

Edgartown Planning Board - Meeting Minutes

Tuesday, May 16, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, May 16, 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

No site visits were scheduled.

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 (Cont'd from April 18, 2023): Proposed Changes to the Edgartown Zoning Bylaw

In accordance with Section 5 of Chapter 40A of the General Laws, the Planning Board of the Town of Edgartown continued a public hearing from April 18, 2023 to receive comment on proposed changes to the Edgartown Zoning Bylaw:

TO AMEND Sections 2.1.B.9, 2.2.B.13, and 2.3.B.9, to limit the ability of Edgartown Special Permit Granting Authorities to conditionally permit excessively oversized detached accessory dwellings (“guest houses”), and to limit new guest houses to no more than 1,250 square feet of Liveable Floor Space.

TO ADD Section 10.3.G – Fractional Ownership, Interval and Time Share Units – a proposal intended to preserve and protect housing stock in the Town from the market pressures attendant to fractional ownership, interval and time share uses and to protect neighborhoods from the impacts of such uses; and

TO AMEND Article 2, Section 2.4.B and Article 2, Section 2.5.B, to correct a scrivener's error, replacing a reference to Article 11.5 with Article 10.1.F in both cases.

The public hearing was continued at 5:30 PM.

Presentation / Discussion

Ms. Morrison reminded board members that the purpose for the continuance was to receive comment only on the proposed changes to guest house regulations.

Ms. Livingston asked whether the proposal would allow guest houses of 1,250 square feet by default. Ms. Morrison reviewed the provision of the proposed bylaw change. Ms. Livingston commended the board, and supported the proposal.

Closing the public hearing

It was MOVED by Searle SECONDED by McCourt

To close the public hearing, and forward the Guest House proposal to the Selectboard for inclusion on a Town Meeting warrant.

MORGAN: YES
SEARLE: YES;
VOTED:
MORRISON: YES;
MCCOURT: YES
CISEK: YES
(5:39 PM)

ADMINISTRATIVE BUSINESS

Some business was taken out of order at the convenience of the Board.

De Minimis Request: Michael Barclay, for 58 Oyster Watcha Rd Nom. Trust

A letter from Mr. Michael Barclay, and a site plan, was reviewed. Mr. Barclay requested approval for a change to an approved plan, resulting in a relocation of a proposed guest house 20 feet from the original proposed location. The board reviewed the site plan, showing the guest house moved to remain above the 12' countour.

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

To approve the request as a de minimis change to an approved plan.

MORGAN: YES
SEARLE: YES;
VOTED:
MORRISON: YES;
MCCOURT: YES
CISEK: YES
(5:44 PM)

Review of Minutes if available

The minutes of April 4, April 18, and May 2 were presented for review. It was MOVED by Morrison, SECONDED by Morgan

To approve the minutes of April 4, April 18, and May 2, as presented.

VOTED: 5, 0, 0 (5:46 PM)

6:30 PM – SITE PLAN REVIEW (cont'd from May 2): Ground Mounted Solar PV – Barbara and Michael Cassavoy, 11 Coffins Field Road (25-21.6)

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

Present for the applicant: Mr. Jack Sipperly, South Mountain Co.

Applicant provided a revised site plan, with a slight change to the proposed location for the array.

A letter from Gary Simmons & Casandra Hyland was reviewed.

Mr. Finn noted that MGL Chapter 40A Sec 3 does not allow towns or cities to “prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare.”

Mr. Finn noted that, while untested in court, the term “public welfare” likely does not refer to the ability of an abutter to see an array.

Mr. Sipperly provided an update:

The applicant met with the abutters, reviewed possible site locations and alternatives, but have not come to a common understanding as to the location of the array.

There a discussion about the original proposed location, possible alternative locations, and the need for removal of specific trees in order to provide clearing for alternative locations.

A question about the use of larger panels was considered.

Mr. Sipperly discussed the orientation of the panels as proposed.

The topic of visual screening was considered.

Deliberation / Decision:

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

To continue to June 20, 2023, 5:30 PM

MORGAN: YES

SEARLE: YES;

VOTED:

MORRISON: YES;

MCCOURT: YES

CISEK: YES

(6:12 PM)

A site visit will be scheduled.

6:00 PM – PUBLIC HEARING (SP – Coastal): Kruppers, LLC, 5 Brigg's Road (12-23)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, May 16, 2023 at 6:00 PM, at the request of Doug Hoehn, Schofield, Barbini & Hoehn, Inc., on behalf of Krupper's, LLC, to construct a pool in the inland zone of the coastal district.

The subject property is located at 5 Brigg's Road, Assr. Pcl. 12-23.

Present for the applicant: Doug Hoehn, SBH; Jessica Snare (Architect)

The public hearing was opened at 6:13 PM.

Presentation / Findings

The subject property is located at 5 Brigg's Road, Assr. Pcl. 12-23.

The locus map was reviewed.

The property is described as a large lot, about 9.2 acres, shielded by vegetation.

The bottom of the pool will be roughly six feet, at least one foot above high groundwater.

Fencing will be provided in accordance with building codes.

All lighting will be downward shielded, and limited only to what is required by building code.

A minimum of excavation will be performed on site.

There will be no disturbance in the Shore Zone or Zone 1 EPAD.

Water will be from a well on site.

A dry-well is proposed for minor water draw down at end of year.

A dry-hydrant, connected to main pool drain, will be installed as per Edgartown Fire Department specifications.

Equipment will be placed in an enclosed shed, insulated for sound absorption.

There was discussion of the ultimate depth of the pool, and whether excavation work would extend below the high-ground-water mark.

After some discussion, Mr. Hoehn suggested that the project could be conditioned so that the pool and pool plumbing would not extend below the 5' high-groundwater depth.

There was some discussion whether a pool drain could be placed on the side of the pool.

Deliberation / Decision

After review, it was MOVED by Morgan SECONDED by Searle

To approve the application, with standard conditions for swimming pools; further, excavation and plumbing for the pool shall not extend below the 5' elevation.

	VOTED:
MORGAN: YES	MORRISON: YES;
SEARLE: YES;	MCCOURT: YES
	CISEK: YES
	(5, 0, 0.)(6:28 PM)

MEMBER CONCERNS

Ms. Morrison asked the board if she could schedule an interview with an applicant for the Planning Assistant position. Generally, the board concurred with a potential interview date and time of Tuesday, May 23, 2023.

Ms. Donna Gazaille, Puwal Lane, raised concerns about the lack of work on the landscaping on her south boundary.

After significant discussion, back-and-forth concerns about dates and times, and possible actions within the scope of the board to take.

After significant discussion, the board decided to –

Contact the current owner of the property to arrange a meeting with the owner, the current builder, and the building inspector in order to establish a schedule for completion of the landscaping along Ms. Gazaille’s south boundary.

Formal letters will be sent via certified mail to the current owner, Mr. Oliver Snider, requesting resolution of the issues.

It was MOVED by Morrison, SECONDED by

To secure a written plan with timeline for the installation of landscaping along the south boundary of Ms. Gazaille's property from the owner of the Mattakessett / Somerset Lane subdivision.

VOTED: 5, 0, 0 (6:58 PM)

6:50 PM - PUBLIC HEARING - Special Permit (cont'd from 5/2): 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 May 2, 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 6:59 PM.

A letter from Mr. Jonathan Kirby, Senior Project Manager, representative for the applicant, requesting a further continuance was reviewed.

There was some discussion relative to the Planning Board's options; the possibility of a consultant (as provided by MGL Ch. 44 Sec. 53G), and the reasons for the board's concerns. No decisions were made.

Mr. Finn suggested a continued to June 20, 2023, 5:50 PM. It was MOVED by Morrison, SECONDED by Searle

To continue the public hearing to June 20, 2023, 5:50 PM.

VOTED:
MORGAN: YES MORRISON: YES;
SEARLE: YES; MCCOURT: YES
CISEK: YES
(7:16 PM)

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (7:18 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp

APPROVED at a regular meeting of the Planning Board on June 6, 2023.

Meeting Participants (via “Zoom”)

Doug Finn (Assistant) (Town of Edgartown)	Michael Cassavoy
Deb Butler	Burke Ross
Scott Morgan (Scott)	Lucy Morrison
MICHAEL's iPad Pro (no name given)	Douglas Hoehn
Mike McCourt (mikemccourt)	James Cisek
Adam Epstein	Glen Searle (Glen 's iPad)
Erin Ready	Ross P. Seavey Esq.
Robert Moriarty	Jack Sipperly
Matt Goodfriend	Jonathan Kirby
Julia Tarka	Bill (no last name given)
Jongseok Lee	Andre Campagna
Rebecca Verner	Gary Sherr
Owner (no name given)	268336314iPhone (no name given)
Donna Gazaille	