

# Edgartown Planning Board - Meeting Minutes

Tuesday, October 5, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, October 5, 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 scheduled:

- 9:15 AM – 16 Bayside North
- 9:45 AM – 7 Green Hollow Way

There was no discussion or deliberation conducted.

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

Ms. Morrison called the meeting to order at 5:32 PM, and called the roll:

MASCOLO: Present	MCCOURT: Present
MORGAN: Present	SEARLE: Present
MORRISON: Present	CISEK: 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 - DEFINITIVE SUBDIVISION: MEETING HOUSE WAY LLC, DIVISION ROAD (37-47)( CONTINUED)**

The board continued a public hearing from April on a proposal for a definitive subdivision plan, proposing to divide a single parcel into twenty-eight single-family lots, one lot for fourteen townhouse style homes, and a one lot of about thirty acres to be permanently conserved as open space. Public Hearing will be continued without presentation or deliberation.

The property is located off of Division Road, Assessors Parcel 37-47.

*Present: Mr. Doug Hoehn, SBH, Inc.*

The public hearing was continued at 5:32 PM.

### **Presentation:**

Mr. Hoehn requested a further continuance, as the matter was still subject to litigation.

It was **MOVED** by Mascolo, **SECONDED** by Searle

*To continue the public hearing to January 4, 2022, at 5:30 PM.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (5:34 PM).

**APPROVAL OF MINUTES**

Minutes from past meetings were presented for final review. It was noted that Ms. Morrison had made administrative and some technical corrections.

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

*To approve the minutes of April 20, May 4, May 18, June 1, June 15, June 22, July 6, July 14, July 20, August 3, August 17, September 14, September 21 as presented and revised.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (5:36 PM).

**6:20 PM - ANR – 37-115.11 – 24 TURKEYLAND COVE ROAD - ROBERTS / PARK**

The board reviewed of a proposed Division of Land not believed to require subdivision approval, creating a new lot of approximately .35 acres, for the purposes of transfer to an abutting lot.

The agent, Mr. Reid Silla was not present.

The board reviewed the plan; Mr. Finn described the proposal as the creation of a small (non-conforming) parcel for the purposes of transfer to a second parcel; the intention is to provide a currently land-locked parcel with frontage on a public way. Both lots are currently in common ownership. The expectation is that one lot would be retained, while the second would be sold.

Both resulting lots would be conforming. Neither lot would be able to be further divided.

A review of the satellite photo noted that the new frontage would serve not only the currently land-locked parcel, but would continue to serve the adjacent lot.

After further discussion, the board voted to continue the matter until the agent was present to answer questions.

**ADMINISTRATIVE ASSISTANT REPORT**

Mr. Finn noted that he had accepted a position with the Town of Westhampton, and had submitted his resignation from the full-time position of Planning Board Assistant.

Ms. Morrison noted that she and Mr. Finn would be meeting with Adam Turner and Mike Mauro to open a discussion on how to improve traffic management on Edgartown West Tisbury Road at Barnes Road and Airport Road.

**5:45 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): ALISON BURKE ALBERS TRUST - 2014, 7 GREEN HOLLOW WAY (29-129.1)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, October 5, 2021 at 5:45 PM, at the

request of Doug Hoehn, SBH, Inc., on behalf of Alison Burke Albers Trust-2014 (Owner) to remove a pre-existing non-conforming structure and replace it with a pool-cabana in the same footprint, and to construct a garage; both structures to be constructed in the inland zone of the Coastal District.

The application was made in accordance with Sections 5.1 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 7 Green Hollow Way, Assr. Pcl. 29-129.1.

*Present for the applicant: Doug Hoehn, [dhoehn@sbhinc.net](mailto:dhoehn@sbhinc.net)*

**5:45 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): ALISON BURKE ALBERS TRUST-2014, 7 GREEN HOLLOW WAY (29-129.1)**

The Edgartown Planning Board scheduled a public hearing on Tuesday, October 5, 2021 at 5:45 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Alison Burke Albers Trust - 2014 (Owner) to construct a Pool and a Spa in the inland zone of the Coastal District.

The application was made in accordance with Sections 5.1 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 7 Green Hollow Way, Assr. Pcl. 29-129.1.

Ms. Morrison noted that the public hearings for both applications would be conducted concurrently.

The public hearings were open at \_ PM.

Present for the Applicant: Mr. Doug Hoehn, SBH, Inc.; Ms. Horiuchi, landscape architect; Mr. Chris Dunn, Greenwater Architects.

**Presentation / Findings**

- The property is 2.7 acres in size, and close to Katama Bay.
- The property is not under Conservation Commission perview.
- The property is not under the jurisdiction of National Heritage Endangered Species program.
- The lot currently has an existing main house, a structure that encloses two detached bedrooms, a basic garage, and a second dwelling (a log cabin, at the west-side of the lot).
- The main dwelling is to be rebuilt, and is allowed by right.
- Both additional structures require special permits.
- Pools in the Coastal District require a special permit.
- The applicant proposed to replace the double detached bedroom with a guest house.
- There is a kitchen located in one of the two detached bedrooms.
- The original Garage was originally permitted in 1975.
- 1981: Log cabin permitted and built after.
- 1991: addition to existing house constructed.
- No further information about the bunk house or garage.
- Existing detached bedroom structure is 4' from property line.
- Setback in R-60 are 25 feet.
- Property to the north has been permanently conserved.
- Applicant believes that rebuilding the detached bedroom structure would not affect abutters.
- The pool is a 16' x 32' pool.
- The pool fencing is shown on the plan.

- The hot tub (proposed) would be located about nine feet from the side lot line.
- The proposed garage will be 20' x 42', single story.
- The pool house is proposed to be in the footprint of the existing (detached bedroom) structure, and is two stories. Height restrictions are met.
- Pool meets clearance to groundwater: The pool is at ground elevation 26'; groundwater is at elevation 3'. Pool will be 'salt treatment'.
- A fire hydrant connected to municipal water is near the property.
- No sleeping quarters are proposed for the garage.

There was discussion as to when, or how, the kitchen was constructed in the bunk house, and whether it constitutes a zoning violation, or a pre-existing condition that might be maintained.

- A new septic system will be installed.
- The floorplans of the pool house is proposed.
- The pool fence is 48" in height.
- The pool equipment would be enclosed by solid walls, and would be about 200' from the nearest dwelling.

There was discussion related to the request to place the new structure in the setback. Mr. Finn noted that the Planning Board has allowed reconstruction of existing structures in the setback; however, there are also cases where permission was withheld to rebuild existing structures in the setback areas. There was ongoing discussion about past cases where applicants were granted permission to fully demolish and reconstruct existing structures that were non-conforming.

The board reviewed photos of the existing structures (retrieved from the Assesors Records).

Mr. Finn recommended that the Building Inspector be consulted as to what options the planning board had to consider, and that a continuance might be in order.

Ms. Morrison noted that she had reached out to Reade Milne, but had not received a reply.

The applicants (Alison and Jeff Albers) noted that their intent was not to create new undisturbed area, partially to avoid disturbance that might require an archaeological study, but also to avoid removing any existing older-growth trees.

It was MOVED by McCourt SECONDED by Searle

*To continue both public hearings to October 26, at 5:30 PM.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (6:18 PM).

**6:00 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): WILLIAM K. MORAN, 16 BAYSIDE NORTH (36-159.11)(CONTINUED FROM SEPTEMBER 14, 2021)**

The Board continued a public hearing from September 14, 2021, 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.

*Present: Doug Hoehn, SBH, Inc.; Greg Ehrman and Eric Dori, Hutker Architects; Kris Horiuchi, Landscape Architect.*

The public hearing was continued at 6:19 PM.

**Presentation / Findings**

Mr. Finn made a presentation that compared the proposal to past approvals for accessory structures and/or guest houses.

It was noted that none of the Houlahan lots can be further divided.

It was noted that the pool house proposed for the subject property had a two-acre building envelope.

Mr. Hoehn noted that two further properties had oversized guest houses that had been approved under similar circumstances – new construction and/or large lots.

Mr. Ehrman noted that the MV Commission reported 257 guest houses that are over 900 square feet. No information was provided about their age, or whether they were approved by special permit process.

Mr. Searle objected generally to the application (an oversize guest house inside the five-year moratorium).

Mr. Hutker noted that two letters from abutters had been submitted in support of the proposal.

Mr. Hoehn noted that the proposal represents a reduction from the original intent of the owners.

Mr. Searle noted that the proposed size of the guest house was larger than his own house.

Mr. Hoehn noted that no abutter had raised any objections or concerns.

Mr. Mascolo noted that the applicant doesn't seem to be 'asking for the world', and that the application did not seem to be a big reach.

Mr. McCourt agreed with Mr. Mascolo.

Ms. Morrison also agreed.

Mr. Morgan noted that oversize guest houses had been a 'pet peeve', and that he continued to object to oversize guest houses, and this application in particular.

Mr. Hoehn noted that he would not be thrilled to get a denial on the matter.

Mr. Morgan noted that an affirmation in favor would set a precedent.

Ms. Morrison suggested that precedent doesn't exist, as each application is adjudicated on its own merits.

Mr. Hoehn suggested a continuance to a later meeting might be a good move. Mr. Morgan concurred, asking for time to review the information presented at the meeting.

It was MOVED by Morgan, SECONDED by Searle

*To continue the public hearing to October 26, at 6:00 PM.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (6:42 PM).

**6:20 PM - ANR – 37-115.11 – 24 TURKEYLAND COVE ROAD - ROBERTS / PARK**

The board continued review of a proposed Division of Land not believed to require subdivision approval, creating a new lot of approximately .35 acres, for the purposes of transfer to an abutting lot.

*Present for the Applicant: Reid Silva, Vineyard Land Surveying and Engineering*

**Presentation / Deliberation / Decision**

Mr. Silva noted that the proposed 'neck' of land, about 30' wide along the entire length, connecting the land-locked parcel to the public way would be appropriate for vehicle travel, including emergency vehicles. Mr. Silva noted that the shape could be changed to better provide for the driveway.

There was discussion relative to the amount of clearing necessary for placement of a driveway of appropriate width, the turning radius necessary for larger emergency response vehicles.

Mr. Silva noted that the plan could be modified to ensure reasonable access to the lot.

Mr. Finn noted that the "common driveway" bylaw allowed the Planning Board to review any proposed driveway that is intended to serve multiple lots.

Mr. Silva noted that the land is subject to land-court approval, and requested a continuance to a later meeting so that modifications to the plan could be made.

After further discussion, it was **MOVED** by Morrison **SECONDED** by Searle

*To continue deliberation on October 26, 2021.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (6:52 PM).

**6:30 PM - PRESENTATION: MEGHAN GOMBOS, ELIZABETH DURKEE: THE VINEYARD AND GOSNOLD CLIMATE ACTION PLAN PROCESS**

The MVC (with lead town Oak Bluffs) has been awarded funding from the MA Municipal Vulnerability Preparedness Program for a comprehensive, community-based, 20-year Climate Action Plan.

Ms. Gombos and Ms. Durkee were present to provide an overview of the Climate Action Plan development process, and to respond to any questions.<sup>1</sup>

Mr. Finn noted that the Master Plan Steering Committee would be following this process, and that the Committee anticipated including the findings and plan objectives in the Edgartown Master Plan. Did the committee see that as a potential option?

Ms. Gombos: Yes, absolutely, we welcome cooperative efforts. We're hoping to work with the MPSC if possible.

Ms. Gombos and Ms. Durkee were thanked for their presentation. (7:08 PM)

**6:50 PM - VOTE: SUPPORT FOR COALITION TO CREATE THE MARTHA'S VINEYARD HOUSING BANK**

There was a brief presentation by Ms. Ariel Faria, Ms. Laura Silber, and Ms. Juliet Mulinare, in regard to the proposed Martha's Vineyard Housing Bank. Ms. Silber requested that the Planning Board vote to support the several legislative efforts to provide an avenue for funding for the Housing Bank proposal.

Ms. Silber generally described the legislation as mechanism to allow towns and municipalities to "opt in".

<sup>1</sup> Materials used in the presentation are attached as addendum to these minutes.

"Supporting the bill does not commit the Vineyard to anything."

Ms. Silber described the history of previous efforts, noting that efforts to create such options on a town-by-town basis had failed, due to the lack of the legal mechanism in place.

Ms. Faria noted that, even if the Housing Bank effort were to fail, the state legislation could allow Edgartown a consistent funding source for its own affordable housing efforts, including providing staff, and expanding programs to existing and prospective residents.

Ms. Silber noted that the funding could also be used to facilitate "attainable housing", which would be housing serving those in the 150%-240% AMI.

Ms. Silber noted that, in partnership with Nantucket, the Vineyard has asked for an amendment, expanding the AMI cap to 240%.

Mr. Mascolo suggested that the effort would hurt buyers on the island, and that it added an additional burden to prospective buyers. Sales of \$1M for a house are more common, and that police, fire, carpenters are buying houses up to \$1.3M, and that it's not fair to tax them on this matter. Wouldn't it be better to work with existing committees?

Ms. Silber noted that the threshold at \$1M means that the fee would only be on that portion of the purchase price above \$1M. Ms. Silber also noted that a Shared Appreciation Equity loan (enabled under this program) could help buyers bridge the gap between their scope of affordability and current real-estate prices. Ms. Silber also noted that deed-restricted properties would be exempt from the fee.

Ms. Faria noted that a \$1M property would require a household income of \$250k per year. There was discussion about the income required to afford a mortgage on a \$1.2M property under certain circumstances.

Mr. Mascolo asked what committees were involved.

Ms. Silber noted that all six Selectboards, the MV Commission, Island Housing Trust, all six affordable housing committees, all six affordable housing trusts. Ms. Silber noted that Tisbury, West Tisbury, Chilmark and Aquinnah have all supported the current bills, and the CCMVHB.

Ms. Silber noted that the Edgartown Selectboard had not yet taken the matter up.

Ms. Silber also noted that the CCMVHB Steering Committee consisted of 16 members, including the Edgartown Planning Board chair, and the Master Plan Steering Committee chair.

Mr. Mascolo suggested that more time would be needed to fully understand the proposals.

Mr. Searle asked why additional taxes would be required, generally objecting to more taxes. Mr. Searle also asked where housing would be purchased, or bought.

Mr. Cisek said that the time has come to act, before the island loses doctors and tradespersons, who don't seem to be able to afford to buy a home in the current market. Mr. Cisek also noted that supporting the state legislation doesn't commit the town to anything at this point, but is required if the town is to consider anything in the future.

There was some discussion related to the impact of interest rates, real estate prices, current market conditions, and the ability of an island resident to buy a home at \$1.2M.

Mr. Morgan noted that real estate – even at \$600,000 – is out of reach of many people on island. Mr. Morgan noted the difficulty of filling town positions due to the cost of housing. Mr. Morgan said that, if the measures can help with housing on the island, he would support it.

Ms. Mulinare noted that market fluctuations might come into play; however the effort is an attempt to stabilize funding for affordable and attainable housing; Ms. Mulinare also noted that the \$1M threshold could be adjusted from time to time.

Mr. Mascolo suggested a 'rider' based on a buyer's salary, as to whether or not a buyer would be required to pay the tax. Ms. Faria noted that there were several exemptions to the tax that were being considered.

Ms. Faria noted that town department heads were struggling to fill positions, due to the lack of housing. Ms. Faria concluded by saying that the CCMVHB had been looking at a number of options, and that this option was the best one on the table at this time, and asked that the board support them.

There was some discussion related to CPA funds transferred to the Dukes County Regional Housing Authority, which is used for rental assistance for Edgartown residents. Ms. Faria noted that the town's Affordable Housing Committee and Trust cannot fund housing efforts outside of Edgartown.

Mr. Finn reminded the board that the request was to support state legislative efforts, which is the first step in creating a funding mechanism for the Housing Bank, and not to endorse the Housing Bank itself.

Mr. McCourt noted that the legislative efforts simply opened doors, allowing the town to consider the Housing Bank, and all options available to them. "Nothing goes forward in Edgartown without Town Meeting approval. This is an easy endorsement at this point."

Ms. Silber offered the option to endorse the transfer fees, at the state level, and to table the request for endorsement of the CCMVHB to a later date.

After further discussion, it was MOVED by McCourt, SECONDED by Morgan

*To endorse the three separate legislative efforts, and to authorize Ms. Lucy Morrison to sign a letter to be sent to state representatives.*

VOTED:

MASCOLO: Yes

MORRISON: Yes

MORGAN: Yes

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

VOTED: 5, 0, 0 (7:48 PM).

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

No other business was presented.

### **ADJOURN**

It was MOVED by Morgan, SECONDED by McCourt

*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.  
(7:49 PM)

Respectfully Submitted,

Douglas Finn  
Planning Board Assistant

### MEETING PARTICIPANTS:

#### **Name (Original Name)**

Doug Finn (Town of Edgartown)

Scott Morgan (Scott)

James Cisek

#### **Role**

Admin

Board

Board



Glen Searle (Glen 's iPad)

Board

Mike McCourt

Board

Lucy Morrison

Board

Doug Hoehn (Doug)

Alison and Jeff Albers

Fred Mascolo (Fred's iPad)

Eric Dori (Eric Dori)

Chris Dunn

Alan Strahler

\*Unknown (From Phone Number: 1-508-561-8144)

Bill

James Moffatt

Kris Horiuchi

Greg Ehrman - HUTKER (Greg Ehrman)

Ronald Sargent

Liz Durkee MVC (Martha's Vineyard Commission MVC)

Meghan Gombos

Juliet Mulinare

Reid Silva

Arielle Faria

Laura Silber

DRAFT