

Edgartown Planning Board - Meeting Minutes

Tuesday, August 15, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, August 15, 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); Scott Morgan, Glen Searle, James Cisek (alternate).¹

Absent: Mike McCourt, Fred Mascolo.

Others Present: Ms. Julia Livingston, Mr Bruce Fowle, Howard Seife, David Dickinson, Bruce Fowle

OTHER BUSINESS

REQUEST for De Minimis Determination

Winnetu – Pool Bar Reconstruction

Applicant requests permission to remove a temporary existing pool bar at same location

Present for the Applicant: Matthew Moore, Mark Snider, Winnetu

The board reviewed the plans. Mr Morgan and Ms. Morrison noted that the proposal, while not out of scale, did exceed the scale of a de minimis change.

Mr. Searle concurred.

It was MOVED by Morgan, SECONDED by Cisek

That the proposal does not constitute a de minimis change to the approved plan.

VOTED: 4, 0, 0 (5:49 PM)

The board encouraged Mr. Snider and Mr. Moore to file a request to amend a Special Permit.

¹ Full attendance list is attached to these minutes.

REQUEST to RENAME AN EASEMENT (tabled from July 11, 2023)

Kliman, Browns Farm Rd

The board took from the table a request received from Lisa and Stuart Kliman to name an easement. A plan from 1973, 1989, and 2021 were reviewed. An easement agreement from 2021 was reviewed.

After extensive discussion and review, the board agreed that the other abutters should be notified formally by certified mail prior to making a decision.

Ms. Morrison noted that the next available date would be September 19.

It was MOVED by Morgan, SECONDED by Searle

To table the matter to September 19, 2023.

VOTED: 4, 0, 0. (6:12 PM)

Mr. Finn was directed to notify all abutters and potential users of the easement by certified mail of the meeting date and time.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - Definitive Subdivision: David Pizzano and Walter Pizzano Jr, Trustee, Loon Cove Realty Trust, 9-11 Loon Cove Way (44-10.3131 and 44-10.3132)

Application to divide two separate parcels with a total area of about 10.2 acres into three parcels, with a private road to serve all three lots.

Applicant: Reid Silva, Vineyard Land Surveying and Engineering

The Public Hearing was continued at 6:14 PM

In the absence of Mr. McCourt, Ms. Morrison requested whether the applicants would prefer to continue to a date certain. After consultation, the applicants agreed.

It was MOVED by Morrison, SECONDED by Morgan

To continue the public hearing to September 19, 2023, at 5:30 PM.

4, 0, 0 (6:17 PM)

It was noted that at least two abutters may not have received proper notice of the public hearing. Mr. Finn was directed to renotify all abutters by USPS mail of the continuation.

ANR ENDORSEMENT REQUEST

Soverns – Trapps Pond Road - Christopher Soverns / Reid Silva, VLSE

The board continued a discussion relative to an “Approval Not Required” determination, relative to a plan proposing lot-line changes to 12 Trapps Pond Road (12-34) and 14 Trapps Pond Road (12-34.2), and 9 Oakdale Drive (12-34.1)

Noting that Mr. McCourt was absent, and with the consent of the applicant, it was MOVED by Morrison, SECONDED by Searle

To continue the matter to September 5, 2023 at about 6:30 PM

VOTED: 4, 0, 0. (6:18 PM)

**5:50 PM - PUBLIC HEARING (cont'd from May 2, Aug 1, 2023) - Definitive Subdivision: ADEC Meeting
House Way Real Estate, LLC, 35 Division Road (37-46)**

Application 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)

Applicant: Doug Hoehn, SBH, Inc.

The public hearing was continued at 6:19 PM

Presentation / Findings

The board took up the matter, reviewing the subdivision plan; a proposed form F covenant as proposed by the applicant was considered and discussed.

The covenant includes all developable lots, including "Lot 5", the lot to be developed as soon as possible.

The covenant notes that the lots could be conveyed to family members prior to the road / utilities to be constructed, or prior to 'release' of the lots. However, the covenant prohibits development of any lot prior to completion of the private way, and installation of utilities.

Mr. Finn noted that the Town would be accepting responsibility to oversee and 'police' activity on the lots in order to uphold this condition.

The ability of the Planning Board to extend the subdivision agreement was discussed.

The board considered its own ability to extend the period covered by the covenant beyond three years.

There was extensive discussion related to Old Meshacket Road would not be maintained as a walking path, and given that Division Road / Henry's Path will be maintained as an unrestricted public way, the need to create Old Meshacket Road as a walking path seemed unnecessary.

Mr. Finn noted that the MV Commission's decision allows the applicant to independently negotiate a walking trail with the Land Bank – but does not require it to be done.

There was discussion relative to the ability of the board to sign the covenant and release "Lot 5" immediately, holding release of Lots 1 through 4 to a later date.

The location of the driveways onto each lot was discussed.

It was understood that Lots 1 through 4 are not anticipated to be developed within the next two years, and that the applicant would very likely request an extension of the covenants beyond two years.

There was some discussion relative to the construction of the road; Mr. Hoehn confirmed that the new road will be 12 feet in prepared width, and three-foot shoulders on both sides, with turnouts at each driveway. The cul-de-sac will be the same width as the main road, and will allow for U-turns as needed.

The board noted the importance of having adequate access to the lots. It was determined that approval could be conditioned as follows: "Prior to issuance of a building permit, the driveway entrances to each lot shall be reviewed by Edgartown Fire Department Chief or his designee, in

order to confirm that adequate lines and grades are maintained to allow fire and safety apparatus to safely maneuver and access the lot.

No further public comments were received.

Decision:

There being no further discussion or deliberation, it was MOVED by Morgan, SECONDED by Cisek

To approve the subdivision as presented, with conditions as noted, and in accordance with the Edgartown Rules and Regulations.

VOTED: 4, 0, 0 (6:43 PM)

OTHER BUSINESS

Appointments to Zoning Bylaw Review Committee

Attorney Steve Reynolds, Juliet Mulinare

Ms. Morrison noted that we have received five letters of interest from various individuals, noting her interest in appointing Steve Reynolds, Juliet Mulinare, and Joseph Sieber.

After some discussion relative to the need for the zoning bylaw subcommittee to start working, the board generally concurred that Ms. Morrison had the authority to appoint members to the subcommittee.

Acting on her authority as Chair, Ms. Morrison appointed Mr. Steve Reynolds, Ms. Julia Livingston, and Mr. Joseph Sieber to the Zoning Bylaw Subcommittee. Mr. Finn would provide notification of same.

MEMBER CONCERNS

Mr. Cisek noted again that the “The Franklin” Streetscape, 222 Upper Main Street, and asked whether there could be any remediation, or conversation. Ms. Morrison noted that she would attempt to reach the owners of the property, and invite them to attend a meeting in early October.

Ms. Morrison noted that there have some issues with Ms. Richardson Coke (new planning assistant), related to scheduling. A meeting, scheduled for Thursday (8/17) should provide greater insight, and a path forward. Ms. Morrison would notify other board members after that meeting.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

UPCOMING MEETINGS

Ms. Morrison reminded members of the next regular meeting, to be held on September 5, 2023, 5:30 PM.

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (6:59 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp