

Edgartown Planning Board - Meeting Minutes

Tuesday, November 16, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, November 16, 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.

CALL TO ORDER

The meeting was called to order at 5:43 PM.

SCOTT MORGAN
GLEN SEARLE

CALL OF THE ROLL:
MICHAEL MCCOURT
LUCY MORRISON
FRED MASCOLO

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP(Coastal District): , 42 Dunham Road (29B-71)

The Edgartown Planning Board scheduled a public hearing on Tuesday, November 16, 2021 at 5:30 PM, at A13he request of Warren Vose, Jr., Julien W. Vose Family LLC, to conduct up to but no more than four for-profit, non-family events (typically weddings), supported by local wedding planners, tent companies, caterers, musicians, florists, and rental services.

Application was made in accordance with Sections 2.1.B, 10.2.A.2 and 17.7 of the Edgartown Zoning Bylaw. The property is located at 42 Dunham Road, Assr. Pcl. 29B-71.

Present for the Applicant: Warren Vose, Jr., Greg Stevens, Dianne Durawa, Mark Alan Lovewell

Presentation and Findings

Mr. Stevens presented the proposal:

- Applicant proposes up to four "for profit" events.
- Location is 42 Dunham Road
- Property has been in trust for about 100 years, and in private ownership prior to that.
- Property includes a boathouse, a bowling alley in its own building, a large flat field, and garage.
- Buildings are turn-of-the-century, and original. Costs associated with maintenance and upkeep is driving the need to monetize the property to some extent.
- Property is generally a benefit to the family.
- Property is also used as a location to host charitable events at no cost to the charity; charities include local church groups, school groups, Featherstone Center for the Arts, and others.
- Family also uses property to host family weddings.
- The proposed for-profit events will help to keep the property in the family.

- Some events have been infrequently held in the past; proposal requests permission to formally host these events.
- A large field between the 'bowling alley' and the bluff will be the location for a main tent for events and catering tent; portable bathrooms would be located close to garage; parking would be west of garage.
- Weddings are largely in the shoulder season, not in the summer season.
- Some neighbors have expressed concern about overuse of the property.
- Letters received from Stephen and Mary Gentle (in favor), Adrienne Barris (in favor)¹
- Applicants have no intention to sell or otherwise develop the property.
- Four "for-profit" events would be in addition to charitable events and private family events.
- Family / charitable events are usually much smaller, and wouldn't involve the number of participants, amplified music, alcohol service, etc.
- Mr. Carlos Orlando, representing 177 Katama Road, expressed opposition to the proposal, citing concerns related to the impact of such events, such as sound, etc.
- Mr. Devin Reston: "Fundraising on the Vose Property is essential. As Vice-Chairman of the Finance Committee of the Federated Church — the Greater Vose family does so much for the island. Preservation of Historic Edgartown is essential to our tourism industry. We need less density in the Historic District for Community Preservation Purposes. It's four events a year. I urge the board to approve."²
- Mr. Lovewell, as a member of the family, spoke in favor of the application, reminded members of the family's history on the island, and support for island institutions, and that the proposal if approved would help the family maintain the property.
- There was no further comment.

Ms. Morrison closed the public hearing at 6:01 PM.

Deliberation

Ms. Morrison suggested that, if approved, the special permit would be issued for a single year, with a review in a year to determine if there were any issues.

Mr. Morgan agreed as did Mr. McCourt and Mr. Searle.

Mr. Morgan asked about a capacity limit. Ms. Morrison suggested that the fire and board of health could determine capacity and that could be a condition to be imposed.

Mr. Searle asked about a time limit into the evening. Ms. Morrison asked about 8 PM as an 'end-of-event' limit. Mr. Vose suggested that ending events at 8 PM would be an issue, and would be objectionable to their parties. Mr. Searle suggested that 10 PM would be acceptable.

Mr. Finn asked if amplified music or number of cars accessing the lot would be an issue. Mr. Morgan noted that amplification is a 'big gray area', as volume can go from 1 to 10. Mr. Mascolo noted that the Harborview is not permitted amplified music out of doors. Mr. Finn confirmed.

Mr. Morgan asked if amplified music was requested, would approval from the Selectboard be required? Mr. Finn noted that he was not certain.

Mr. Morgan noted that, generally, the board seemed to be in favor of the proposal overall, but that details or

¹ Letters included in project file.

² Comment received in Zoom meeting "Chat".

conditions for approval needed to be worked out.

It was MOVED by McCourt, SECONDED by Searle

To continue deliberation to December 14, 2021, 6:10 PM.

MCCOURT: YES
MORGAN: YES

VOTED:
SEARLE: YES
MASCOLO: YES
MORRISON: YES.
(6:08 PM)

5:50 PM – FORM A

**Request for endorsement of a plan not believed to require approval under the subdivision control law.
Assessors Parcel 19A-2, 19A-2.1; 13 and 15 Gaines Way**

Present for the applicant: Doug Hoehn, SBH, Inc.

The board reviewed the plan, which proposed to adjust a lot line between two existing lots. Both lots remain conforming, have adequate frontage, have adequate area, and no new non-conformity is created.

After review, it was MOVED by Searle SECONDED by Mascolo

To endorse the ANR plan as presented.

MCCOURT: YES
MORGAN: YES

VOTED:
SEARLE: YES
MASCOLO: YES
MORRISON: YES.
(6:11 PM)

5:55 PM – REQUEST for a DEMINIMIS DETERMINATION - 6 Plover Circle (46-28)

Applicant requests de minimis determination that an increase in height of an additional 18" to accommodate reasonable headroom on the interior of the house.

Present for the applicant: Chuck Sullivan, Sullivan + Associates Architects

Presentation / Findings

The property was subject to a special permit in August of 2021, granting relief from the 26' height limit of about one foot.

Mr. Sullivan noted that the first floor is about five feet above mean natural grade, due to flood-plain requirements.

Mr. Sullivan noted that, due to the design of the house, greater relief is being requested.

The area is described as somewhat wooded.

The house is not proposed to block any views.

Letters from Dell'Oro and Sumski have been received, supporting the proposal.

The ceiling heights are 8'9" for the first floor, and 7' 5" for the second floor. Mr. Sullivan noted that the ceiling heights vary on the second floor due to the dormers as proposed.

Ms. Monteith noted that the additional relief would allow for head-room on the second floor.

Mr. McCourt noted that additional relief appears to set a precedent.

Mr. Mascolo asked if the proposal adds additional livable space. After some discussion, it was determined that it would not.

Mr. Sullivan noted that building inspector requires the first floor needs to be elevated to a certain height, and described it as a pretty unique situation.

Ms. Morrison noted that, while unique at this point, climate change may make this situation more common in the future, and that the Town needed to consider whether it wanted to allow elevated two-story structures in the future.

Mr. Mascolo noted that a previous applicant was granted similar relief.

Mr. Morgan expressed concern about the proposal, and noted that the applicant might be able to adjust the first-floor ceiling height to achieve the desired ceiling height in the second floor without further relief.

Mr. Sullivan noted that applications are generally reviewed *prima facie*, without concern for precedent.

There was some discussion as to whether granted relieve is sufficient and/or whether precedent is set.

Ms. Morrison noted that the application did not appear to be a de minimis change, and asked whether the board concurred. Verbally concurring: Morgan, McCourt, Searle, Morrison. Abstaining: Mascolo.

Ms Morrison reiterated that the applicant was free to apply for a modification to the Special Permit.

6:15 PM - PUBLIC HEARING - SP(Coastal District): Alison Burke Albers Trust - 2014, 7 Green Hollow Way (29-129.1)(Continued from October 26, October 5, 2021)

Application to construct a Pool and a Spa in the inland zone of the Coastal District.

6:15 PM - PUBLIC HEARING - SP(Coastal District): Alison Burke Albers Trust-2014, 7 Green Hollow Way (29-129.1)(Continued from October 26, October 5, 2021)

Application 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.

Present for the applicant: Mr. Doug Hoehn, SBH Inc. Also: Ms. Kris Horiuchi, Mr. James Moffatt.

The planning board continued the public hearing at 6:28 PM.

Presentation / Deliberation

Mr. Hoehn noted that the building inspector had opined that the bylaw does not prohibit the reconstruction of a non-conforming structure, if approved by the planning board by special permit.

The existing guest house / detached bedroom will be replaced with one of like use.

The property abuts a lot that is protected against development on the north.

The 'double-detached' bedroom will be renovated to leave only one bedroom.

The proposed guest house will be 900 square feet.

The second floor of the proposed guest house is entirely a bedroom.

The pool is a 'non-minor accessory structure', and requires approval by special permit.

The main dwelling is not subject to review.

The garage will be for storage of cars and equipment only.

Mr. Morgan noted that the proposed guest house meets the criteria for the size of guest houses; Mr. Finn noted that the non-conformity of the existing structure is not the height, but the location, and the proposal

does not increase the non-conformity of the structure.

Ms. Morrison noted her objection to the proposed guest house, as the applicant was not proposing to maintain an existing non-conforming structure, but to remove a non-conforming structure and replace it with an entirely new, still-non-conforming structure.

Mr. McCourt asked whether there was consideration about relocating the guest house and the pool further into the lot. Mr. Hoehn noted that the location of the pool house was an attempt to capture some view of the water from the only location on the lot where it was possible. Mr. Moffatt noted that they did not want to increase the disturbance on the lot unnecessarily.

Mr. Morgan agreed with Ms. Morrison in that the replacement of a non-conforming structure with a new non-conforming structure was difficult to rationalize.

There was some discussion relative to the proposal, the location of development assets within the setback area, and the possibility of rearranging assets.

There was also some discussion related to construction of landscape elements in setback areas.

Mr. Moffatt noted that a redesign could be developed that would be more appealing, suggesting that a continuance would be helpful. Mr. Morgan and Ms. Morrison expressed interest in seeing other options.

Mr. Albers noted that the archaeological aspects of the site have induced them to reduce disruption on the lot.

Mr. Moffatt asked if the garage and the pool could be approved. Mr. McCourt suggested that a comprehensive approval of all proposed development would be preferred.

Mr. Finn noted that he attempt to confirm the location of the hydrant prior to the next session.

It was MOVED by Morgan, SECONDED by McCourt

To continue the public hearing to December 7, 5:50 PM.

MCCOURT: YES

MORGAN: YES

VOTED:

SEARLE: YES

MASCOLO: YES

MORRISON: YES.

(6:53 PM)

Mr. James Cisek joined the meeting at 6:53 PM.

6:30 PM - PUBLIC HEARING - SP(Coastal District): William K. Moran, 16 Bayside North (36-159.11)(Continued from October 26, October 5, September 14, 2021)

Application to construct a guest house with more than 900 square feet of liveable floor space (1,490 square feet), and on a lot where the main house has been in existence for less than five years.

Present for the Applicant: Mr. Doug Hoehn (SBH, Inc.); Ms. Kris Horiuchi, Mr. Greg Ehrman.

The public hearing continued at 6:55 PM.

Mr. Finn reviewed the proposal.

Ms. Morrison noted that, previously, some objection had been raised in regard to the size of the structure.

Mr. Hoehn noted that some data had been presented, and board members wished to review past similar applications, with similar details.

Mr. Morgan noted that he had reviewed the past structures. Mr. Morgan noted that he had an objection to a proposal that sought approval for a 65% increase over permitted dimensional regulations. Mr. Morgan also noted that it was questionable whether both the five-year hold back and the dimensional restrictions could be granted for the same projects.

Mr. Hoehn reiterated the interest of the applicant to work with the board; he further noted that the lot was about 4 times the minimum lot size, which they felt supported a slightly larger guest house size.

Mr. Ehrman noted that the 1,490 square feet was based on the applicant's requests; Mr. Ehrman noted that a revised plan could be presented that reduces the overall size of the structure to 1,290 square feet.

Mr. Morgan suggested that a proposal under 1,300 square feet would be more palatable.

Mr. Searle also noted that he would be more favorable to the proposal with a slightly smaller proposal.

The board reviewed a revised plan, dated November 16, 2021. The revised plan was compared to the original plan.

Mr. Ehrman noted that the neighbors have already requested that the guest house be built alongside the main house, so as to reduce the overall disruption to the neighborhood.

There being no further information presented, it was **MOVED** by Morgan, **SECONDED** by Searle,

To close the public hearing, and approve the plan as presented, granting a waiver of the five-year delay, and allowing a guest house larger than 900 square feet, in accordance with the plan as presented, with standard conditions for construction project.

MCCOURT: YES

MORGAN: YES

VOTED:

SEARLE: YES

MASCOLO: YES

MORRISON: YES

(7:11 PM)

BRIEF Discussion

Matt Poole, Bill Burke – brief discussion regarding "salt water treatment" of swimming pool water, and disposal of water from pools.

The board engaged in discussion related to swimming pools, swimming pool water draw-down, how salt-treatment pools work, how 'salt / chlorine' conversion cells help to manage pool water condition.

Present: Mr. Ted Rosbeck, Mr. Matt Poole.

Mr. Ted Rosbeck provided a significant amount of information. Notably:

- Sand filters are generally not used; cartridge filters are used instead.
- Salt content in pool water is roughly 3,000 parts per million.
- The amount of chlorine found in a salt-treatment pool is much lower
- Salt-treatment pools are generally more "reliably environmentally friendly".

Mr. Poole noted that discharging excess pool-water onto public ways, or into street or storm drains, is more and more rare.

Mr. Rosbeck noted that requirements for dry-wells in a zoning bylaw is generally not going to be effective, and may be more costly. Mr. Rosbeck also noted that he does not allow excess water to be discharged onto public ways; however, depending on the location, surface discharge may be the best environmental option.

There was discussion relative to how best to dispose of excess water, whether, and how to require proper disposal resources in the Zoning Bylaws.

Mr. Finn suggested that he could work with Ted Rosbeck and Reade Milne in regard to potential language that could be included in the Zoning Bylaw.

OTHER BUSINESS

Ms. Morrison noted that two additional applications for the Planning Board Assistant had been received. Ms. Morrison would coordinate with the HR department to schedule interviews would be scheduled starting on the 30th of November.

Board Member Comments or Concerns

No other concerns were raised.

ADJOURN

It was MOVED by Searle, SECONDED by McCourt

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(7:31 PM)

Respectfully Submitted,

Douglas Finn
Planning Board Assistant

DRAFT