

Edgartown Planning Board - Meeting Minutes

Tuesday, September 19, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, September 19, 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 5:31 PM.

Present: Lucy Morrison (Chair); Scott Morgan, Glen Searle, James Cisek (alternate), Mike McCourt.

Others Present as noted.

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)

In accordance with Sects. 81K-81GG of Chap. 41 of the Gen. Laws and the Edgartown Subdivision Rules and Regulations as amended, the Planning Board will hold a public hearing on Tuesday, August 15, 2023 at 5:30 PM, at the request of Reid Silva, Vineyard Land Surveying and Engineering, on behalf of David Pizzano, and Walter Pizzano Jr. (Trustee of Loon Cove Realty Trust), to divide two separate parcels with a total area of about 10.2 acres, into three parcels, and to create a private road to serve all three lots.

The subject property is located at 9-11 Loon Cove Way, Assr. Pcls. 44-10.3131 and 44-10.3132.

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

Mr. Searle noted that he acted as caretaker for an abutter, but that he felt that he could act impartially on the matter.

Presentation / Discussion

Mr. Silva noted that the proposal had originally been proposed as a Form A, but given the condition of the road, a Form C was preferred by the board.

A Site Plan was presented.

The Pizzanos currently own two lots, each with frontage on Turkeyland Cove Road.

The proposal is to combine the two lots, and then subdivide to create three separate lots, each served by a private way.

All three lots would have frontage on the new road.

The road would remain as Loon Cove Way.

Searle: The width of the road?

Mr. Silva requested that the road be expanded to no more than 12 feet of prepared surface, with 2 foot shoulders.

There was some discussion relative to installation of utilities along the subdivision road.

There was some discussion about the fate of the new lot to be created.

A letter from Francine Sohn was read (included in project file)

Public Comment

Mr. Howard Seife, 19 Turkeyland Cove Road, noted also that the area is very rural and rustic, and asked that the privacy of the abutters be preserved. He also noted that the area is seeing significant development to the area, and asked that the board could do what is possible to address this concern.

Mr. Seife also noted that a property association is being formed to maintain electrical lines along Turkeyland Cove Road, and Loon Cove Road, and wondered if the three lots should be part of that process.

Ms. Janet Bailey noted that there are two private lines, and a proposal to combine them to serve all properties in the area.

Ms. Morrison confirmed the setback areas; Mr. Finn suggested that a building envelope could be proposed.

The existing vegetation conditions were reviewed. It was noted that 25 feet are not much. Ms. Morrison suggested that building envelopes could be considered.

Mr. Joshua Sohn expressed the same concerns as Mr. Seife, and expressed other concerns relative to the condition of the existing property, the use of the road during construction, and the impact of another septic / well in the area.

Ms. Morrison asked whether the applicant would accept a condition that construction vehicles do not block the public way.

Mr. Morgan noted that during most construction projects, all vehicles relative to a construction project park on the lot, and not on the road. Mr. Morgan also asked whether there was a necessity for a building envelope at all. Provided that the applicants meet the setbacks and other dimensional requirements, there does not seem a need to impose further restrictions.

Mr. Cisek suggested that the applicant prepare at least one turn-off along the road at some point.

Mr. Finn suggested that revision of plans are in order.

Mr. Silva suggested that revised plans could be prepared within two weeks.

Ms. Morrison suggested that board members should consider what the road width should be – 16 feet as listed in the ‘rules’ seems slightly excessive for a dead-end road intended to serve six home-sites.

Mr. McCourt suggested that the applicant should be required to clean up the site as part of this process.

Ms. Janet Baily noted that Turkeyland Cove has a road association; Loon Cove Road residents pay a

small fee to the association for their use of the Turkeyland Cove Road.

Mr. Searle suggested a 12-foot wide prepared roadway with two-foot shoulders is satisfactory.

Mr. McCourt suggested a road association should be formed, with a plan to prepare and maintain the road.

Ms. Francine Sohn: Can we have Loon Cove Way become part of the Turkeyland Cove Road Association? Ms. Baily noted that could be a possibility but there would have to be negotiation and agreements in place in order for that to happen.

There was discussion as to the timing of the construction of the proposed way, and the installation of utilities, and the proposal to upgrade utility lines on Turkey Land Cove Road.

Mr. Silva noted that he would need to return to the owners to discuss the matters that were reviewed.

Decision

It was MOVED by Morrison, SECONDED by Searle

To continue to October 3, 2023, 6:30 PM

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (6:22 PM)

6:00 PM - PUBLIC HEARING - Special Permit: Island Holdings LLC d/b/a Winnetu Oceanside Resort, 31 Dunes Road (52-26.1)

In accordance with Sections 5.1, 5.5 and 10.1.G of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, September 19, 2023 at 6:00 PM, at the request of Matthew V Moore, Winnetu Oceanside Resort, on behalf of Island Holdings LLC d/b/a Winnetu Oceanside Resort, to amend a Special Permit first issued on July 16, 2002 and as further amended to allow for the replacement of an existing temporary pool bar with a larger permanent structure to provide the same services to the same number of clientele at the same physical location.

The subject property is located at 31 Dunes Road, Assr. Pcl. 52-26.1.

Present: Applicant Matthew V. Moore; Mark Snider, Manager, Winnetu Resort.

The Public hearing was opened at 6:23 PM.

Presentation / Findings

Mr. Snider noted that the current structure – a temporary portable ‘bar’ – is inadequate to the business being done, and be more resilient to inclement weather. No new seating is being considered, no new services will be offered; the structure will be permanent, but will otherwise perform the same function.

Mr. Moor noted images of the existing temporary structure, and that the new design and structure will allow for better staffing and better service for clients; the hours would not change, and the services would not change.

No lighting is proposed. No amplified music is proposed.

The proposed structure is 40' x 12', on slab construction; A storage area of about 10' x 12' will be included within the structure.

The structure would be able to be fully secured when not in use.

Mr. Cisek asked if the hours would change. Mr. Moore noted no change to the hours of operation.

Mr. Searle asked whether weddings would be served by this facility. Mr. Moore noted that all weddings are held in a different area, and are not normally in this area. No change is proposed to that policy.

Mr. McCourt: Will food be prepared at this location? Mr. Moore: We are currently permitted to prepare food at the location; however, all food has for the past three years been prepared in the main kitchen and walked out to the pool area; it's not as convenient, but it is cost effective, and it works.

Ms. Morrison asked if the ABCC service area would need to be modified. Mr. Snider:

No, the current licensed area for alcohol service includes the entire area around the proposed structure and no change to the ABCC license is required or anticipated.

No public comment was received. No letters were received.

The public hearing was closed at 6:33 PM.

Deliberation / Decision

Mr. Morgan noted his appreciation for the design, and the applicant's willingness to proceed with a modification to the special permit instead of the de minimis determination as originally proposed. He also noted that the proposal would likely not be more intrusive or detrimental to the neighborhood than the existing use.

Decision

It was MOVED by McCourt, SECONDED by Searle

To approve the project as presented for the reasons as stated.

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (6:34 PM.)

6:30 PM - PUBLIC HEARING - Surface Water District Special Permit: Anthony and Shipley Salewski, 8 Beach Street (29B-78.1)

In accordance with Sections 5.1 and 6.1 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, September 19, 2023 at 6:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Anthony and Shipley Salewski, to install two 8' x 20' floats, 4 tie spiles, and widen an existing 'L' from 6' to 8'.

The subject property is located at 8 Beach Street, Assr. Pcl. 29B-78.1.

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

The public hearing was open at 6:35 PM.

Presentation / Findings

Mr. Hoehn presented the application on behalf of the applicant.

He noted that the faired pier line bisects the existing pier, but the pier is not proposed to be extended or expanded out into the bay any further.

The Marine Advisory Committee has reviewed the proposal and recommends its approval by the Planning Board.

Mr. Hoehn also noted that the Conservation Commission has approved the proposal; and both the DEP has also approved the proposal.

Photos of the existing site were presented for review.

Mr. Hoehn noted the existing lighting on the pier, and that no new lighting is being proposed.

Mr. Searle asked whether the pier would be expanded to the south. Mr. Hoehn: No.

Mr. Cisek: What is the purpose of the faired-pier line? Mr. Hoehn noted that the faired pier line is intended to protect the open water of the harbor, in order to provide for easy and safe navigation of boats in the harbor.

Mr. Morgan noted that the faired pier line makes sense, and noted that the subject pier is grandfathered, but does not encroach on a nearby mooring field, and the overall proposal does not impact navigation. The changes will also provide for a bit more ease for users of the pier.

No public comment was received.

Public hearing closed at 6:43 PM.

Deliberation / Decision

Mr. Morgan noted that the proposal has recommendations from other town boards, meets the criteria established in the bylaw, and will not negatively impact the abutters or navigation on the harbor.

Decision

It was MOVED by Searle, SECONDED by Morgan

To approve the application as presented, for the reasons as stated, with standard conditions for piers, noting that existing lighting is permitted to be maintained.

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (6:44 PM)

6:45 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 continued a public hearing from Tuesday, September 5, 2023, 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

Mr. Finn noted that, due to administrative error, the continuance of the public hearing was not properly noticed on the agenda. Further, there were questions recently raised by an abutter to the property relative to the dilapidated cabin on the property that suggest that further research is necessary in order to make an educated decision on the matter. Mr. Finn requested continuation without presentation to October 3, 2023, 6:30 PM. He noted that he would send public notices to the abutters to confirm the continuance of the Public Hearing to that date and time.

Decision

It was MOVED by Morrison, SECONDED by Searle

To continue the public hearing to October 3, 2023, 6:50 PM

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (6:48 PM)

OTHER BUSINESS

ANR ENDORSEMENT – Soverns – Trapps Pond Road

Applicant: Reid Silva, VLS&E

Mr. Silva presented a revised ANR Plan of Surveyed for Christopher Soverns, dated July 7, 2023, revised by Mr. Silva on or about September 12, 2023; the proposal is to adjust lot lines to protect existing open space, better guarantee access to all lots, and clarify rights.

Mr. Searle wanted to be sure that the Oakes septic system would remain undisturbed. Mr. Silva confirmed.

Mr. Cisek suggested a covenant to the town to keep lots “A” and “B” as open space would be beneficial. Mr. Silva noted that the applicant would be willing to do so.

Mr. Morgan asked about the clearance required for septic systems. Ms. Morrison noted that that the Board of Health would determine necessary separations for such systems.

Decision

It was MOVED by Morgan, SECONDED by Cisek

To endorse, and to support the filing of a covenant to protect lots A and B as offered.

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (6:57 PM)

Request to Identify an Easement

The Edgartown Planning Board took from the table a request from Lisa and Stuart Kliman, 2 Bridle Trail Road, Needham, Mass, who are the owners of record of Assessors' Parcel #37-09, currently known as 11 Brown Road, to formally name or rename an easement described by a Plan prepared for Richard A. Brown, by Vineyard Landscaping and Engineering, dated August 24, 2021, and recorded at the Dukes County Registry of Deeds on September 3, 2021, at Book 19, Page 84.

Present: Applicants Lisa and Stuart Kliman

Discussion

Mr. Finn noted that abutters had been notified, and the Fire Chief and Police Chief have reviewed and approved the proposed name.

Ms. Morrison asked whether there was any comment to be offered.

Mr. Bruce Tomason noted that he was "mystified" for the reason to rename the easement; he also expressed his concern that it may impact his property.

There was cross-talk and discussion relative to the proposal, and the potential of giving the Klimans a Meetinghouse Way street number.

Mr. Morgan noted that the attempt is to correct the errors of the past.

Mr. Tomason again noted that his concern was whether or not his address might change.

Mr. Finn noted that the decision of the board could be framed so that no other properties are intended to be affected by this decision.

Mr. Tomason asked whether a Street sign would be required.

There was extensive discussion relative to placement of a street sign, sharing of space on such a sign indicating the properties that can be accessed by the way, etc.

Mr. Morgan noted that most EMS staff and Fire / Police staff would expect that all properties on the street have a street number on that street.

There was considerable back-and-forth discussion.

It was determined that the signage would be the responsibility of the owner.

Decision

It was MOVED by Morgan, SECONDED by Searle

To assign the easement the name "Browns Farm Lane"

VOTED:

MORGAN: YES;

MCCOURT: YES;

SEARLE: YES;

CISEK: YES;

MORRISON: YES.

VOTED: 5, 0, 0. (7:26 PM)

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Mr. Finn submitted a resignation from the position of Planning Board Assistant, effective October 30, 2023.

ADJOURN

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

To Adjourn

VOTED: 5, 0, 0 (7:35 PM)

Respectfully submitted,

Douglas C. Finn
Clerk Pro Temp