

# Edgartown Planning Board - Meeting Minutes

Tuesday, August 3, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, August 3, 2021, 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**

No site visits were scheduled.

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

Ms. Morrison called the meeting to order at 5:30 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Present

SEARLE: Absent

CISEK: Present

MCCOURT: Absent

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)(CONTINUED FROM JULY 6, 2021)**

**5:30 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): 55 KING POINT WAY REALTY TRUST, 55 KING POINT WAY (44-10.22)(CONTINUED FROM JULY 6, 2021) (TO BE CONTINUED TO SEPT. 7)**

The Planning Board continued a public hearing from July 6, 2021, on a request of Douglas Hoehn, Schofield, Barbini & Hoehn, on behalf of 55 King Point Way Realty Trust (Owner) to construct a pool and spa on a conforming lot in the inland zone of the Coastal District, and in the Edgartown Ponds District. Proposed work is for the installation of a swimming pool and spa as accessory to a single family home, and includes 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.

Further, the Planning Board continued a public hearing from July 6, 2021, on a request of Douglas

Hoehn, Schofield, Barbini & Hoehn, on behalf 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 public hearings were held concurrently, and were continued at 5:31 PM.

It was noted that two members of the Board were not present. Therefore, it was MOVED by Morrison, SECONDED by Mascolo

*To continue both public hearings to September 14, 2021, 5:30 PM.*

**5:31 PM – ADMINISTRATIVE BUSINESS**

**Master Plan Consultant – Recommendation of Master Plan Steering Committee**

Ms. Juliet Mulinare (chair, Master Plan Steering Committee) provided an update on the activities of the Master Plan Steering Committee:

- The Committee has agreed that Dover, Kole & Partners was the highest ranked proponent, and the price proposal was within the appropriation.
- References will be checked for DK&P, and a formal recommendation will be forwarded to the Planning Board by on August 17.

**268 Katama Road Subdivision – Trail Easement Concerns – Schedule Public Hearing**

Mr. Finn noted that Town’s Counsel advised that the Planning Board can reconsider the conditions for approval for the subdivision.

Mr. Bill Veno and Mr. Oliver Snider were present, as was Ms. Donna Gazaille (Puwal Lane), to discuss the status of negotiations with abutters on Puwal Lane relative to the implementation of the walking trail. Mr. Veno noted that the Land Bank offered to provide Ms. Gazaille with plant material on her property to screen the trail from her view.

Ms. Gazaille questioned whether the special permit subject was the current subject of discussion, and whether neighbors to the subject property would be notified of the public hearing. Mr. Finn explained that discussion of the matter was appropriate, and that a public hearing (with notification to abutters) would be required only if the Planning Board wished to reconsider or amend the conditions for approval.

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

*To open a public hearing on September 14, 2021, 6:30 PM, relative to the 268 Katama Road subdivision, in order to reconsider the conditions of approval – specifically relative to the trail easement.*

VOTED

MORGAN: YES

MASCOLO: YES

CISEK: YES

MORRISON: YES

APPROVED: 4, 0, 0. (5:43 PM)

**Move of September 7 Meeting to September 14**

It was noted that the regular meeting on the first Tuesday of September would be moved to September 14, 2021.

**5:39 PM – APPLICATION: CURB CUT PERMIT – 522 EDGARTOWN / VH ROAD (11B-202)**

An application for a change of address was received on behalf of Morgan D. Rogers. The applicant requests a change of address to teaberry Lane, which is the road onto which their driveway enters.

*Present: Mr. Morgan Rogers (Applicant).*

Mr. Mascolo asked whether the zoning would be affected in any way. Response: No.

The proposal was considered. After some deliberation, it was MOVED by Morgan, SECONDED by Mascolo  
*To approve the request as presented.*

VOTED:

MORGAN: YES

MASCOLO: YES

MORRISON: YES

CISEK: YES

APPROVED: 4, 0, 0. (5:47 PM)

**5:40 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): DEBORAH A. AND STEVEN L. LEVIN, 82 TURKEYLAND COVE ROAD (44-3)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, August 3, 2021 at 5:40 PM, at the request of Reid G. Silva, PE/PLS, Vineyard Land Surveying & Engineering, Inc., on behalf of Deborah A. and Steven L. Levin (Owner) to construct a (2) car garage with a 400 square-foot detached single bedroom above, within 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 82 Turkeyland Cove Road, Assr. Pcl. 44-3.

Present for the applicant: Reid G. Silva, PE/PLS. Mr. Silva agreed to continue with only four members present.

The public hearing was opened at 5:47 PM.

**Presentation / Findings**

- A revised plan was submitted (included in file).
- The application requests permission to construct a garage, which contains a 400-square-foot detached bedroom.
- A full bathroom is proposed.
- The structure is in the Coastal District (inland zone).
- The applicant noted a door between the proposed bedroom, and an adjacent second-story storage area, and asked to be able to keep if possible.
- The applicant offered to construct a pull-down stairway from the garage to the second-story storage area.
- The building is proposed to have solar on the south-elevation of the roof.
- The building is not anticipated to be visible from the public way.
- The building will be 55 feet from the side lot line at its closest point, and about 171 feet from the public way.
- There is no homeowners association or architectural review board.
- The Planning Board requested that the applicant remove the proposed doorway between the second story bedroom and the second-story storage area, noting that a door would facilitate easy conversion

of the storage area to additional living space.

- The updated floorplans and elevations would be forwarded to the Planning Board for inclusion in the file.

There being no further presentation, the public hearing was closed at 6:00 PM.

#### **Decision**

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

*To approve the application as presented, with the condition that the doorway to the storage area be removed, and a pull-down hatch and stair be constructed.*

VOTED:

MORGAN: YES

MASCOLO: YES

MORRISON: YES

CISEK: YES

APPROVED: 4, 0, 0. (6:01 PM)

#### **5:50 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): DEBORAH MONTEITH NEUBERT, TRUSTEE OF THE DEBORAH MONTEITH NEUBERT REVOCABLE TRUST, 6 PLOVER CIRCLE (46-28)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, August 3, 2021 at 5:50 PM, at the request of Tracey Smith, SBH, Inc., on behalf of Deborah Monteith Neubert, Trustee of the Deborah Monteith Neubert Revocable Trust (Owner) to demolish an existing non-conforming dwelling, and to construct a single-family dwelling with attached garage; the parcel is a pre-existing non-conforming lot in the Inland Zone of the Coastal District.

Application was made in accordance with Sections 5.1 and 7 of the Edgartown Zoning Bylaw. The property is located at 6 Plover Circle, Assr. Pcl. 46-28.

Present for the applicant: Chris Alley, SBH, Inc.

#### **5:50 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): DEBORAH MONTEITH NEUBERT, TRUSTEE OF THE DEBORAH MONTEITH NEUBERT REVOCABLE TRUST, 6 PLOVER CIRCLE (46-28)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, August 3, 2021 at 5:50 PM, at the request of Tracey Smith, SBH, Inc., on behalf of Deborah Monteith Neubert, Trustee of the Deborah Monteith Neubert Revocable Trust (Owner) to construct a pool on a non-conforming lot in the Inland Zone of the Coastal District.

Application was made in accordance with Sections 5.1 and 7 of the Edgartown Zoning Bylaw. The property is located at 6 Plover Circle, Assr. Pcl. 46-28.

The Planning Board agreed to consider both applications for Ms. Neubert concurrently, and conduct a single public hearing. The applicant agreed to proceed with only four board members present and eligible to vote.

*Present for the Applicant: Chuck Sullivan, Sullivan & Associates; Chris Alley, SBH, Inc.*

The public hearing was opened at 6:03 PM.

***NOTE: Mr. Glen Searle joined the meeting at 6:14 PM.***

#### **Presentation / Findings**

- The property currently has a single-family dwelling with septic on the property.
- The property is in the coastal district by elevation (below the 10' contour), not by distance from the edge of the water.
- The applicant proposes to replace the existing dwelling with a new structure.

- The applicant proposes to replace the existing septic with a new upgraded septic system.
- An updated plan, dated August 3, 2021 is included in project file.
- The proposed dwelling would have an attached garage.
- A small pool house is proposed.
- The property will be graded to allow the structure to be elevated above the 10' contour.
- Applicant requests permission to exceed the height limit of 26' by about a foot.
- Applicant requests permission to install a swimming pool, about 16' x 32'; a wooden deck surrounding the pool is proposed, reducing the impervious surface area.
- The new septic system will need to be lifted up in order to maintain separation from ground water.
- The floorplan of the pool-house was reviewed.
- Pool equipment will be placed in the pool house, fully-enclosed, and insulated.
- The electric heat pump for the pool heater is required to be located outside, but will be placed within a fenced enclosure, and surrounded by shrubs.
- A dry-well is located to the west of the pool house, about 25 feet from the existing well.
- The existing well will be maintained.
- The applicant has not proposed a hydrant.
- Town water and a hydrant is located at the intersection of Katama View Drive, and Edgartown Bay Road, over 500 feet from the locus.
- The applicant agreed to work with the Edgartown Fire Department to design and place a dry hydrant connected to the pool, to allow drawing from the pool in case of emergency.
- The district has a height limit of 26'. Applicant is requesting permission to exceed the height limit by nine inches.
- The pool house has a single level, with a cathedral ceiling.
- No phone calls or letters were received. No public comment was given.

There being no further presentation or questions, the public hearing was closed at 6:16 PM.

**Decision**

After deliberation, it was MOVED by Morgan SECONDED by Cisek

*To approve the application as presented, with standard conditions for approval; also, applicant shall install a dry hydrant connected to the swimming pool; applicant shall work in good faith with the Edgartown Fire Chief as to the location of the dry hydrant; applicant may exceed the height restriction by no more than one foot; applicant shall receive approval as to the location of the dry-well.*

	VOTED:
MORGAN: YES	MASCOLO: YES
MORRISON: YES	CISEK: YES
	SEARLE: ABSTAIN
APPROVED: 4, 0, 1 (SEARLE) (6:18 PM)	

**6:10 PM - PUBLIC HEARING - SP(CAPE POGUE): ERIC J. AND KAREN L. SIEBERT, 77 WASHQUE AVE (47-38)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, August 3, 2021 at 6:10 PM, at the request of Nelson Giannakopoulos, Sullivan + Associates Architects, on behalf of Eric J. Siebert and Karen L. Siebert (Owner) to construct a one story, 390 square foot, flat roof addition to the existing two story house on a pre-existing non-conforming lot in the Cape Pogue Overlay District.

Application was made in accordance with Sections 2.4 and 5.4 of the Edgartown Zoning Bylaw. The property is located at 77 Washque Ave, Assr. Pcl. 47-38.

*Present for the applicant: Chuck Sullivan, Sullivan & Associates Architects*

The public hearing was opened at 6:20 PM.

**Presentation / Findings**

- The lot is about 10,000 square feet.
- The proposal is to add some additional space to an existing cottage.
- The proposal would increase the first-level living area, and add a second-story open deck.
- The proposal does not introduce any new non-conformities.
- The abutting property is owned by Trustees of Reservations.
- The current house is about 1,040 square feet on a 600 square foot footprint.
- The proposal would add about 390 square feet to the footprint of the house.
- The septic system was upgraded a few years ago, and is adequate to provide for the additional.
- No new bedrooms would be added.
- No letters, phone calls or other public comment was received.

There being no further presentation, the public hearing was closed at 6:27 PM.

**Decision**

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

*To approve the project as presented.*

	VOTED:
MORGAN: YES	MASCOLO: YES
MORRISON: YES	CISEK: YES
	SEARLE: YES
	APPROVED: 5, 0, 0. (6:28 PM)

(tape time: 1:57:36)

**6:30 PM - PUBLIC HEARING - SP(PIER): JANET B. JUSSSEL, LITCHFIELD ROAD (DUKES COUNTY PLAN E-306) (35-33.1)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, August 3, 2021 at 6:30 PM, at the request of Reid G. Silva, Vineyard Land Surveying & Engineering, LLC, on behalf of Janet B. Jussel (Owner) to construct and maintain a fixed pile pier about 80 feet in length; further, to install a seasonal ramp (20 feet in length) and bottom-anchored seasonal float (2 8'x16' floats in a T-formation).

Application was made in accordance with Section 6.4 of the Edgartown Zoning Bylaw. The property is located at Litchfield Road (Dukes County Plan E-306), Assr. Pcl. 35-33.1.

Present for the Applicant: Carmen Reiss.

The public hearing was opened at 6:30 PM.

**Presentation / Findings**

- The proposal has received approval from the Conservation Commission and the Marine Advisory Committee.
- The DEP licensing is ongoing.
- The Order of Conditions relative to the Notice of Intent is on file.
- All applicable conditions would apply.
- No vehicles are permitted on the beach.
- There will be no lights on the pier.
- The pier will be 125 feet in length, and will extend no closer than 23 feet to the Faired Pier Line.
- The pier will be shared by three property owners; access will be secured by easement.
- The two floats will be removed seasonally.
- The location hosted a pier previously (destroyed by hurricane in 1938).
- No eel grass or shellfishing is done in the area.
- A nearby dock (“Green pastures”, at 35-20.183) is longer than what is proposed.
- The proposed pier would likely host ‘dinghys’ used to access moored vessels deeper in the harbor.
- Access to the site will be secured by an easement; abutters have agreed to the easement.
- The “Brewer Amendment”, providing for right to rebuild a pier damaged or destroyed by storm, does not apply.

There being no further presentation, the public hearing was closed at 6:42 PM.

**Decision**

The board noted with approbation that the pier will be shared.

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

*To approve the application as presented, with standard conditions for piers.*

VOTED:  
MORGAN: YES                      MASCOLO: YES  
MORRISON: YES                      CISEK: YES  
SEARLE: YES  
APPROVED: 5, 0, 0. (6:43 PM)

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

There was brief discussion, but no further action. Mr. Finn noted that the meeting on August 17 would be largely focused on potential changes to the Zoning Bylaw.

**ADJOURN**

It was MOVED by Morgan, SECONDED by Searle,  
*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.  
(6:48 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