

Edgartown Planning Board - Meeting Minutes

Tuesday, June 6, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, June 6, 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 - Coastal District Pool Special Permit: Susan and Daniel Plaine, 50 North Neck Rd (18-34.1)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, June 6, 2023 at 5:30 PM, at the request of Thomas Carberry, Sherman Associates, on behalf of Susan and Daniel Plaine, to expand an existing deck and install a swim spa within the expanded deck.

The subject property is located at 50 North Neck Rd, Assr. Pcl. 18-34.1.

Present for the Applicant: Sam Sherman, Sherman Associates

Presentation / Findings

The proposal is for the expansion of an existing, low deck, and placement of a 'swim spa' in a concrete vault within the deck.

The top of the swim spa would be roughly level with the deck.

The swim spa has a capacity of about 2,000 gallons.

The deck and spa would be conforming on the lot.

The use would be private.

The deck and swim spa would be a significant distance from any neighbor.

The deck would be fully enclosed by a fence that meets health and building codes.

It was noted that two trees (a "y" cherry, and a straight pine) would need to be removed from the tree

yard, in order to allow for the installation of the swim spa.
The placement of the existing septic system was noted.
No comments have been received by any abutters.

Decision

It was MOVED by Morgan SECONDED by Searle

To approve the special permit application with standard conditions for construction projects, including the removal of the two trees in the tree yard, as noted.

MORGAN: YES
SEARLE: YES;
MORRISON: YES;
MCCOURT: YES
CISEK: YES
(5:41 PM)

Public Comment

Ms. Donna Gazaille offered her thanks for the response by the Planning Board, and noted that all trees were now properly placed along her boundary.

Review of Minutes

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

To approve the minutes of May 16 2023 as presented

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

5:50 PM - PUBLIC HEARING - Special Permit: James W. Coghlin, Jr. and Kristen L. Coghlin, 92 Schoolhouse Road (29-45)

In accordance with Section 10.1.K of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, June 6, 2023 at 5:50 PM at the request of Dharshini Joseph, Dharshini Joseph Landscape Architecture, Inc., on behalf of James W. Coghlin, Jr. and Kristen L. Coghlin, to remove ten Protected Trees from the Tree Yard of a residential lot in the R-20 Residential District.

The subject property is located at 92 Schoolhouse Road, Assr. Pcl. 29-45.

Present for the applicant: Dharshini Joseph, Dharshini Joseph Landscape Architecture, Inc.

Presentation / Findings

The Existing Conditions plan was reviewed.

The location and condition of the ten trees were noted on the plan.

The project includes building an addition to the existing house, building a new garage, and installing

a new septic system, swimming pool and driveway.

The construction footprint impacts existing trees within the property setbacks, which include ten trees with calipers/diameters greater than 4 inches.

The Landscape/Tree Removals Plan shows the proposed landscape design with an overlay of the existing trees. The Planting Plan shows the proposed planting plan.

Trees 1 through 4 are located within the rear and side property setbacks.

Trees 5 through 10 are located within the front property setback.

Tree 9 is dead and will be removed. Tree 10 is located where the proposed septic system has been sited.

Overall the proposed planting will substantially improve the landscape at the property line setback conditions.

The applicant noted that the Edgartown Tree Warden, Allen DeBettencourt, has walked the property and is familiar with the scope of the project and tree removals within the setbacks.

The applicant noted that the Building Inspector, Reade Milne, has reviewed the landscape plan.

The board noted that visual observations appear to confirm that some of the trees are dead.

The photos were noted as having been taken in March or April (prior to filling out of understory).

Mr. Morgan and Mr. Cisek expressed an interest in a site visit.

It was noted that Trees 5, 6 and 8 would be removed in order to move the driveway entrance.

The trees to be removed are marked with ribbons.

The existing location of a storage shed was noted as being in the setback, but also over the property line.

The language of the Tree bylaw was reviewed for reference.

No members of the public were present. No public comment was received.

It was noted that Schoolhouse Road is a private road, and not a public way.

Continuance

It was MOVED by Morrison, SECONDED by Searle

To schedule a site visit for the morning of June 20, 2023, and to continue the public hearing to June 20, 2023, at 6:30 PM.

VOTED:

MORGAN: YES

MORRISON: YES;

SEARLE: YES;

MCCOURT: YES

CISEK: YES

(6:14 PM)

6:10 PM - PUBLIC HEARING - Coastal District Special Permit: John & Teresa Prego, 9 Haystack Ln (12A-49)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a

public hearing on Tuesday, June 6, 2023 at 6:10 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of John & Teresa Prego, to replace an existing dwelling with a new dwelling, and to move an existing shed, on a preexisting non-conforming lot in the Coastal District.

The subject property is located at 9 Haystack Ln, Assr. Pcl. 12A-49.

Present for the applicant: Doug Hoehn, SBH, Inc.

Presentation / Findings

The locus of the subject property was reviewed.

The site plan was reviewed.

The replacement home would be two stories, and would meet setbacks.

The replacement home would have a slightly larger footprint.

The new structure would not encroach on setback areas, nor would it lie closer to the edge of the wetlands.

The existing septic is a MicroFAST wastewater treatment system, and would serve the new structure.

An existing shed is proposed to be moved due south, parallel to the side lot line, keeping the existing orientation.

The applicant noted that the abutter, the Larsons were supportive of the proposal as a whole. A letter from Mr. Larson was entered into the record as being in favor and supportive of the proposal, and the new house design.

The builder noted that the existing access along Haystack Lane would work for transport of the modular 'boxes' to the site.

Mr. Ken Monahan, 19 Haystack Lane, was present and voiced support for the proposal.

John and Janet Larson were also present, and voiced support for the proposal, including the proposed relocation of the shed.

Decision

It was MOVED by Morgan, SECONDED by Searle

To approve the special permit application with standard conditions for construction projects; further, that if any tree removal along haystack lane is required for construction, review by the Planning Board will be required.

VOTED:

MORGAN: YES

MORRISON: YES;

SEARLE: YES;

MCCOURT: YES

CISEK: YES

(6:37 PM)

6:30 PM - PUBLIC HEARING - B-II District Special Permit: Richard J. McNulty, Sr., 258 Edgartown Road LLC, 258 Edgartown Vineyard Haven Road (21-34.221)

In accordance with Section 3.2 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, June 6, 2023 at 6:30 PM, at the request of Thiago De Sa, Trimarket LLC,

on behalf of Richard J. McNulty, Sr., Trustee of 258 Edgartown Road LLC, to operate a retail store, which will offer retail sale of groceries, which will include the sale of food prepared or portioned on site and prepackaged food or drink, both for consumption off-site. There will be no dining facilities on site.

The subject property is located at 258 Edgartown Vineyard Haven Road, Assr. Pcl. 21-34.221.

Present for the applicant: Thiago De Sa, Trimarket LLC; also present: Gustavo Souza.

Also Present: Connor Downing (Edgartown Health Agent);

Drew Belsky (Edgartown Health Inspector

Presentation / Findings

The general proposal was presented.

The market has been in operation for more than a year and a half.

The board expressed significant concern that the Planning Board was not made aware of the operation prior to commencement, nor afforded the opportunity to review the proposal.

Prior to the store being in operation, the space was used for a gym (personal trainer), and prior to that a gym. Mr. Finn noted that, strictly according to the bylaws, the change from a gym to a retail store did not require a new special permit.

Mr. Morgan: What has the store been selling? Mr. De Sa: Rice, beans, meat, other traditional Brazilian foods.

Mr. Morgan: Is refrigeration required for the operation? Answer: yes.

Mr. Morgan: How have we not seen this?

There was discussion and concern regarding the ongoing operation of the store without proper zoning permission.

The applicant was asked about their existing licenses. No clear answer given.

The applicant testified that they are being asked to install the sink simply to allow for easier cleaning. Mr. Belsky noted that the sink is required because food would be prepared / heated on site.

The scope of proposed activity was reviewed. Mr. Morgan noted that the scope of activity constituted a restaurant / take-away food service facility, and that he objected to that operation at the site.

Mr. Finn noted that, based on the conversation, the Planning Board needs the following information about the proposal:

- What are your proposed operating hours?
- What types of products to be sold? (pre-packaged? ready to eat?)
- Will you provide a microwave oven for customer use?
- Will any food be dished out into to-go containers (like plastic or foam containers?)
- How will trash be handled?
- Will you have trash storage outside the building? if so, where?
- Will trash be taken off site every day?
- What time of day will deliveries be made to the site?

- What volume of product will be delivered?
- What types of vehicles will be making the deliveries? (small van? large van? box truck?)
- Do you have parking spaces reserved for your unit?
- Do you have a lease that guarantees a minimum number of parking spaces for your store? (if so, a copy of that part of the lease will need to be reviewed by the Board.)

Mr. Finn noted that Approvals are required as follows:

- Planning needs to consider use on the site first
- Wastewater needs to review / permit the additional flow
- BoH will review / determine compliance with food service requirements.

Mr. Belsky noted the steps that Mr. De Sa had been pursuing to come into compliance.

Mr. Morgan asked whether Premier Chef Services (located in the same building) could do take-out service. Mr. Belsky noted that he could not. Mr. Finn clarified that the business was permitted to do take-out for a limited time – May 2020, through October 2020 – due to Covid.

Ms. Morrison: Deliveries? Mr. De Sa: No large trucks will be delivering on the site.

Ms. Morrison: Trash? Mr. De Sa: We take trash to the landfill on a daily basis. No outdoor trash cans will be placed on the site.

Mr. De Sa noted that the request is for the placement of a sink, and a plumber has been consulted.

Mr. Downing noted that the sink isn't the main issue, but is reviewed as part of the overall operation.

Mr. Morgan: How can the facility sell refrigerated foods without the facility to clean – i.e., a sink?

Mr. Belsky noted that the situation was 'inherited' by the current board of health staff, and that they have been trying to manage the situation as best as they can.

Ms. Trisha (no last name given) expressed concern about trash handling, and the maintenance of the site.

Mr. De Sa noted that no food would be prepared on site, and that there would only be sales of food ready to be sold. Mr. De Sa also noted that he would be willing to monitor the parking area for trash.

Mr. McCourt cited his objection to approving the use after the fact, and suggested that the applicant start from the beginning.

Ms. Morrison suggested a continuance to June 20, 2023, in order to allow for a site visit on the 20th.

Mr. McCourt asked that the applicant provide information about current licenses in hand.

Ms. Morrison confirmed with the applicant that a site visit would be held on the 20th.

Decision

It was MOVED by Morrison SECONDED by Searle

To continue the public hearing to June 20, 6:45 PM.

MORGAN: NO
SEARLE: YES;

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

OTHER BUSINESS

Mr. Cisek asked about the removal of trees on the site of the "Navigator / MV Hospital" site, which appears to be happening up to the front lot line, close to the road. Ms. Morrison noted that we would look

Ms. Livingston asked that the zoning bylaw steering committee be appointed. Ms. Morrison noted that would be on the agenda for the meeting on July 11.

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (7:36 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp

Meeting Participants (via “Zoom”)

Name (Original Name)

Doug Finn (Town of Edgartown)

Glen Searle (Glen 's iPad)

James Cisek

Scott Morgan (Scott)

Julia Livingston

Mike McCourt

Trisha

Evelyn Thomas

Jordan Hoehn

Lucy Morrison

1-774-836-8779 (no name given)

Thiago De Sa (iPhone de Thiago)

Connor Downing (Health Agent) (Connor Downing)

Drew Belsky (dbelsky)

Douglas Hoehn

John Larson and Janet Larson

Bill

Gustavo Souza (Gustavo)

Dharshini Joseph

Jim Coghlin

Sam Sherman (Ezra Sherman)

Judy Gaylord

Kristen Coghlin

Cece & Rick Lindequist

John Prego - ITK Solutions Group

Ken Monahan

Fernando Lana

Donna Gazaille (Donna)

Sam Sherman (Ezra Sherman)