

Edgartown Planning Board - Meeting Minutes

Tuesday, March 21, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, March 21, 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 5:30 PM. Present: Lucy Morrison (Chair); Mike McCourt, Glen Searle, Scott Morgan, James Cisek (alternate).

Absent: Fred Mascolo.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING (CONTINUED FROM MARCH 7, 2023) - SPECIAL PERMIT: ROBERT M MCCARRON, TRUSTEE, 20 ORR LANE (20B-76.4)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board continued a public hearing from March 7, 2023, at the request of Doug Hoehn, Schofield, Barbini and Hoehn, on behalf of Robert M McCarron, Trustee, Trustee of 20 Orr Lane Realty Trust, to construct a pool and cabana in the Coastal District.

The subject property is located at 20 Orr Lane, Assr. Pcl. 20B-76.4.

5:30 PM - PUBLIC HEARING (CONTINUED FROM MARCH 7, 2023) - SPECIAL PERMIT: ROBERT M MCCARRON, TRUSTEE, 20 ORR LANE (20B-76.4)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, March 7, 2023 at 6:00 PM, at the request of Doug Hoehn, Schofield, Barbini and Hoehn, on behalf of Robert M McCarron, Trustee, Trustee of 20 Orr Lane Realty Trust, To construct a garage and pool cabana in the Coastal District.

The subject property is located at 20 Orr Lane, Assr. Pcl. 20B-76.4.

The public hearings were continued, and conducted concurrently.

Present Hoehn for the applicant

Presentation / Findings

The board reviewed revised plans. A revised plan of the pool, showing its depth to ground water

Mr. Searle expressed concerns relative to the depth of the pool, being approximately 1.3 feet below ground water.

Mr. Morgan agreed with the concerns expressed, and asked that more information was needed prior to making a decision for the pool.

There was a brief presentation about the use of a ‘dirt bag’ to filter groundwater during excavation and ‘dewatering’ processes. A cut-sheet of the ‘dirt bag’ was presented and reviewed.

Mr. Hoehn and Mr. Michael Luft-Weissberg (representing the applicant) described the changes to the pool design made to try to answer the concerns relative to the pool’s depth to the current groundwater.

After some discussion, the applicants requested to proceed forward with the structures (garage and cabana), but to continue the public hearing for the pool to a date certain in order for both the applicant and the board to present and receive more information. The board generally concurred.

It was MOVED by Searle, SECONDED by McCourt

To continue the public hearing for the 20 Orr Lane Pool to April 4, 2023 at 6:15 PM.

VOTED:

MORRISON: YES

MCCOURT: YES

SEARLE: YES

MORGAN: YES

CISEK: YES.

5, 0, 0. (6:10 PM)

Discussion / Deliberation / Decision

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

To close the public hearing for the 20 Orr Lane Structures and to approve the proposal as presented with standard conditions for construction.

VOTED:

MORRISON: YES

MCCOURT: YES

SEARLE: YES

MORGAN: YES

CISEK: YES.

5, 0, 0. (6:15 PM)

5:30 PM – PUBLIC HEARING (CONTINUED FROM MARCH 7, 2023) - SPECIAL PERMIT: PETER WILSON GETSINGER, 36 SNOWS POINT (35-5.10)

In accordance with Section 5.1.D.2 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, March 21, 2023 at 5:30 PM, at the request of Reid Silva, Vineyard Land Surveying and Engineering, on behalf of Peter Wilson Getsinger, et als, to construct a guest house within the inland zone of the coastal district.

The subject property is located at 35 Snows Point, Assr. Pcl. 35-5.10.

The public hearing was opened at 6:16 PM.

Presentation / Findings

The proposal is in line with regulations for the Coastal District.

The Guest house as proposed meets the standards for guest houses for the zoning district (EZBL, Sec. 2.4.A)

The lot is large enough to allow for a guest house with reasonable expectation of no disruption to

neighbors.

The septic system (as proposed) will have the capacity to serve the additional bedrooms.

No public comment was offered in favor or against.

Discussion / Deliberation / Decision

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

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

VOTED:

MORRISON: YES

MCCOURT: YES

SEARLE: YES

MORGAN: YES

CISEK: YES.

5, 0, 0. (6:23 PM)

5:50 PM - PUBLIC HEARING - COASTAL DISTRICT SPECIAL PERMIT: CHAPPY HOLDINGS, LLC, 40 LITCHFIELD ROAD (30-133)

In accordance with Section 5.1.D.2 of the Edgartown Zoning Bylaw, the Planning Board CONTINUED a public hearing from Tuesday, February 7, 2023 at 5:30 PM, at the request of Reid G. Silva, Vineyard Land Surveying & Engineering, on behalf of Chappy Holdings, LLC, to construct and maintain a 20' by 40'; in-ground swimming pool, fence, and associated landscaping within the inland zone of the coastal district.

The subject property is located at 40 Litchfield Road, Assr. Pcl. 30-133.

The public hearing was continued at 6:24 PM. Present for the applicant: Reid Silva, VLS&E.

Presentation / Findings

A revised site plan, dated February 8, 2023, was reviewed.

A retaining wall will be constructed, and backfilled with material take from the pool excavation.

The location of the dry well was noted on the plan.

A proposed 'dry hydrant', connected to the pool drain, was noted.

Ground water is at 3'. Bottom of excavation is at 7'.

Pool equipment will be in a sound-insulated enclosure under the existing deck.

Standard Pool Conditions will be in effect.

Discussion / Deliberation / Decision

Ms Morrison noted that the application as proposed appears to meet the requirements noted in the bylaw, will not cause significant disruption to the site, will not pose a danger to groundwater or nearby wetlands, and will not pose a detriment to the neighborhood.

It was MOVED by McCourt, SECONDED by Searle

To approve the application as presented.

VOTED:

MORRISON: YES

MCCOURT: YES

SEARLE: YES

MORGAN: ABSTAIN

CISEK: YES.

4, 0, 1. (6:33 PM)

6:20 PM – REQUEST FOR A DE MINIMIS DETERMINATION: MIKE SMITH AND PHOEBE COLE SMITH, 46 CALEB'S POND LANE (30-24.1, 30-24.2)

The board took up a request for a “De Minimis” determination for slight adjustment to orientation of an existing structure.

The subject property is 30-24.1, 46 Calebs Lane. The structure in question is a small existing cottage, and the request was to ‘pivot’ the cottage on its own axis, to align it to the boundary line.

A ‘proposed shed’ was noted as appearing on the new plan, but not appearing on the plan as previously presented.

No applicant or agent was present to answer questions.

As the applicant was not present, it was MOVED by McCourt, SECONDED by Searle

To table the discussion to April 4, 2023, at 6:30 PM.

VOTED:

MORRISON: YES

MCCOURT: YES

SEARLE: YES

MORGAN: ABSTAIN

CISEK: YES.

4, 0, 1. (6:33 PM)

DISCUSSION – TIMESHARE OR FRACTIONAL OWNERSHIP

Ms. Laura Silber provided a broad presentation on fractional ownership. The board engaged in a conversation about the possible impact to the housing market, the ‘quiet enjoyment’ of private residential neighborhoods, and the impacts to the island as a whole of such ownership structures.

After concluding that there could be significant negative ramifications of taking no action, the board generally agreed to propose a change to the Zoning Bylaw that would define “fractional ownership”, and prohibit the use in all residential districts.

Mr. Finn will seek out counsel from Ms. Silber, the planning offices in Nantucket, and other sources.

MINUTES FOR REVIEW

The board reviewed minutes from February 28 and March 7.

It was MOVED by Morrison, SECONDED by Cisek

To approve the minutes of February 28, and March 7 as presented

VOTED: 5, 0, 0 (7:08 PM)

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was raised.

The board spent some time reviewing agendas, and matters to be presented at upcoming meetings.

It was agreed to schedule a public interview with Ms. Emily Godfrey for the position of Planning Assistant.

ADJOURN

There being no further business, it was MOVED by Morgan, SECONDED by Cisek

To Adjourn

VOTED: 5, 0, 0 (7:16 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp