

Edgartown Planning Board Meeting Minutes

Tuesday, September 14, 2021, 5:30 PM

The Edgartown Planning Board scheduled a regular meeting for Tuesday, September 14, 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

The following site visits were conducted.

- 9:00 AM – 3 Mattakesett Bay Road (46-17)
- 9:30 AM – 268 Katama Road (36-101)

No deliberation was conducted.

CALL TO ORDER

The meeting was called to order at 5:31 PM. Roll was called:

	MASCOLO	MEMBERS PRESENT:	MCCOURT
MORGAN:			SEARLE
MORRISON (CHAIR)		CISEK (ALTERNATE)	

A quorum was declared.

SCHEDULED BUSINESS

5:30 PM – ADMINISTRATIVE REVIEW: Dan Klasnick, Duval & Klasnick LLC for Celco Partnership d/b/a/ Verizon Wireless

The Board considered an application to install a canister style antenna mounted on top of Utility Pole #5/50S located in the public ROW on Upper Main Street adjacent to 222 Upper Main Street.

Present for the applicant: Mr. Dan Klasnick

The board reviewed the project proposal, Mr. Klasnick described the proposal as a single “canister style” antenna, support equipment and power meter that was substantially the same as a proposal previously approved by the board in 2018, but not exercised due to logistics reasons. Mr. Klasnick noted that the request was made to fill a deficiency in the cellular network. It was noted that the antenna was not designed to provide 5G services.

After review, it was MOVED by Searle SECONDED by McCourt

To approve the application as presented.

VOTED:
MASCOLO: YES MCCOURT: YES
MORGAN: YES SEARLE: YES
MORRISON (CHAIR): YES CISEK (ALT): YES
VOTED: 5, 0, 0 (5:38 PM)

5:30 PM - PUBLIC HEARING - SP(Coastal District): 55 King Point Way Realty Trust, 55 King Point Way (44-10.22)(Continued from Aug 3, 2021)

The board resumed a public hearing to consider an application to construct a pool and spa on a conforming lot in the inland zone of the Coastal District, and in the Edgartown Ponds District.

5:30 PM - PUBLIC HEARING - SP(Coastal District): 55 King Point Way Realty Trust, 55 King Point Way (44-10.22)(Continued from Aug 3, 2021)

The board resumed a public hearing to consider an application to 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.

Note: The two public hearings related to 55 King Point Way were conducted concurrently

Present for the applicant; Doug Hoehn, SBH, Inc.; Phil Regan, Matt Kramer, and Stuart Allen, Hutker Architects; Dan Gordon and Patrick Tayler (Gordon Architecture)

The public hearing was continued at 5:40 PM.

Presentation / Findings

- The MV Commission voted not to concur with referral.
- Approval for NHESP has been received and is on file with the planning board
- Conservation Commission has approved the proposal, and issued an order of conditions
- Approval of the wastewater system has been preliminary received by the Board of Health; Final approval is anticipated
- The main structure is not subject to Planning Board review.
- The overall development is being moved further from the boundary with the abutter.
- The proposed dwelling is east of the existing house;
- The property to the east of the existing house is largely cleared, so no new disturbance is proposed
- The fitness studio is 1,636 square feet in livable area
- The fitness studio does not qualify as a guest house or detached bedroom (Matt Poole)
- The Katama Area District does not permit guest houses; the property is limited to four bedrooms;
- The exercise center is for the private use of the homeowner;
- A dry hydrant connected to the central drain of the pool is proposed;
- The garage has no basement; the fitness studio has a partial basement.
- Pool equipment is proposed to be placed in the basement of the exercise center;
- The garage is 798 square feet, with unfinished storage overhead.

- The fitness studio, as it does not qualify as a guest house; a deed restriction will be filed precluding its use as such.
- There are four bedrooms in the current main house, and proposed main house;
- There are ongoing negotiations with the existing neighbors; no resolution has yet been reached;
- Mr. Richard Saltzman (abutter) noted his disagreement with the scale and some of the amenities proposed; ongoing discussions continue;
- Mr. Searle noted his concern as to the size of the ‘exercise’ building; Mr. Finn noted that the Zoning Bylaw does not provide cause to restrict size of buildings;
- There was some discussion related to whether the matter should be continued to a later date in order to allow the owner and abutter to come to agreement; there was discussion related to procedures necessitated by changes to the plan after grant of a special permit;
- There was discussion at the board level related to the board’s role (or lack of one) related to disagreements with the neighbors;

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

Deliberation / Decision

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

To approve the applications as presented, with standard conditions for construction, as well as standard conditions for swimming pools; the pool shall be required to have a central drain installed.

	VOTED:
MASCOLO: YES	MCCOURT: YES
MORGAN: YES	SEARLE: YES
MORRISON (CHAIR): YES	CISEK (ALT): YES
	VOTED: 5, 0, 0 (6:19 PM)

5:50 PM - PUBLIC HEARING - SP(Coastal District): Three Mattakesett Bay Road Nominee Trust, 3 Mattakesett Bay Rd (46-17)

The Board conducted a public hearing on Tuesday, September 14, 2021 at 5:50 PM, at the request of Tristan Atwood, Designer, John Lolley, PE, on behalf of Three Mattakesett Bay Road Nominee Trust (Owner) to add additions to an existing main house; also to add a screened porch, and extend existing decks; also to construct a new detached garage with unfinished storage space above; also, to relocate an existing storage shed; all work on a non-conforming lot in the Inland Zone of the Coastal District.

Present for the applicant: Tristan Atwood

The public hearing was opened at 6:21 PM.

Presentation / Findings

- The application plans and exhibits were reviewed.
- Mr. Atwood requested to strike the relocation of the existing shed from the application; the shed will be demolished.
- The existing lot size is .22 acres below the required minimum of 1.5 acres (roughly 18%)
- No written comments were received from abutters or the public.
- The proposed garage would have an unheated, unfinished second floor.

- The additions to the existing house would not result in an increase in bedroom count.
- The proposed additions would not result in any new non-conformity.
- The proposed garage is 24' x 24' (about 576 square feet);
- The two additions to the main house will add roughly 892 square feet on the first floor, and about 550 square feet on the second floor.
- A proposed railing on a flat-roof on the north addition is for aesthetics; the flat roof will not serve as a walking area;
- Mr. Finn noted an inquiry from an abutter, who did not express objection to the proposal

There being no further presentation, the public hearing was closed at 6:29 PM.

Deliberation / Decision

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

To approve the project as presented, with standard conditions for construction projects.

VOTED:

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

SEARLE: YES

MORRISON: YES

CISEK (ALT.): YES

VOTED: 5, 0, 0 (6:32 PM)

6:10 PM - PUBLIC HEARING - SP(Coastal District): William K. Moran, 16 Bayside North (36-159.11)

The Board conducted a public hearing on Tuesday, September 14, 2021 at 6:10 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of William K. Moran, to construct a guest house with more than 900 square feet of liveable floor space (1,490 square feet), on a lot where the main house has been in existence for less than five years.

Application was made in accordance with Sections 2.2.B.12 and 2.2.B.13 of the Edgartown Zoning Bylaw. The property is located at 16 Bayside North, Assr. Pcl. 36-159.11.

6:10 PM - PUBLIC HEARING - SP(Coastal District): William K. Moran, 16 Bayside North (36-159.11)

The Board conducted a public hearing on Tuesday, September 14, 2021 at 6:10 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of William K. Moran, to construct a swimming pool, two spas, and a pool cabana in 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 16 Bayside North, Assr. Pcl. 36-159.11.

Present for the Applicant; Doug Hoehn, SBH Inc.; Greg Erhman and Eric Dori (Hutker Architects); Kris Horiuchi (Landscape Design);

The Public Hearing was opened at 6:33 PM

Presentation / Findings

- The subject parcel is noted as “lot 1” on the definitive subdivision plan.
- The general slope of the land is lower than other lots;
- The outer boundary of the coastal district generally bisects the lot (north to south).
- The guest house is just under 1,500 square feet;

- The lot size is just over four times the minimum lot size.
- The structures have been designed to meet the covenants of the subdivision;
- NHESP has issued a “no take” determination;
- Conservation Commission has approved the proposal;
- The lot is over six acres; the development envelope is about two acres in size;
- The Planning Board has jurisdiction over the swimming pool, pool cabana, and hot tubs, and the guest house only;

At 6:42 PM, at the request of a board member, the board recessed.

At 6:46 PM, the board was called back to order, a visual role call was taken, and a quorum was declared.

- The owner intends to make the property a permanent residence;
- The owner’s intention is to keep the overall height of the development low, in keeping with the terrain of the lot;
- The owner’s intention is to build into the guest house certain features that do not fit appropriately into the design of the main house.
- The owner is hoping to build out the entire property at one time;
- The applicant proposes a 1,490 square foot guest house;
- The guest house is a two-bedroom structure;
- The reason for the size of the guest house is to keep the size of the main house to a reasonable size;
- Mr. Hoehn: in the past, the board has approved oversized guest houses, mostly on lots that far exceeded the minimum lot-size requirements.
- Mr. Hoehn also noted that the five-year restriction was due to the trend of ‘spec building’ houses and guest houses in the mid-1980s.
- It was noted that oversized guest houses had been previously approved in Pohogonot, Boldwater, Katama Meadow, Oyster Watcha, etc.
- Mr. Morgan expressed concern with the size of the guest house, and cited his general objection to oversized guests houses, except in specific cases.
- Mr. Morgan also expressed concern about creating a precedent.
- Mr. Searle generally agreed with Mr. Morgan’s sentiments.
- Mr. Hoehn asked for a continuance, in order to allow time to research previous applications and approvals;
- Mr. Searle and Mr. Morgan noted their interest in receiving further information as to past applications and approvals.
- Mr. Mascolo asked Mr. Finn to also conduct research as to past guest house sizes and approvals; Mr. Mascolo also directed Mr. Finn to reach out to former building inspector Lenny Jason for an opinion / experience related to the topic; Mr. Finn was also directed to review the special permit given to Robert Day.

It was MOVED by Morgan SECONDED by Mascolo

To continue the “Guest House” public hearing to October 5, 2021, at 6:00 PM.

MASCOLO: YES
MORGAN: YES
MORRISON: YES

VOTED:
MCCOURT: YES
SEARLE: YES
CISEK (ALT.): YES
VOTED: 5, 0, 0 (6:32 PM)

Presentation / Findings (Swimming Pool)

- The subject parcel is noted as “lot 1” on the definitive subdivision plan.
- The general slope of the land is lower than other lots;
- The outer boundary of the coastal district generally bisects the lot (north to south).
- The pool, hot tubs, and pool utility building is in the inland zone of the Coastal District;
- The lot size is just over four times the minimum lot size.
- The structures have been designed to meet the covenants of the subdivision;
- NHESP has issued a “no take” determination;
- Conservation Commission has approved the proposal;
- The lot is over six acres; the development envelope is about two acres in size;
- The Planning Board has jurisdiction over the swimming pool, pool cabana, and hot tubs, and the guest house only;
- The owner intends to make the property a permanent residence;
- The swimming pool is described as presented on the plan.
- The pool will be 18’ x 50’, with ‘salt-water’ treatment.
- A “dry hydrant” is not necessary, as the lot is served by municipal water;
- The pool equipment will be in a basement area below the pool cabana;
- The location of the two hot-tubs were noted on the plans;
- All necessary requirements for safety will be met;

There being no further input, the public hearing was closed at 7:14 PM.

Deliberation / Decision

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

To approve the application as presented, with standard conditions for swimming pools.

MASCOLO: YES
MORGAN: YES
MORRISON: YES

VOTED:
MCCOURT: YES
SEARLE: YES
CISEK (ALT.): YES
VOTED: 5, 0, 0 (7:15 PM)

6:30 PM - PUBLIC HEARING - Definitive Subdivision: Mattakessett Realty Trust II, 268 Katama Road (36-101)

The Edgartown Planning Board held a public hearing on Tuesday, September 14, 2021 at 6:30 PM, on its own motion to reconsider the conditions of approval of a Definitive Subdivision, granted to the Mattakessett Realty Trust II (Owner) on April 6, 2021, relative to a proposed trail easement as shown on the approved Landscaping Plan.

Application was made in accordance with Section 81W of Chapter 41 of the General Laws and the Edgartown Subdivision Rules and Regulations as amended. The property is located at 268 Katama Road, Assr. Pcl. 36-101.

Present: Mr. Oliver Snider (Developer).

Presentation / Findings

- Mr. Finn noted that the approval of the subdivision was not under consideration, but only the condition for the approval that required the grant of an easement.
- The layout of trails that currently exist was reviewed; the history of the existing easement was reviewed.
- Mr. Oliver Snider reviewed the history of the efforts to negotiate the trail easement.
- The map, prepared by the Land Bank, showing the existing trails was reviewed.
- Mr. Steve Ewing noted that the Land Bank had written a letter expressing their position.
- Mr. Ewing noted that he was sympathetic to the concerns expressed by Ms. Gazaille.
- Mr. Ewing supported any effort to maintain an access from katama road in a way that would be responsive to the concerns of the property owners.
- There was some discussion as to whether the trail could be relocated along the southern edge of the property.
- Mr. Adam Helfant noted no objection to the trail along his boundary.
- Mr. Rob Redmond noted no objection to a trail along the southern boundary, but would like to see a plan that provided for screening.
- Mr. Oliver Snider spoke in regard to the potential for a trail along the south boundary, noting that the necessary screening would be prohibitive as to a relocation of the trail.
- Ms. Donna Gazaille noted her concerns; screening of the trail, the trail devolving into a sidewalk along Puwal Lane, the proximity of the trail to her home.
- Mr. Snider noted that, based on anecdotal evidence, very few people use the existing trail.
- Alternative locations for the trail were explored.
- Mr. Michael Gazaille noted that the trail, as a minor trail had no historical precedent. Mr. Gazaille also noted that the trail to the farm from Crocker Drive was obtrusive, not enjoyable as a trail, and uncomfortable to use, due to the immediate proximity to private owners land.
- The value of the existing trail as a means to access the property was discussed. Mr. Ewing noted that

the Land Bank was hoping to preserve the trail as much for potential future use. Mr. Ewing noted that the Land Bank has proposed preserving the legal easement, even if it meant that the trail easement could not be 'activated' at this time.

- Ms. Gazaille noted that, if the trail access were to be removed, there would be little if any impact to local neighbors.
- Mr. Snider confirmed that the trail did not have historic precedent, but was newly created in 2014.
- Ms. Morrison noted the time, and that there were a number of unresolved issues.
- Mr. Morgan noted that similar trails that cut through backyards and adjacent to private homes are becoming less used due to the discomfort of users. Mr. Morgan noted that the trail system on the farm had three accesses already, and so removal of this access would not constitute significant harm.
- Mr. Finn noted that the path seemed to be something that could not easily be negotiated, and didn't appear to have support from the local residents.
- Mr. Snider asked that the board come to a resolution as quickly as possible, so that he could proceed to conclusion of the development.
- Mr. McCourt noted that very few people appear to have made use of the trail over the past few years, and so it did not seem to make sense to pursue.
- Mr. Mascolo suggested continuance of the public hearing for another week to hear final opinions.

It was MOVED by Mascolo, SECONDED by McCourt

To continue the public hearing to September 21, 2021, at 5:30 PM.

VOTED:

MASCOLO: YES

MORRISON: YES

MORGAN: YES

SEARLE: YES

MCCOURT YES

CISEK (ALTERNATE): YES

APPROVED 5, 0, 0 (7:53 PM)

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

To adjourn.

APPROVED BY UNANIMOUS CONSENT

(7:54 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