside the pool shed, which will be insulated for sound abatement.
- No additional visual or sound screening is proposed.
- A landscaping plan shows three gates in the fence – two on the north-side on either side of the house, and one on the south side; however, the applicant currently proposes only two gates on the north-side of the fence area, with no gate to the south.
- A proposed garage will be for storage of vehicles and equipment only; no habitable areas are proposed (no conditioned space).

- A dry hydrant from the pool was not originally considered by the applicant; however, the applicant agreed to include it in their final design and the board will include it as a condition on the final approval. The specific location for the final hydrant will be determined by the applicant in consultation with the Fire Chief.
- No letters or comments have been received.
- No public comment was received.

**Decision**

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

*To approve the application as presented, with Standard Conditions for Swimming Pools; further, a dry hydrant or stand pipe shall be installed in cooperation and under the direction of the Edgartown Fire Chief or his designee.*

VOTED:

MORRISON: YES

MORGAN: YES

SEARLE: YES

MCCOURT YES

MASCOLO: YES

APPROVED 5, 0,0 (6:46 PM)

**6:15 PM - PUBLIC HEARING - SP(Coastal District): 6 Swan Neck Realty Trust, 6 Swan Neck Road (43-3.21)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, July 6, 2021 at 6:15 PM, at the request of Reid G. Silva, Vineyard Land Surveying & Engineering, on behalf of 6 Swan Neck Realty Trust (Owner) to construct and maintain a 32' x 14' in-ground swimming pool, pool house, fencing and associated landscaping in the inland zone of the Coastal District.

Application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 6 Swan Neck Road, Assessors' Parcel #43-3.21.

*Present for the applicant: Reid G. Silva.*

**Presentation / Findings**

- A site plan prepared by VLS&E, Dated June 9, 2021, was reviewed.
- No elevations or other architectural plans were submitted.
- The proposed pool house will be roughly 17' x 22', and will serve as a cabana for the pool (will be habitable).
- The pool will be roughly six feet deep; separation from ground water will be about six inches.
- The proposed pool location will not be directly visible to Swan Neck Road or abutters and is set back about 320' from Jacob's Pond.
- Applicant proposes a code compliant 4' high post and wire fencing with self-latching gate.
- Lighting if included will be shielded, downward lit, and limited to what is required by the building code.
- Fill water will be from an on-site well.
- Water draw down will be to a dry well located on site, downgradient from any potable water source.
- A salt-water treatment system is proposed.
- Pool equipment will be located inside the pool shed, which will be insulated for sound abatement.

- No additional visual or sound screening is proposed.
- The pool and pool house are not expected to be visible from the water.
- Two gates are proposed: one between the propose house and garage, and one at the fence on the south-west side of the house.
- A proposed garage will “open”, will be for storage of vehicles or equipment only, and will not have habitable space.
- The pool house will have a changing room, storage, a ‘powder room’, but will not otherwise have ‘habitable’ areas.
- A dry hydrant from the pool was not originally considered by the applicant; however, the applicant agreed to include it in their final design and the board will include it as a condition on the final approval. The specific location for the final hydrant will be determined by the applicant in consultation with the Fire Chief.
- No letters were received. No public comment was received.

**Decision**

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

*To approve the application as presented, with Standard Conditions for Swimming Pools; further, a dry hydrant or stand pipe shall be installed in cooperation and under the direction of the Edgartown Fire Chief or his designee.*

	VOTED:
MORRISON: YES	MASCOLO: YES
SEARLE: YES	MCCOURT YES
MORGAN: YES	CISEK (ALT.): ABSTAIN
	APPROVED 5, 0,0 (6:53 PM)

**6:30 PM - PUBLIC HEARING - SP(Coastal District): Nicholas M. Anderle & Jodi L. Anderle, 12 Milikin Way (36-343.1)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, July 6, 2021 at 6:30 PM, at Edgartown Town Hall, 70 Main Street, at the request of George Sourati, P.E., Sourati Engineering Group, LLC, on behalf of Nicholas M. Anderle & Jodi L. Anderle (Owners) to demolish a single family residence, guest house, and associated utilities; to construct a new house, a new guest house, a pool, a garage, a shed, and associated utilities.

Application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 12 Milikin Way, Assessors’ Parcel #36-343.1.

Present for the applicant: George Sourati, Sourati Group Engineering; Kris Horiuch (architect); Rick Serpa (contractor); Nick and Jodi Anderle (Owners)

The public hearing was opened at 6:54 PM.

**Presentation / Findings**

A revised site plan (received on July 6, 2021) was reviewed.

The house was recently purchased by the current owners.

The site currently hosts a single-family residence and guest house.

The lot is about 2.7 acres.

The proposal is to demolish all structures, and to construct a new single-family dwelling, a guest house, pool, garage, and shed. A garbage bin enclosure (two four-foot high gates) will be set into the retaining wall along the west side of the lot.

The board of health has approved the proposed septic design.

The Conservation Commission has approved the project.

National Heritage has reviewed and approved the proposal.

Two retaining walls are proposed.

No activity will occur in the Shore Zone of the Coastal District.

Applicant has requested a waiver to the five-year delay on construction of the guest house.<sup>3</sup>

The Architectural Elevations of the proposed structures, prepared by Hutker Architects (received July 6, 2021, in project file) were reviewed.

The design of the lot was conscious of the restrictions on the lot imposed by the overlay districts, and the concerns of the abutters.

The applicant has requested to pursue construction activity immediately, and a waiver of the standard condition which prohibits construction between June 15 and September 15.

A parking area along the 'top of the hill-side' is being added in an area that is currently open lawn.

A parking court pad is proposed between the proposed garage and the house, and is noted on the plan.

The proposed pool is 18' x 36'.

An "L" shaped 'Equipment Bay', approximately six feet in width, will run parallel to the south and west walls of the proposed guest house:

Equipment will be located below-grade, but will otherwise be open to the air.

The concrete foundation of the guest house, and the parallel concrete retaining wall will act to reduce sound pollution.

Equipment will include pool equipment, as well as A/C condensers.

The equipment bay will be 54 feet from the edge of the property.

The equipment location is also down-gradient from the closest neighbor, which will provide for sound insulation.

A gate will access each end of the Equipment Bay.

Applicant offered that reasonable opportunities for recycling or reuse of building materials will be pursued; however, all legal requirements of the demolition delay bylaw have been met, and the demolition has been approved by the Building Inspector.

Applicant offered that a dry hydrant from the pool will be included in their final design and the board will include it as a condition on the final approval. The specific location for the final hydrant will be determined by the applicant in consultation with the Fire Chief.

The use on the lot (a principal dwelling and a guest house) will be continued with the reconstruction; a staggered construction schedule would cause greater disruption to the neighborhood and greater cost to the applicant.

There was discussion relative to the standard condition related to a moratorium on summer construction, and

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<sup>3</sup> Refer to Edgartown Zoning Bylaw, Section 2.1.B.10



the impact of the construction on neighborhood peace and tranquility.

The impact of demolition and excavation was discussed. Mr. Morgan noted that applicants on the road should be made aware of any waver to the summer building moratorium. Mr. Morgan noted that if abutters agree to the waver, and have no issues, then he would be amenable to the request.

It was noted that at least three construction projects had recently been completed, and construction activity on those sites had proceeded over the summer months.

Abutters should be provided with contact information for the general contractor and the owner in order to address any concerns related to the construction activity.

Mr. Finn noted that notice of the decision – including the summer construction activity – would be communicated to the neighbors, providing them with an opportunity to object to the allowance. The appeal period would be 20 days from filing of the decision with the Town Clerk.

The board determined that a partial waver of the moratorium would be appropriate, limiting on-site construction activities to no earlier than 8 AM and no later than 5 PM, no Sundays, and that the construction schedule should be coordinate with neighbor’s major activities, in order to maintain harmony to be somewhat flexible for construction. The waver shall extend through the entire construction schedule.

There being no further presentation, the public hearing was closed at 7:26 PM.

**Decision**

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

*To approve the project as presented; to waive the five-year delay for the construction of the guest house (in accordance with Section 2.1.B.10 of the Edgartown Zoning Bylaw; Standard Conditions for Construction Projects shall apply, with the following addendum: Construction activity is permitted between June 15 and September 15 between 8 AM and 5 PM, and on Monday through Saturday only. No construction activity shall take place on Sunday. Further conditions include Standard Conditions for Swimming Pools. Applicant shall also submit a construction schedule describing the general “phasing” of the construction project prior to issuance of a building permit.*

VOTED:

MORRISON: YES

MASCOLO: YES

SEARLE: YES

MCCOURT YES

MORGAN: YES

CISEK (ALT.): ABSTAIN

APPROVED 5, 0, 0 (7:28 PM)

**OTHER BUSINESS**

**ANR DIVISION OF LAND – 375 KATAMA ROAD (45-122)**

Mr. Finn noted that the plan as scheduled had not been received. No action taken.

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

Mr. Finn noted that a letter had been received from Mr. Ed Stevens (52 Slough Cove Road)<sup>4</sup>, objecting to an variance granted to his neighbor to allow five bedrooms. Mr. Finn noted that the variance had been granted by the Board of Health, not the Planning Board, and that the Planning Board had no authority over the interior arrangement of private dwellings.

<sup>4</sup> Letter, undated, from Mr. Edmund Stevens, 52 Slough Cove Road, PO Box 862, Edgartown, MA 02539.

**ADJOURN**

It was MOVED by Mascolo, SECONDED by Searle

*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.

(7:33 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