

Edgartown Planning Board - Meeting Minutes

Tuesday, September 5, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, September 5, 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), Mike McCourt.

Others Present: Ms. Julia Livingston, Ms. Jo-ann Tilghmann

Prior to the start of the meeting, Ms. Morrison noted the passing of Fred Mascolo, and asked for a moment of silence.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - Coastal District Special Permit: Rollin and Amy Schuster, 77 North Neck Road (31-1.1)

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, September 5, 2023 at 5:30 PM, at the request of Reid Silva, Vineyard Land Surveying & Engineering, Inc., on behalf of Rollin and Amy Schuster, to construct a guest house within the inland zone of the coastal district; the existing detached garage will be reconstructed and converted to an 896 Sq. Ft. Guest House within the same general footprint.

The subject property is located at 77 North Neck Road, Assr. Pcl. 31-1.1.

Present for the Applicant: Reid Silva, Vineyard Land Surveying & Engineering, Inc

Presentation / Findings

The applicant proposes to convert and add onto an existing garage to create a two-bedroom guest house.

An addition of about five feet along one face of the existing garage is proposed, to facilitate construction of a staircase to the second-floor guest house.

An existing cabin is also proposed to be renovated to provide two bedrooms.

The boat storage as proposed for the first-floor is not included in the overall square footage.

After some discussion, Ms. Morrison suggested that Ms. Gossler should be present to answer some

questions posed by the applicants, and that the building inspector and health agent might provide insight as to the overall proposal, noting in particular that the plan could be construed as to propose three dwellings on one parcel of land.

Mr. Thomas Tilghman suggested that the overall proposal was favorable to him, but that the ‘cabin’ should not be allowed to be converted to a second guest house.

Decision

It was MOVED by McCourt, SECONDED by Searle

To continue to September 19, 6:45 PM.

VOTED:
MORGAN: YES; MCCOURT: YES;
SEARLE: YES; CISEK: YES;
MORRISON: YES.
VOTED: 5, 0, 0. (5:57 PM)

5:50 PM - PUBLIC HEARING - Coastal District - Swimming Pool: Paul and Tanya Adamson, 9 Katama Point Road (46-37)

Application to install an 8' x 14' swim spa.

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, September 5, 2023 at 5:50 PM, at the request of Geoghan Coogan, Esq, Coogan Law, on behalf of Paul and Tanya Adamson, to install an 8' x 14' swim spa.

The subject property is located at 9 Katama Point Road, Assr. Pcl. 46-37.

Present for the Applicant: Geoghan Coogan, Esq, Coogan Law

The public hearing was opened at 5:59 PM.

Presentation / Findings

The applicant proposes to install a ‘swim-spa’, a 4’ foot deep pool, with jets to simulate a current.

The spa would be set into ground about 3’ 6”, with about 6” above grade, and level with the existing patio on the site.

The location of the spa was reviewed.

The swim spa is in the ‘backyard’ of the property, but is visible from Edgartown Bay Road.

The spa would be at least 40’ from the public way.

The equipment is proposed be stored immediately along the south boundary of the lot.

No interference with the water table is anticipated.

No intrusion onto other properties is anticipated.

Ms. Morrison asked about soundproofing for the equipment; applicant agreed to take any specific measures to abate sound.

Location of equipment will be in an existing raised bed, with fencing for visual and sound screening.

Mr. Morgan – Standard pool conditions would largely apply. Pool will be fenced in as required by

health and building codes.

No public comment was received. Public hearing closed 6:06 PM.

Deliberation / Decision

Ms. Morrison noted that the proposal appears to meet all standard criteria in the Zoning Bylaw, and will not create a nuisance or be detrimental to abutters or the neighborhood in general.

It was MOVED by Searle, SECONDED by McCourt

To approve the application with standard pool conditions as applies; a structure around the pool equipment shall be constructed to mitigate sound; the pool equipment will be located at the location of a current raised-bed garden, adjacent to a flag-pole, at the south-east corner of the lot.

VOTED:

MORGAN: YES

MCCOURT: YES

SEARLE: YES

CISEK: YES

MORRISON: YES

VOTED: 5, 0, 0. (6:08 PM)

6:10 PM - PUBLIC HEARING - Coastal District Special Permit: Richard & Cecelia Lindequist, 12 Earl Avenue (11A-406)

Application to construct a 7' x 15' addition (bathroom/laundry) to an existing dwelling on a pre-existing non-conforming lot in the inland zone of the coastal district.

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board scheduled a public hearing on Tuesday, September 5, 2023 at 6:10 PM, at the request of Ken Abbott, Schofield, Barbini & Hoehn, Inc., on behalf of Richard & Cecelia Lindequist, to construct a 7' x 15' addition (bathroom/laundry) to an existing dwelling on a pre-existing non-conforming lot in the inland zone of the coastal district.

The subject property is located at 12 Earl Avenue, Assr. Pcl. 11A-406.

Present for the Applicant: Ken Abbott, Schofield, Barbini & Hoehn, Inc.

The public hearing was open at 6:10 PM.

Presentation / Findings

The addition will meet the existing floor level of the existing house;

The structure will be on piers.

An existing laundry in the garage will be replaced by this addition.

No increase in septic system flow is anticipated.

No new bedrooms will be added.

No member of the public was present. No comments were offered.

The public hearing was closed at 6:14 PM.

Deliberation / Decision

After brief deliberation, board members agreed that the addition shall result in no detriment to the environment, will not result in a greater use on the property, and no detriment to the ecology of the area. It was MOVED by Searle, SECONDED by Cisek

To approve the application as presented.

VOTED:
MORGAN: YES MCCOURT: YES
SEARLE: YES CISEK: YES
MORRISON: YES
VOTED: 5, 0, 0. (6:15 PM)

ANR – 48-1.5 – 33 Pocha Road Extension – Wasque Partners

ANR – 48-1.6 – 35 Pocha Road Extension – Pocha Partners

Applicant: Charles Gilstad, Sourati Engineering

Mr. Gilstad presented a proposal to adjust a lot line between two lots at 33 and 31 Pocha Road Extension. The proposal is to adjust lot lines between the two lots to (a) bring existing structures into conformity with zoning bylaw dimensional regulations, and (b) allow for by-right development of 33 Pocha Road

After review, the board found that both plans show adjustments to lot lines that leave all lots with sufficient area, and sufficient frontage on a public way, and therefore qualify for endorsement.

While the proposal is to simply adjust a lot line between two existing parcels, due to land court requirements, the proposal has to be done with two separate actions, and using two separate maps. Therefore, the board agreed to take two separate votes to endorse.

It was MOVED by Morgan, SECONDED by Cisek

To endorse the plan of land in Edgartown Massachusetts, being a Subdivision of Lot 6 Shown on Land Court Plan 5058-C, Scale 1"=80', dated July 11, 2023, as not requiring review under the Subdivision Control Bylaw.

VOTED:
MORGAN: YES MCCOURT: YES
SEARLE: YES CISEK: YES
MORRISON: YES
VOTED: 5, 0, 0. (6:27 PM)

It was MOVED by Morgan, SECONDED by Cisek

To endorse the plan of land in Edgartown, Massachusetts, being a Subdivision of Lot 2 Shown on Land Court Plan 5058-B, Scale 1"=80', dated July 11, 2023, as not requiring review under the Subdivision Control Bylaw.

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

ANR – 21-68.1 – Pennywise Path Realty Trust

Applicant: Charles Gilstad, Sourati Engineering

Presentation / Discussion

The board considered the plan. The condition of the road, and the limitations on improvement of same (due to the DCPC regulations) were discussed. The board expressed an interest in getting an opinion relative to the condition of the road, and how or whether legal access to the lot requires a special permit.

The requirements of an ANR endorsement were reviewed.

The board suggested that the Fire and Police departments be polled to offer opinions as to the condition of the road.

After brief consideration, it was MOVED by Morrison, SECONDED by Searle

To continue to September 19, 2023, 7 PM.

VOTED: 5, 0, 0. (6:40 PM)

ANR – (continued from 8/15/2023) – Christopher Soverns

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)

There being no applicant present, it was MOVED by Morgan, SECONDED by McCourt

To withhold endorsement “without penalty”, and to directly invite the applicant to immediately resubmit, and to waive the application fee for same.

VOTED:
MORGAN: YES MCCOURT: YES
SEARLE: YES CISEK: YES
MORRISON: YES
VOTED: 5, 0, 0. (6:44 PM)

DISCUSSION: ADOPTION OF A MUNICIPAL HOUSING PRODUCTION PLAN

There was some discussion about the adoption of a municipal housing production plan, and its impact on potential future submissions under Chapter 40B of the General Laws. No action was taken; however, Ms. Morrison stated that she would seek out resources to provide to the board at a

future meeting.

REVIEW OF CORRESPONDENCE

No correspondence was received.

OTHER MEMBER CONCERNS

Ms. Morrison noted that the board should meet to interview potential candidates. After some discussion, the board agreed to meet on September 12, 2023, to interview qualified candidates.

Ms. Morrison also asked whether Mr. Cisek would consider being appointed to a full board member of the board. Mr. Cisek agreed.

Ms. Morrison would request that Mr. Cisek be appointed.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

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