

Edgartown Planning Board - Meeting Minutes

Tuesday, May 2, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, May 2, 2023, 5:30 PM.

The meeting was audio and video recorded. Attendees participated by video conference, in accordance with Chapter 2 of the Acts of 2023. 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 - 6 Majors Cove Road

9:30 AM – 35 Division Road (tentative)

No deliberation was conducted.

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 - Definitive Subdivision:

ADEC Meeting House Way Real Estate, LLC, 35 Division Road (37-46)

In accordance with Section 2.2 of the Edgartown Zoning Bylaw and the Edgartown Subdivision Rules and Regulations as amended, the Planning Board will hold a public hearing on Tuesday, May 2, 2023 at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of ADEC Meeting House Way Real Estate, LLC, To divide a single parcel (17.28 acres +/-) to create a new private way (Surke Meadow Way) five buildable lots, and two 'open space' lots of 5.58 acres and 4.55 acres).

The subject property is located at 35 Division Road, Assr. Pcl. 37-46.

Present for the applicant: Doug Hoehn, SBH, Inc. Attorney Robert Moriarty, Burke Ross

The public hearing was opened at 5:31 PM.

Presentation / Discussion

Mr. Hoehn presented an assessors map of the subject parcel.

The total area of land is 17.28 acres. A meadow is in the center of the land.

The proposal is to create an 'estate plan' for family members.

A gradual slope across the land is roughly 1% or less.

A 200' wooded buffer along Meetinghouse Way would be preserved.

The proposed lot layout, building envelopes, road layout, and other specifications were reviewed.

A trail easement along the centerline of "Old Meshacket Road" is proposed.

The five lots would be connected to municipal sewer.

Wastewater connections have not yet been confirmed for the proposal.

Town water is not proposed.

The Edgartown Fire Department is being consulted; Asst. Chief Josh Baker thought an emergency fire department road along the front of each lot, abutting the open meadow, could be practicable.

A nitrogen loading plan is being prepared; the proposal will not exceed the MV Commissions limits.

The proposal is to keep the lots within family ownership.

Development plans for any given lot are not confirmed at this time.

The applicants are working with the MV Commission to develop a policy that uses renewable energy resources as desired.

Appliances will be electric; lighting will be dark skies compliant.

No proposal for a contribution to affordable housing has been determined at this time.

Mr. Morgan asked if there were any conditions on the adjacent five-lot subdivision relative to guest houses. Answer: No specific conditions.

Mr. Morgan asked why a 'horseshoe' road on the inside of the five lots was not considered.

Mr. Hoehn noted that the applicants were trying to preserve uninterrupted views of the meadow.

Ms. Morrison: how far into the future will lots one through four?

Mr. Hoehn – some time into the future. We would rather not cut the road into the property until we needed to.

Mr. Burke spoke to his intent with the subdivision, and the likelihood of the lots being developed "in my lifetime".

Ms. Morrison offered some specific relative to the division of land as it is reviewed at the MV Commission, and requirements for same.

Mr. Morgan asked whether the two lots marked as "open space" would be permanently restricted from development. Answer: Yes.

There was some review of the subdivision rules, section seven, "Time Limitation".

Ms. Morrison noted some concerns relative to the plan for fire access.

The board will likely participate in a site visit coordinated by the MV Commission on May 18.

There was some discussion regarding the authority of the board to extend its approval beyond the two-year limitation noted in the Subdivision Rules.

Continuance

It was MOVED by Searle SECONDED by McCourt

To continue the public hearing to July 11, 2023 at 5:30 PM.

MORGAN: YES
SEARLE: YES;
VOTED:
MORRISON: YES;
MCCOURT: YES
CISEK: YES
(8:01 PM)

6:00 PM - PUBLIC HEARING - SPECIAL PERMIT (cont'd from April 4, 2023):

ISLAND HOLDINGS LLC D/B/A WINNETU OCEANSIDE RESORT, 31 DUNES ROAD (52-261)

In accordance with Sections 5.1 and 10.1.G.6.5 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, April 4, 2023 at 5:45 PM, at the request of Adam Epstein, Innovation Arts and Entertainment, on behalf of Island Holdings LLC, to amend a special permit to allow the applicant to host the MV Food and Wine Festival at the Winnetu Oceanside Resort, Friday through Sunday, October 19 - 22, 2023; all events relative to the event will end no later than 7 PM.

The subject property is located at 31 Dunes Road, Assr. Pcl. 52-261.

Present for the Applicant: Mr. Adam Epstein, Innovation Arts and Entertainment

Presentation / Discussion

Mr. Epstein noted that he was pleased to help organize the event once again;

The scope of the event would mirror what has been done in the past.

No dramatic changes to the event are proposed, and should be consistent with past events.

The property will feature several tents on the front lawn of the Winnetu.

Activities under the tents will include seminars and special Tasting events on Friday, October 20, Saturday, October 21, and Sunday, October 22.

Setup would begin on October 16.

Breakdown of all tents and equipment would be completed no later than October 25.

All outdoor events will end no later than 7pm.

Mr. McCourt asked if there could be additional efforts to direct traffic towards the downtown.

Mr. Epstein noted that the intent was to draw traffic to the area in the shoulder season, and to help support businesses in the downtown.

Shuttle services were proposed to bring participants from some parking lots in Edgartown to the site; parking along the beach road has quite often been available for the event in the past.

The applicant was advised to coordinate with the parks department relative to the use of beach parking.

The proponent anticipates ‘bundling’ hotel lodging with festival passes.

Ms. Erin Ready (Edgartown Board of Trade) spoke in favor of the event, noting that it was a positive event for local businesses, and the benefit was not limited to the Winnetu.

Mr. McCourt noted Mr. Epstein’s participation in the “Beach Road Weekend” event in Tisbury; Mr. Epstein noted that this was his first effort to promote the festival as a ‘destination event’.

No other public comment was received. The public hearing was closed at 6:30 PM.

Deliberation / Decision

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

To approve the modification of the special permit as proposed; setup to begin no earlier than October 16; all breakdown to be completed no later than October 26.

VOTED:
MORGAN: YES MORRISON: YES;
SEARLE: YES; MCCOURT: YES
CISEK: YES
(6:34 PM)

6:15 PM – SITE PLAN REVIEW – Ground Mounted Solar PV
– Barbara and Michael Cassavoy, 11 Coffins Field Road (25-21.6)

Application for site plan review of a proposed Installation of a 12.8kWDC ground mounted solar PV system at the Cassavoy Residence at 11 Coffin's Field Road.

Applicant: Jack Sipperly, Agent - jsipperly@southmountain.com

In accordance with section 14.2 of the Edgartown Zoning Bylaw, the Planning Board conducted a Site Plan Review of a proposed 12.8 kwdc Ground-mounted solar PV system, proposed by Barabara and Michael Cassavoy, to be installed at 11 Coffins Field Road, Assessors Parcel 25-21.6.

Presentaion

Mr. Jack Sipperly presented the site plan, and noted a number of site planning decisions and conditions that helped to determine the location of the proposed array.

There was some discussion relative to the visibility of the array to the abutting property; the impact of the array on airport operations; etc.

The owners offered to do some planting for screening if needed.

Mr. McCourt expressed concern that the abutters were not notified of the proposal. The applicant stated that he would contact the abutter, and ask them to provide comment to the board about the application.

Continuance

It was MOVED by Morrison, SECONDED by Searle

To continue the matter to May 16, 6:30 PM

VOTED:
MORGAN: YES MORRISON: YES;
SEARLE: YES; MCCOURT: YES
CISEK: YES
(7:02 PM)

6:30 PM - PUBLIC HEARING - Special Permit (cont'd from 3/21):

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 April 4, 2023 at 5:30 PM, at the request of Doug Hoehn, Schofield, Barbini and Hoehn, on behalf of Robert M McCarron, 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.

Applicant: Doug Hoehn, dhoehn@sbhinc.net; Jonathan Kirby, Matt Goodfriend.

The public hearing was continued at 7:03 PM.

Presentation / Findings

Mr. Hoehn confirmed that the structures were already approved.

Mr. Hoehn noted that the matter was continued relative to 'dewatering' on the site;

Mr. Hoehn noted that the Conservation Commission had approved the proposal for dewatering on the site, and the installation of the pool.

The pool will likely still intrude into groundwater by about one foot.

Ms. Jane Varkonda has reported to more than one member, and the applicant, that the proposal is satisfactory with her and the conservation commission.

Mr. Morgan noted that Jane Varkonda reported that the proposal is acceptable to her; Mr. Morgan stated that he did not agree with the proposal, reiterating his intent to protect groundwater; he noted that a pool exists on the site currently.

Mr. Searle noted that he had spoken with Ms. Varkonda relative to the application, and that he too did not agree with the opinion that the pool will not pose a hazard.

Mr. McCourt: How many times have groundwater been disturbed relative to groundwater?

Mr. Hoehn noted that in several locations within the village area, pools have been constructed to extend below groundwater; dewatering during construction was always required, and has been done successfully and without harm to the environment.

Mr. Hoehn stated that he did not believe that, in this case, there was an 'environmental issue'.

Mr. Jonathan Kirby noted that the process of installation might cause a temporary disturbance of ground water; however, once completed, the concrete shell of the pool would not leech any materials

into the ground.

Ms. Morrison noted that in some cases, a swimming pool that intrudes into groundwater may have been approved by other relative boards or committees, and/or may not have required approval by any board or committee.

Mr. Kirby noted that there may be some confusion between ‘groundwater’ and the island’s ‘aquifer’.

There was discussion relative to whether or how the project might affect ground water, or the water table in the location.

Mr. Cisek also expressed concern with the proposal as presented.

Mr. Hoehn asked for another continuance to bring back more information relative to this application that might address concerns.

Ms. Morrison asked when the original pool was permitted.

Mr. Kirby noted that wanted to be certain that the board wasn’t applying a ‘line in the sand’, and that if the applicant could produce evidence of no disruption to groundwater, that the Planning Board could find a way to approve the application.

Mr. Finn noted that the pool cabana was constructed in 2003.

Deliberation / Decision

It was MOVED by _ SECONDED by _

To continue the public hearing to June 16, at 6:50 PM.

	VOTED:
MORGAN: YES	MORRISON: YES;
SEARLE: YES;	MCCOURT: YES
	CISEK: YES
	(7:32 PM)

6:45 PM - PUBLIC HEARING (cont'd from April 18, 2023) - SPECIAL PERMIT:

GARY H. SHERR & ANDRE L. CAMPAGNA, 6 MAJORS COVE LN (7-2.10)

In accordance with Sections 5.2.A.3.C, 10.1.C.1 and 17.7.D of the Edgartown Zoning Bylaw, the Planning Board continued a public hearing from Tuesday, April 18, 2023 at the request of Ross P. Seavey, Martha's Vineyard Land Law, Inc., on behalf of Gary H. Sherr & Andre L. Campagna, to exceed the maximum height for a new single-family dwelling situated in the R-20 Zoning District and the Island Roads Zoning Overlay District.

The subject property is located at 6 Majors Cove Ln, Assr. Pcl. 7-2.10.

Present for the Applicant: Ross P. Seavey, Martha's Vineyard Land Law, Inc.

Presentation / Findings

Mr. Seavey noted the site visit in the morning.

Mr. Seavey reiterated that the grade had been artificially raised by the previous property owner.

The application was to exceed the height restriction of 26' to 31.5'.

Mr. Seavey shared photos of the site, with a 'story pole' in place to show the proposed height of the project.

Mr. Seavey also noted that comparison of the proposed structure relative to the existing structures:

7 Majors Cove – 32.0 feet above grade

10 Majors Cove – 31.5 feet above grade

Mr. Morgan asked whether there was any 'statute of limitations' relative to changes to grade.

Mr. Morgan also asked if there was the potential to reduce the pitch for the roof to lower the ridge height.

Mr. Seavey noted that a reduction of the roof pitch to an 8:12 pitch would bring the ridge height to 33' over MNG, and 29' 10" over final grade.

Mr. Seavey noted that further reduction to the pitch would affect the overall design.

Mr. McCourt suggested that the adjustment to the pitch brought the proposal closer to the regulations.

Mr. McCourt noted that the association does agree with the proposal.

Mr. Morgan noted, given the type of equipment to be placed in the attic, a minimum area and headroom was a benefit.

The applicant reviewed the average grades of the two abutting properties, and the height of the proposed structure as compared to the other two lots.

Mr. McCourt noted that the lot has significant screening to protect the abutters view.

Mr. Seavey noted a full planting plan would be implemented to provide additional screening from the road.

No further questions were aired.

Ms. Morrison closed the public hearing at 8:00 PM.

Deliberation / Decision

It was MOVED by McCourt, SECONDED by Cisek

To approve the project as presented, with a reduction to the roof pitch allowing the ridge to not exceed 29' 10" above the existing adjusted grade.

VOTED:

MORGAN: YES

MORRISON: YES;

SEARLE: YES;

MCCOURT: YES

CISEK: YES

(8:01 PM)

MEMBER CONCERNS

Mr. Cisek expressed some concerns relative to the scheduling of the Stop and Shop project, and the timing of the paving. Ms. Morrison noted that she would take the matter up with Geoghan Coogan.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was raised.

REVIEW OF MINUTES IF AVAILABLE

No minutes were reviewed.

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (8:04 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp

Meeting Participants (via “Zoom”)

Doug Finn (Assistant) (Town of Edgartown)

Deb Butler

Scott Morgan (Scott)

MICHAEL's iPad Pro (no name given)

Mike McCourt (mikemccourt)

Adam Epstein

Erin Ready

Robert Moriarty

Matt Goodfriend

Julia Tarka

Jongseok Lee

Rebecca Verner

Owner (no name given)

Michael Cassavoy

Burke Ross

Lucy Morrison

Douglas Hoehn

James Cisek

Glen Searle (Glen 's iPad)

Ross P. Seavey Esq.

Jack Sipperly

Jonathan Kirby

Bill (no last name given)

Andre Campagna

Gary Sherr

268336314iPhone (no name given)