

**Town of Edgartown  
Selectboard  
January 8, 2024  
4:00 pm**

A meeting of the Board was held on the above date in the Fred B. Morgan, Jr. Meeting Room of Town Hall. Members present were: Chairman Arthur Smadbeck and Margaret E. Serpa. Also present was the Town Administrator James Hagerty.

At 4:00 pm Mr. Smadbeck opened the meeting and the first item on the agenda which was a Shade Tree Hearing for 10 Silva Lane to remove a Choke Cherry. Present for the applicant was Ms. Andrea Jason. Tree Warden Allan deBettencourt was also present.

Ms. Jason stated that the tree is leaning and in poor health. They would like to replace with a Red Maple such as October Glory.

Mr. deBettencourt stated that the tree was in poor health and needed to go. He approved of the replacement.

Ms. Serpa moved to approve the removal and replacement with the agreed upon species of tree by May 31, 2024. Mr. Smadbeck seconded. Unanimous.

Mr. Smadbeck then opened the next item on the agenda which was a second Shade Tree Hearing. This one was for a Sycamore Maple at 64 N. Summer Street. Present for the applicant was Mr. Michael Dolby.

Mr. deBettencourt stated that the tree has not leafed out in two years. He supported removal and replacement.

Ms. Serpa moved to approve removal and replacement with a species approved by the tree warden by May 31, 2024. Mr. Smadbeck seconded. Unanimous.

It being a bit early to start the public hearing on the by-law restricting the frequency of large parties, Mr. Smadbeck went through the regular business.

The Board then approved the following items:

A Used Auto Dealer License renewal for Bertel Autobrokers.

The North Wharf Rehabilitation License agreement with the abutter.

A letter of testimony for House Bill 4138 aka the Affordable Homes Act.

Mr. Smadbeck then opened the public hearing on the draft by-law for restricting the frequency of large parties. He asked Mr. Hagerty if there was any correspondence.

Mr. Hagerty replied that there was and proceeded to read 10 letters into the record mostly from residents effected by the property at 10 Codman Springs Road. They are attached.

Mr. Smadbeck then opened the floor to comment.

Mr. Paul Elliot of 65 Whaler's Walk stated that he thought it was too liberal. Allowing 2 per week and 5 per month is too many. He suggested 5 per year.

Mr. Joe Montero of 26 Codman Springs also thought it was too many for R-60. He supported businesses just not in a residential area. He asked why the fine was so low at \$300 and where were the teeth in this by-law that will make it stop.

Mr. Hagerty responded that the state mandates the maximum fee of \$300. Commercial activities are not allowed in a residential area.

Mr. John Naughton asked why the property activity at 10 Codman Springs was not considered a business.

Ms. Reade Milne, Building and Zoning Inspector replied that the activities at the property Mr. Naughton was referencing had been thoroughly inspected. There was no definitive action that they were conducting a business. She spent hours reviewing activities and consulting Town Counsel. Over 800 properties in Edgartown are owned by LLCs. There's nothing in the Zoning By-Law that can police this situation. This by-law is to try to give the Town some ability to regulate.

Town Counsel Ron Rappaport added that Ms. Milne was very thorough in trying to find a point that this situation could be considered a business and it could not. He pointed out that the businesses are not allowed in the residential district. He has consulted with many other Town Counsels and entities at the state. This is a problem in multiple communities. He had found no definitive good answer to the problem. This by-law is a possible solution.

This discussion on the particular property in question then went in circles. The following were relevant to the draft by-law discussion.

Ms. Jen Rand asked about rental properties that have a large party every Saturday. She thinks that, as written, this makes frequent big parties fine. She thought that the Selectboard should have a permit process.

Mr. Hagerty stated that the Selectboard licensing every party could be problematic.

Ms. Sharon Barba suggested more restrictive zoning.

Mr. Joseph Smith of Fuller Street stated that the environment in town has changed. He feels like this is just a bandaid. There are parties all the time downtown in the rentals.

Ms. Katherine Smith asked where the numbers in the draft by-law came from. She thought one per month was sufficient. Most people in a neighborhood tell their neighbors if they are having a big party. It's an occasional thing.

Mr. Hagerty responded that it was based on having a home wedding. Rehearsal dinner, wedding, brunch. It was a starting point.

There was discussion on the existing noise by-law. The police will respond to noise complaints.

Mr. Smadbeck suggested that if anyone has any further input on the draft by-law they should send it to the Selectboard. The next steps are for the Board to compile and adjust the draft by-law before March for placement on the Annual Town Meeting Warrant. There were no plans for any further public hearings before Town Meeting. He suggested everyone come to Town Meeting.

At 5:22 pm Ms. Serpa moved to adjourn. Mr. Donaroma seconded. The Board did a rollcall vote and all voted Aye. Unanimous

Approved:

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Arthur Smadbeck, Chairman

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Michael J. Donaroma

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Margaret E. Serpa  
Selectboard

Respectfully submitted,

Kristy Rose  
Administrative Assistant

Documents included in meeting: Agenda, Applications, Permits, Minutes and Warrants