

Edgartown Planning Board - Meeting Minutes

Tuesday, March 14, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, March 14, 2023, 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

Meeting called to order at 5:33 PM. Present: Lucy Morrison (Chair); Mike McCourt, Glen Searle, Scott Morgan, James Cisek (alternate).

Absent: Fred Mascolo.

Others present: Patrick Ahearn, Robbie Robinson,

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - Special Permit (Modification) Michael Bass, Trustee, 89 Turkeyland Cove Road Nominee Trust – 89 Turkeyland Cove Road (44-5.2)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Monday, March 14, 2022 at 5:30 PM, at the request of Robbie Robinson, Waterfront Builders, Inc., on behalf of Michael Bass, Trustee of 89 Turkeyland Cove Road Nominee Trust, to amend a special permit, granted on November 15, 2022; the original special permit allowed the demolition of a single-family residence and guest house, and construction of a new single family residence; the modification would allow for a Flat Roof over 18' in height.

The subject property is located at 89 Turkeyland Cove Road, Assr. Pcl. 44-5.2.

Present for the applicant: Robbie Robinson; Patrick Ahearn

Presentation / Findings

Mr. Ahearn presented an exhibit, showing the Proposed dwelling, and highlighting the flat roof section of the structure.

Question (Cisek): Were you aware when you presented this plan in November that the roof was higher than was allowed? Response (Ahearn): Yes, but we didn't see it that way... we saw a roof that presented as a pitched roof, having sheds, and dormers, with only one component of the roof that was flat, about 19% of the total roof area – we didn't feel that we were in violation.

Mr. Cisek: 19% is still a 19% of a flat roof.

Mr. Ahearn: We have done multiple houses in Edgartown designed this way, and it has never been an issue in the past. Had we not made the roof section flat, and put a pitch on it, we would have had a roof that was higher than would be allowed.

Mr. Ahearn testified that the house doesn't *read* as a flat roof house.

Mr. Morgan: The interior is cathedral ceiling? Mr. Ahearn – the flat roof section is the second floor of the house.

Mr. Morgan: Are there zoning bylaws in regard to widows walks, or rooftop decks? Could the rooftop be used as a deck? Mr. Ahearn: No plans to do so; we would be happy to have that as a stipulation of approval.

Mr. Morgan: Had we seen this originally, would we have approved it?

There was some discussion relative to how this was reviewed and approved, and how the architect viewed the project – as a flat-roofed house that presents as a pitched roof, and were surprised when the building permit was withheld for that purpose.

There was some note of FEMA regulations requiring elevation of the first floor deck above the flood plain, and the constrictions that those regulations put on the design of new constructions.

Mr. Cisek noted his appreciation for the Building Inspector's diligent enforcement of the bylaws.

There was some discussion about the potential to consider this type of design as a work-around.

Mr. Robinson expressed urgency as to getting a decision and being able to move forward.

There was some discussion about variances relative to flat and pitched roofs.

A rendering of the proposed structure from the public vista (water) was reviewed.

Mr. Finn noted that the Zoning Bylaw allows the board to "modify the height restrictions of the Coastal District, up to the maximum allowed in the underlying Zoning District, in specific instances, if it finds such modification consistent with the character of the neighborhood."¹ Further, the general regulations regarding roof heights allow for a higher roof, if the applicant has provided "evidence that the structure as proposed would not extend above the average height of vegetation, as accurately measured on site, that would exist around the structure after construction; and... that the finished structure exposed by likely tree clearing would not be prominently visible from other public or private lands or water bodies."²

No public comment was received. The public hearing was closed at 5:54 PM.

Deliberation / Decision

Ms. Morrison expressed her interest in reviewing flat roofs – where incorporated into pitched roof structures, whether or not they 'present' as a pitched roof – be presented to the Planning Board for review. Ms. Morrison expressed her support for the proposal, as it meets the criteria outlined by the zoning bylaw, and will not be disruptive to the neighborhood.

Mr. Cisek proposed a condition that the flat roof be never used as an observation deck.

Applicant agreed.

Mr. Searle proposed that the flat 'dormer' be removed. Applicant agreed.

It was MOVED by Searle, SECONDED by Morgan

¹ Edgartown Zoning Bylaw, Section 5.1.E.1, rev 2022

² Edgartown Zoning Bylaw, Section 2.4.E, rev. 2022

To approve the application as presented, with conditions as noted.

VOTED:
MORRISON: YES MCCOURT: YES
SEARLE: YES MORGAN: YES
CISEK: YES; (5, 0, 0)(5:58 PM)

5:55 PM – Request for a Curb Cut (continued from March 7, 2023) – Washboards LLC, 9 Mullen Way (29A-43)

Present: the applicant, Mr. George Kaufmann

Mr Finn noted that this request was for a change to the curb cut on an existing lot.

Mr. Kaufmann presented the project, and expressed their desire to maintain the 'character' of old Edgartown.

The existing curb cut will be abandoned, and a fence will be erected.

There was general support for the proposal as presented.

After review of the satellite map of the property, it was MOVED by Morgan, SECONDED by Searle

To approve the application as presented.

VOTED:
MORRISON: YES MCCOURT: YES
SEARLE: YES MORGAN: YES
CISEK: YES; (5, 0, 0)(6:03 PM)

6:00 PM - PUBLIC HEARING – Proposed changes to Zoning Bylaw

In accordance with Section 5 of Chapter 40A of the General Laws, the Planning Board of the Town of Edgartown will hold a public hearing on Tuesday, March 14, 2023, at 6 PM, to receive comment on proposed changes to the Edgartown Zoning Bylaw, Article VII “Floodplain Zone”, which would amend the article by striking the existing language of the article and replacing it.

The proposed changes to the Zoning Bylaw may be reviewed online on the Planning Board page on the town's website -- <https://www.edgartown-ma.us> -- or at the Town Clerk’s office at Town Hall, Main Street in Edgartown, during regular business hours.

The text of the proposed bylaw was reviewed in detail, with Ms. Shemeth, Ms. Livingston and Ms. Durkee providing commentary and insights.

After substantial review, it was MOVED by Searle, SECONDED by Morrison

To amend the text of the proposed bylaw by adding the word "only" to the first sentence of the "Definitions" section; by increasing the fine from \$300 to \$1,000; and by correcting an error in the numbering of one subsection.

VOTED:
MORRISON: YES MCCOURT: YES
SEARLE: YES MORGAN: YES
CISEK: YES; (5, 0, 0)(7:10 PM)

The final proposed bylaw is included as addendum #1 to these minutes.

REVIEW OF MINUTES IF ANY AVAILABLE

January 24, February 28, March 7

Ms. Morrison noted that the minutes from January 24 do not appear to be as 'polished' as others have been, and asked Mr. Finn to review.

The minutes of February 28 and March 7 were reviewed. No action taken.

REVIEW / APPROVE FINAL MV HOSPITAL DECISION

The board conducted an extensive review of the Conditions of Approval for the MV Hospital / Navigator homes project.

Present for the applicant: Geoghan Coogan, David McDonough, Ed Olivier

After thorough review of the various conditions, with some modification of same, it was MOVED by McCourt, SECONDED by Searle

To approve the Conditions of Approval, as presented, and amended.

VOTED
MORRISON: YES MCCOURT: YES
SEARLE: YES MORGAN: YES
CISEK: YES; (5, 0, 0)(6:48 PM)

REVIEW OF MINUTES IF ANY

The minutes of February 28, 2023 were reviewed. Mr. Finn noted that he would forward minutes from January 27, 2023, and March 7, to members for review.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Mr. Morgan proposed changes to the Zoning Bylaw that would cap the size of guest houses to 900 square feet by right, and to 1,250 square feet by special permit. Specific language was presented for review. (The proposed zoning bylaw language is presented as Addendum B to these minutes.)

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

To a schedule a public hearing for April 18, in order to receive comment in regard to the

proposed zoning bylaw amendment.

VOTED:
MORRISON: YES MCCOURT: YES
SEARLE: YES MORGAN: YES
CISEK: YES; (5, 0, 0)(7:05 PM)

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (7:15 PM)
Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp

ADDENDUM #1 – FLOODPLAIN BYLAW AS PROPOSED AND AMENDED

ARTICLE VII – FLOODPLAIN OVERLAY DISTRICT

7.1 Purpose

The purpose for the Floodplain Overlay District is to:

- A. Ensure public safety through reducing the threats to life and personal injury
- B. Eliminate new hazards to emergency response officials
- C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
- D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
- E. Eliminate costs associated with the response and cleanup of flooding conditions
- F. Reduce damage to public and private property resulting from flooding waters

7.2 Establishment of the District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within Edgartown designated as Zone A, AE, AH, AO, A99, V, or VE on the Town's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated July 20, 2016. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Dukes County Flood Insurance Study (FIS) report dated July 20, 2016. The effective FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspections Office, and Conservation Commission.

7.3 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

7.4 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

7.5 Severability section

If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

7.6 Designation of community Floodplain Administrator

The Town of Edgartown hereby designates the position of Building Inspector / Commissioner to be the official floodplain administrator for the Town.

7.7 Requirement to submit new technical data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor
Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

7.8 Variances to building code floodplain standards

Variances to the flood-resistant standards as found in the MA State Building Code may only be issued by the MA State Building Code Appeals Board.

Upon learning that an applicant intends to file for a variance from the State Building Code Appeals Board, the Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

7.9 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws, when issued by the Zoning Board of Appeals, must meet the requirements set out by State law, and may only be granted if:

- A. good and sufficient cause and exceptional non-financial hardship exist; **and**
- B. the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; **and**
- C. the variance is the minimum action necessary to afford relief.

7.10 Permits are required for all proposed development in the Floodplain Overlay District

The Town of Edgartown requires a Permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

All development, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in floodplains. Additionally any required federal permits must be obtained prior to the issuance of a development permit in the Floodplain District as follows:

- A. Within Zones AH and AO on the FIRM, require adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- B. Prohibit man-made alteration of sand dunes and salt marshes within Zone VE which would increase potential flood damage.
- C. Provide that all new construction within Zone VE be located landward of the reach of mean high tide.
- D. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.
- E. The Building Inspector shall deliver one copy of the development plan, in paper or electronic format, to the Conservation Commission, Planning Board, Board of Health, Highway Department, Building Inspector, Board of Appeals and Fire Department for comments which will be considered prior to issuing any applicable permits.
- F. The Town's permit review process requires the applicant to obtain and submit documentation of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district.
- G. The Building Inspector shall review all proposed development within the flood district to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution and Control Act Amendments of 1972, U.S.C. 1334, and
- H. The most recent Elevation Certificate from the Federal Emergency Management Agency must be used to document elevations for all new construction and substantial improvements in the Special Flood Hazard Area.
- I. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
In Zones A and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- J. For new construction and substantial improvements in the AO Zones, all floodplain permits granted under this section shall require that residential structures shall have the lowest floor elevated above the crown of the nearest street to or above the depth number specified on Edgartown's Flood Insurance Rate Map.
- K. All floodplain permits granted under this section shall be subject to the following provisions:
 - 1. All new and replacement utility and water facilities shall be located and constructed to minimize or eliminate flood damage.
 - 2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems are to be located to avoid impairment to them or contamination from them during flooding.

3. Approval for any Alteration of a Land Form may be approved by the Building Commissioner with the consent of the Conservation Commission. No Alteration of a Land Form shall be permitted where there may be the liability of altering the drainage or run-off to the detriment of other landholders or the Town.

7.11 Permitted and Prohibited uses

- A. **ALLOWED USES.** The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and comply with other requirements:
 1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc. provided appurtenant structures meet requirements (a) in section 7.10 and (b) as laid out by the Federal Emergency Management Agency
 2. Forestry and nursery uses.
 3. Outdoor recreational uses, including fishing, boating, play areas, etc.
 4. Conservation of water, plants, wildlife.
 5. Wildlife management areas, foot, bicycle, and/or horse paths.
 6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
 7. Buildings lawfully existing prior to the adoption of these provisions.
- B. **PROHIBITED USES.** The installation of Underground Storage Systems for the storage of petroleum products (including but not limited to oil, gasoline, kerosene, and any hazardous materials) shall be prohibited in the Special Flood Hazard Area (Zones A, AE, AH, AO, and VE on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency for the Town of Edgartown).

"Storage system" shall mean storage tank and all supply lines between storage tank and burner.

"Underground" shall mean under the surface of the earth or under pavement, including cement floors of cellars or basements. Storage systems may be located in basements or cellars provided they are on or above the paved floor of the cellar or basement and the cellar or basement existed prior to July 2, 1980, when the Town of Edgartown adopted its first FIRM and floodplain regulations.

7.12 Base flood elevation data for subdivision proposals

- A. When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- B. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that
 1. Such proposals minimize flood damage.
 2. Public utilities and facilities are located & constructed so as to minimize flood damage.
 3. Adequate drainage is provided.

7.13 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

7.14 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Building Inspector shall notify the following of any alteration or relocation of a watercourse:

- A. Adjacent Communities, especially upstream and downstream
- B. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- C. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

7.15. Recreational vehicles

In A, AH, AO, AE Zones, VE, and V Zones, all recreational vehicles on a site must be fully licensed and highway ready at all times.

7.16 Local Enforcement

- A. **Administrative Official.** It shall be the duty of the Building Inspector or their designee to administer and enforce the provisions of this bylaw. If the Building Inspector receives in writing a request for enforcement and declines to act, or if a person alleges a violation in writing to that office who declines to act, the Building Inspector shall notify in writing the party requesting action of his refusal to act and the reasons therefor within 14 days of receipt of such request.
- B. **Violations.** The Building Inspector shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, increase in intensity, or extension or displacement of use of any structure or lot in violation of any approved plan, information or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this bylaw, and such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner who has been served with a notice and ceases any work or other activity shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals or general welfare.
- C. **Prosecution of violation.** If the notice of violation and order is not complied with promptly, the Selectboard shall authorize and/or institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation. Any person, firm or corporation violating any of the provisions of this bylaw shall for each violation, upon conviction thereof, pay a fine of \$1,000. Each day that a violation is permitted to exist after notice to remove the same shall constitute a separate offense.

7.17 Definitions

The following definitions shall apply only to this section:

ALTERATION OF A LAND FORM means any man-made change in the existing character of the land including filling, grading, paving, dredging, mining, excavation, or drilling operation other than routine excavation, well-drilling, backfilling, grading and paving incidental to the construction of a residence or other structure for which a building permit has been issued.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

RECREATIONAL VEHICLE means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, AO, AH, V, VO, or VE.

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

PROPOSED WARRANT ARTICLE RE/ GUEST HOUSES

To see if the town will restrict the ability of Edgartown Special Permit Granting Authorities to conditionally permit excessively oversized detached accessory dwellings ("guest houses") by

AMENDING the Edgartown Zoning Bylaw, Article II (Residential Districts) Section 2.1.B.9 (R-60, Conditionally Permitted Uses) as follows:

2.1.B.9 ~~One g~~Guest house larger than 900 square feet in total livable floor space ~~provided~~ **may be permitted by the SPGA, provided that**

1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested; For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, recreation, or managed landscaping.

2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and

3 - that all other requirements of 2.1.A.6 are met.

And further, by

AMENDING the Edgartown Zoning Bylaw, Article II, Section 2.2.B.13 (R-20, Conditionally Permitted Uses) as follows:

One guest house larger than 900 square feet in total livable floor space, ~~provided~~ **may be permitted, provided that**

1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested; For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, recreation, or managed landscaping.

2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and

3 - that all other requirements of 2.1.A.6 are met.

and further, by

AMENDING the Edgartown Zoning Bylaw, Article II, Section 2.3.B.9 (R-5, Conditionally Permitted Uses)

One guest house larger than 900 square feet in total livable floor space, ~~provided~~ **may be permitted, provided that**

1 - the parcel contains one acre of undisturbed natural land for each additional 50 square feet of livable floor space requested; For this section, "undisturbed natural land" shall mean land in its natural state, and not developed for any other form of vertical or horizontal construction, including structures, outbuildings, driveways, recreation, or managed landscaping.

2 - the proposed guest house does not exceed 1,250 square feet in livable floor space; and

3 - that all other requirements of 2.1.A.6 are met.

or take any other action relative thereto.