

Edgartown Planning Board - Meeting Minutes

Tuesday, April 26, 2022, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, month day, year, 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

CALL TO ORDER

The meeting was called to order at TIME PM, and the roll was called:

FRED MASCOLO: Present	LUCY MORRISON: Present
SCOTT MORGAN: Present	GLEN SEARLE: Present
JAMES CISEK (ALT): Present	MIKE 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 – INLAND COASTAL DISTRICT BYLAW REVIEW

The Board has a discussion regarding the evident conflict between the Inland Coastal District's twenty-six foot height restriction and the Building Code's requirements to elevate new structures out of the 100 year flood zone(s). Particular emphasis will be made on properties under elevation ten feet.

Alex Cervone, Planning Board Assistant, gave a presentation showing the areas most impacted:

- The two most impacted areas are the pond side of Ocean Heights and the lower section of Katama.
- Nearly all parcels in both areas are in the Coastal District and in the 100 Year Flood Area.
- The Martha's Vineyard Commission (MVC) will be doing a study which includes all elevations of Edgartown. Once we get that information we can create an overlay and identify every single property that meets all 3 criteria which are most influential in this issue; whether or not the parcel is located in the Coastal District, the 100 year flood zone and if it is under a certain elevation.

Mr. McCourt asked what specific problem has been occurring in these areas for it to cause such a consistent problem. Mr. Cervone answered that the main problem is the low elevation of the area and the building codes requirements to build out of the 100 Year Flood Area. Since we measure a structures height from mean average grade and not finish grade, whatever difference the applicant needs to make in bringing the grade up is lost in the height of the structure. Lastly, since the Coastal District has a 26 foot height restriction, so builders are regularly running into issues with designing 1.5-2 story homes in these areas.

Mr. McCourt asked what solutions could be proposed. Ms. Morrison responded that she has many ideas, but she would start with ideas she has gathered from people who could not attend the meeting tonight:

- Liz Durkee, MVC, believes no reconstruction should be allowed in any flood zone. Ms. Morrison commented that it would not be possible within the Board's purview to do this.

- Mr. Mascolo stated that he would like to make a “relief package” for projects in the area to be comfortably able to build 1.5-2 story houses.
- Ms. Morrison suggested that instead of measuring the height of structures from the average mean grade, we start measuring from the flood plain level.
- Mr. Morgan commented that he believes any consistent relief we give these areas should be concrete and the applicants should not be able to receive more relief.
- Mr. Mascolo spoke further to creating a more fair process for people who have owned these homes for a long time and did not inherit these issues when they first obtained the property. He suggested maybe the height restriction just be increased to a middle ground between the standard height restriction and the Coastal District height restriction (29 feet).
- Ms. Morrison reinforced the importance from where we are measuring from. Mr. Mascolo asked if this was even a possibility. Ms. Morrison responded yes, there is nothing that would stop us from changing where we can measure from.
- Mr. Cervone commented that specific verbiage should be included or the change should only be applicable to parcels that absolutely need it. This could be done by setting a minimum elevation at which it becomes unreasonable to build a 2 story home. This will be much easier to apply with the MVC elevation data.
- Ms. Morrison brought up exploring the idea of removing the height restriction all together for properties located within the Inland portion of the Coastal District. Ms. Morrison brought up the question as to why a parcel at such a low elevation would require a height restriction due to it being in the Coastal Zone.
- Mr. McCourt stated he believes the height restriction was an attempt to preserve the aesthetics of the neighborhoods more than to deny water views.

Mark Nicotera, Trademark Services LLC, commented that he would support there not being a height restriction in the Inland Coastal District different than the normal restriction across all the zones. However, he feels that it would still be a good idea for this board to see those applications because of how much the area is changing. Mr. Nicotera spoke further to the importance for this to be used in an as-needed basis because people will try to take advantage of it otherwise.

Mr. Morgan agreed with Mr. Nicotera and thinks that every application should be subjective and everything should be considered.

Forrest Fuller, consultant for Mark Nicotera, commented that a design guideline would be helpful for the Coastal District so builders can better design homes knowing all the restrictions for the overlay district.

Mr. Cervone spoke to the importance of educating the applicant why certain restrictions are in place. When people are more educated on the “why” of something they are much more willing to accept it.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

ADJOURN

It was MOVED by MORGAN, SECONDED by MCCOURT

To Adjourn.

APPROVED BY UNANIMOUS CONSENT.
(6:21 PM)

Respectfully Submitted,

Alex Cervone
Planning Board Assistant