

Edgartown Planning Board - Meeting Minutes

Tuesday, June 18, 2024, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, June 18, 2024, 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.

CALL TO ORDER

The meeting was called to order at 5:34 PM.

Present: Lucy Morrison (Chair), Michael McCourt, Michael Shalett, Scott Morgan, Julia Livingston, Robbie Robinson, (Alternate), Deanna Ahearn Laird, Assistant.

Also present: Doug Hoehn, Schofield Barbini & Hoehn, Robert McCarron, Stephen Potter, Igor Vujoke, Patricia Corriera, Bryan Collins of Sourati Engineering Group, LLC, Patrick Ahearn, Architect.

SCHEDULED BUSINESS:

5:30 PM – Public Hearing – Special Permit – 11A-399.3 – The Boulevard Realty Trust

Application for the construction and placement of a 360 foot wooden walkway in the Coastal District. This will be constructed to exist over the wetlands area for access to the beach.

Presentation:

Doug Hoehn began the presentation with the locus map of the project. He described that the applicant owns the abutting property next door and that property has received approval and have constructed the same walkway.

They have sited the walkway so that this 3 foot wide x 360 foot wooden path is the closest route to the beach. The Plan calls for a 2 foot clearance over the marsh under the walkway for light to reach the wetlands grass. The DEP has a policy for the height of a walkway 1.5 x width of walkway which would be 4.5 feet and Mr. Hoehn stated that he feels that the 2 foot height is an acceptable amount of light for the grasses, and is much less visually obtrusive. The walkway on the abutting property is the same height.

Conservation Commission has been satisfied with the amount of daylight available for the vegetation growth with a 2 foot clearance in past projects. This project is on their agenda in the next few weeks.

Ms. Morrison asked if the applicant was anticipating any changes to the plan from his hearing at ConCom?

Mr. Hoehn said he did not, but you never know.

Ms. Morrison stated that if the Planning Board approves this application tonight, that the applicant cannot move forward until it receives full ConCom support – so we can conditionally approve the plan and they will come back to us if ConCom changes the plan in any way. She stated this would give them a step up towards getting all of the approvals for the project.

Ms. Morrison asked about the spacing between the walkway boards - it is 1 inch per Doug Hoehn. Maximum to allow for light to reach the marsh undergrowth.

Ms. Livingston agrees that a conditional approval is a good approach.

Mr. Shalett stated that he is also in favor of a conditional approval.

No comments from the public.

Closed Hearing at 5:43

Findings:

No negative impact on the marsh, actually better for the marsh's health

The walkway will improve recreational access and will also improve outdoor activities on Sengekontacket, this is in the spirit of the bylaw.

Motion made by Michael Shalett

Motion to approve the application with the condition that it passes Conservation Commission without any changes to the plan. If there are changes, then the applicant would have to come back to the Planning Board.

2nd – Julia Livingston

Roll Call Vote:

Morgan – Y, Shalett – Y, Livingston – Y, McCourt – Y, Morrison – Y

5, 0, 0

5:45 PM – Public Hearing – Special Permit -21-10 – Haven Road Realty Trust dba as Cozy Corner Café.

Application to add outdoor seating to Cozy Corner Café. 3 tables (6 Seats) in shared walkway/entrance area that would remain open to the public. A bench installed on the walkway in front of café.

In addition the application is asking to install a 20 x 10 foot striped power awning that has an automatic motor to extend the awning from the front of the business. Igor Vukoje, Applicant.

Presentation:

Applicant stated his proposal is to add 3 tables, a total of 6 seats outside of the coffee shop, Cozy Corner. They have a seating capacity of 25. Applicant has 19 seats inside and is asking for 6 seats outside. There will be no change to the amount of seats determined on his permit by the BOH. He stated that these seats will be open and available to the public, Applicant has support from the neighboring businesses as well as the landlord.

The additional tables will be non-smoking and there will not be any waitress service to the tables. Customers must order inside and take food/drinks outside to the tables. He reported that his staff will be responsible for the clearing and cleaning of the tables.

Applicant reported that he has spoken to Reade Milne, Edgartown Building Inspector and the location for the additional tables has the space to surpass the ADA requirements for wheelchairs to both turn around and access the walkway/sidewalk to the businesses.

Questions from the Board.

Mr. Shalett asked the applicant how will the tables be anchored to avoid customers moving them around which could block access or prevent emergency access.

Mr. Vujoke stated that he plans to chain the tables – allowing for slack to move the tables 12-15 inches but that it isn't enough for customers to move the tables and chairs that would block the walkway.

Mr. Shalett reminded the applicant that they discussed a recycling and garbage containers outside on the walkway. He added that they would be placed where we indicated at the site visit. The applicant agreed to place the receptacle.

Mr. McCourt – asked about parking requirements. The parking requirements are being met as it is one space per 3 customers at a restaurant and the current parking lot does not have designated parking for the businesses.

Mr. Morgan is concerned about the bench on the walkway that is being proposed, he feels that it narrows the available space for customers to walk and could possibly add 6 seats for the business. He feels that a bottleneck may form outside the store.

Ms. Morrison has concerns about the bench on the application as it appears that outside the entrance door it is too narrow to accommodate a bench for people to wait on – or even have coffee while sitting at the bench, thus increasing his seating capacity which could be a problem.

Julia Livingston feels that this is tight on space, and the bench would increase his seating capacity.

Ms. Morrison asked if fire department has seen this plan. This will be a condition.

She asked about the plantings he is considering? He answered seasonal flowers that are drought tolerant – native planting would be best. The goal is to open up the landscaping.

Ms. Morrison compared the site for improvements at Cozy Corner to other areas in the shopping plaza and noted that the area that Iggy is talking about is raised above the parking and is safe for customers. The other stores are the same level with the parking lot and those stores have merchandise outside and still they risk injury by vehicles as has happened at Edgartown Meat & Fish.

No public comment:

Hearing closed 5:59 PM

Findings:

The planning board feels that the bench is an obstruction to the narrow walkway. In addition it could cause capacity issues, they asked the applicant if he would accept the decision removing the bench, he agreed.

The tables are open to the public and this is community oriented of the applicant.

Conditions:

A fire department walk thru for capacity and layout is needed prior to using the new area
Plants are to be drought tolerant, native species and will require minimal fertilizer.

Morgan: Motion

To approve the application as presented with the decision that the bench depicted on the application is denied. Planning Board feels it is too narrow of a walkway to support it.

Julia Livingston 2nd

Roll Call Vote:

Morgan – Y

Shalett – Y

Livingston - Y

McCourt – Y

Morrison – Y

5, 0, 0

Hearing Closed: 6:02 PM.

6:00 PM – Public Hearing – Map 21-75, 21-76, 21-124.211- Form C – 15 & 33 Jernegan Pond Road Cluster Subdivision

In accordance with Sections 81K-81GG of Chapter 41 of the General Law and the Edgartown Subdivision Rules and Regulations as amended, the Planning Board will hold a public hearing on Tuesday, June 4, 2024 at 5:30 PM, at the request of Robert McCarron, Esquire, on behalf of the Jean G. Cohen Family Trust Attorney McCarron has submitted an application to subdivide approximately 17 acres into 10 community lots, 5 market rate lots and 2 existing but improved lots with approximately 10 acres dedicated to open space/conservation. Robert McCarron, Esquire, Trustee, Applicant.

Presentation:

Attorney Rob McCarron began the presentation by discussing the narrative, a history of why he began developing the subdivision, he stated that the process of de-registering the lots involved with the subdivision is concurrently taking place in the Land Court. In addition he has spoken with Highway Department, Wastewater Department who have approved the cluster subdivision may be hooked up to town sewer and water.

Mr. McCarron described the lots and his plan for marketing. The plan outlines that the market rate lots will be limited to 5 bedrooms but open to R5 zoning – it can have a swimming pool and guest house. The community lots are limited to a single family dwelling and a large out building, the out building cannot have plumbing. The community lots will be priced at \$190,000 for 2 bedroom and \$225,000 for a 3 bedroom lot. He has modified the AMI required to 200% due to the dramatic rise in AMI recently.

Wastewater has agreed to hook up the development to municipal sewer, he has been authorized to tie into town water. Sheriffs Meadow accepted the gift of the vacant land, the Fire Department has approved the road. It needs to be 20 feet wide and have 16 1/2 feet of clearance. Natural Heritage has deemed that there are not any endangered species in danger on the site.

House Lot #17 will not tie into town sewer but there will be a new advanced septic system installed.

A proposal is out there so that one of the community lots could be a changed to allowing a duplex into

the development for 80 -120% AMI. Everyone on the board and present agreed that there are many programs for Affordable Housing, but nothing being developed for the work force housing.

Reid Silva – presented the Site Plan and described the project. The entrance road will be 20 feet wide there is a 30 foot easement already in place. Lots 1-5 are market rate vacant lots, 6-12 and 13 & 15 are community vacant lots. There are elevation changes which makes for some challenges at the site.

The application is currently being reviewed by the MVC. The final design will be re-submitted after the MVC makes any changes or suggestions.

Question by the Board:

Julia Livingston – asked enhanced if an advanced nitrogen system would be installed in the one lot? Near West Tisbury Road.

Mr. McCarron stated that yes that is the lot that will get the new system.

Julia Livingston asked, why change the one lot to affordable housing, she loves this plan because of the workforce housing available. She feels that this may be the only community housing project out there right now.

Robbie Robinson – Likes the plan and the road construction approach with a gradual rise to the road, not a steep incline.

Ms. Morrison stated that the existing 30 foot right away is where the proposed road will be. Reid Silva will provide the more specific Site Plan after MVC. He stated that the road will be 22 feet wide – 16 feet wide to meet the profile, with 6 feet on each side. Plenty of room to pass. He stated that he was trying to minimize disruption of conservation land and provide the most room for travel for the residents.

Questions from the Public:

Patricia Corriera – she lives at 205 West Tisbury Road, she has two concerns, animal safety and night lighting. “For the road will there be a lot of street lights, can you make sure that the lights face down and lighting is at a minimum.”

Reid Silva and Atty McCarron answered. There is not lighting planned for the street. Dark sky compliance will be followed within the development.

Public Comment:

Nancy & Peter Shemeth – Are completely in favor and the support the attempt to gain housing for the much needed professionals in Edgartown.

Hearing closed at 6:30 PM

Morrison moved that the hearing be continued to August 6, 2024 at 5:30 PM.

2nd by Julia Livingston

Roll Call – unanimous

6:30 PM – Continued Public Hearing -- – Map 33-6, 33-7.11, 33-7.2, 33-8, 33-9, 34-64, 34-65.1, 34-65.2, 34-87.1, 34-88.1, 31-27.2, 31-27.3, 31-34.3, 31-34.4, 48-44 - Pimpneymouse Farm –Form C Subdivision–

Application to Subdivide and adjust lot lines in order to create a new private road, seven (7) residential lots on a 37.5 acres. They want to preserve 171.4 acres for Open Spaces – further limiting development.

Schofield Barbini & Hoehn, Inc. Doug Hoehn – Presenting

Presentation:

Initially heard March 2024, this subdivision has been accepted at Martha’s Vineyard Commission, Conditions in the approvals were offered by the family. The deeded Open Space, the donation to the Land Bank and Affordable Housing and Sheriffs Meadow trails. They are all pleased with the developments of the application. The Land Bank wants to hear from the applicant again if and when they decide if farming will take place on the open space, they want to make sure that any activity fall below the nitrogen limit.

It was decided that the board did not need another presentation of the plan.

The project went thru the commission without any detriments.

A road maintenance agreement has been submitted, it applies to Lots 2A, 2B, 3, and 4. the family has agreed not to pave the access road. This road will also serve as access to the Land Bank property that was donated by the creation of the subdivision.

Board Member questions: None

No Public Comment

Closed hearing at 6:37

Ms. Morrison stated that this application is a tremendous effort in conservation and the island of Chappaquiddick, the Town of Edgartown and the Island of Martha’s Vineyard as a whole are incredibly grateful to the Potter Family for pulling this off. She heard about this a few years ago and they worked hard to create a plan that no one could turn down. This is a great addition for all.

Mr. Shalett – Your family should be applauded.

Mr. Morgan – Thank you

Motion: Morgan

To approve the application as presented for the Subdivision of Pimneymouse Farm.

Shalett – 2nd

Morgan – Y

McCourt – Y

McCourt – Y

Morrison – Y

Vote: 4, 0, 0 (Livingston is ineligible for voting as she was not yet a member.)

6:45 PM 34-64 –SP – Curb Cut Application for Pimpneymouse Farm

Application to allow the –placement of a curb cut within 1000 feet of another in the Island Roads District.

Schofield Barbini & Hoehn, Inc. Doug Hoehn presenting.

Presentation:

The curb cut is for Lot 1B on the plan.

The road is straight, not paved, and sight lines are clear.

The speed limit is 25 mph.

Discussion: The target date for filing with the Land Court is July 1, 2024.

Please keep Planning Board apprised of the de-registering process.

Doug Hoehn – The Mylar Plan that the Planning Board signs will be provided after the Land Bank hearing has concluded. They think that that may take 2 months.

Motion – Livingston

To approve the application as presented for a curb cut on Lot 1B of the Pimneymouse Farm Subdivision.

Morgan 2nd

Roll call:

Livingston– Y

Morgan – Y

Shalett – Y

McCourt – Y

Morrison – Y

Board Discussion:

Lucy Morrison – stated that she needs to administratively approve the Form C referral of the MV Boys & Girls Club application.

Julia Livingston is in favor of the referral.

Board is in favor of the referral to give the applicant a head start at MVC.

Motion: Morrison

2nd: Livingston

Vote: 5, 0, 0

Ms. Morrison will send the referral into the MVC.

The Board met Robbie Robinson and thanked him for being the new alternate.

There were discussions on the paper copies of the hearing information provided for Mike McCourt and Julia Livingston. This works for them and please continue to provide.

There were some discussion surrounding the Zoning Bylaw Committee who has 5 members, they have had 2 meetings and they are discussing the priorities for the season. The committee is deciding what are their priorities might be for putting changes on the Town Warrant for the 2025 meeting in the spring. The Bylaw committee has not yet come up with newly worded Tree Protection Bylaw. The committee has 2 meetings scheduled for July 2024. They have invited guests: Chappy resident, Woody Filley, a Forest Ecology Expert, a Bio Char Specialist, a tree expert for the **7/17/24 meeting at 3:30 PM. via Zoom**

The Bylaw Committee discussed the approach for Town meeting next year – they will cap the Bylaw changes at 4 for 2025. In 2024 they attempted 8 Bylaw changes, not all passed.

Julia Livingston noted that as a town, Edgartown is out of compliance with the State of Massachusetts because we do not have a non-criminal enforcement of the Bylaws. The Town of Edgartown needs this in the Towns Ordinances.

Lucy Morrison states that she has discussed the option of having a Zoning Board Enforcement Officer, this would require a new position created by Personal Board for funding but it has been very busy and that office is currently staffed with 1 ft, 2 pt. employees. Julia Livingston will meet with James Hegarty to discuss.

If any Planning Board member feels that they have a bylaw change to please come to the meetings.

The limit on a fine for State of MA for zoning violations is 300.00 and the board feels we need to push for more consistent enforcement on MV.

Lucy Morrison encourages any Planning Board members to attend the Bylaw Committees meetings.

7:00 PM – 38-8.6 - PUBLIC HEARING – SP – Pool, Spa and Shed – Coastal District

In Application for the installation of a 6 foot deep, 18 x 48 foot in-ground pool with a spa and an enclosed soundproofed 8x15 foot shed on a 7x12 concrete pad. In addition the pool fencing will be installed.

Bryan Collins, Sourati Engineering Group LLC. Applicant.

The subject property is located at 69 Kanomica Road.

Presentation:

Byran Collins and Patrick Ahearn presents a locus map showing the property, 5.7 acre parcel on Edgartown Great Pond Map 38-86.

The site plan was discussed as it is in the Inland zone of the Coastal Zone and in the Edgartown Ponds District in Zone 2.

The plan depicts pool, spa, shed for pool equipment, fencing and landscaping.

Applicant went thru checklist for Pools provided by the Planning Board.

The location of the pool is in the area of least impact on the land. Sited well and shielded by the house on 2 sides – the house is in the process of being constructed.

The pool has been approved by the Conservation Commission in 12/2023.

The pool will be installed when the pond is open. The bottom of the pool will be above ground water.

The fencing is up to code at 4 feet. Gates are alarmed.

All lighting will be limited to building code, shielded and Dark Sky compliant.

Construction damage caused by the pool site will be minimal as the site has been previously disturbed by the demolition and removal of an older house.

The property has a well and it will be used to fill the pool.

The pool water will be drained (pumped) into the dry well after the chemicals have been dissipated and are at lowest levels prior to the removal of water.

The submitted site plan for the pool was brought up to view and discussed.

All fencing, gates and doors facing the pool will be alarmed.

Ms. Livingston stated that the bottom of the pool is at ground water level and is actually just below the high water mark. She is not comfortable and is troubled with the pool depth being that close to ground water.

Mr. Shalett is uncomfortable with the notion that the pool construction will be within the confines of Great Pond when it opens because it opens and closes so quickly. Mr. Morgan stated that the level tends to stay low for a few weeks, enough time to complete construction of the pool.

Mr. Ahearn states that a similar pool with the same depths was recently approved. He is open to moving the pool construction dates so that it coincides with the ponds opening and closing.

There is a Conservation Commission Condition that states that no de-watering is to occur until the water table is at 1.7' or lower. This will require timing with the construction of the pool.

Ms. Morrison asked if the pool equipment could be placed in the garage. Patrick Ahearn stated that yes, it could but that the applicant was hoping to store bikes, kayaks, etc. there and build the Pool shed. The roof of the 8x15 equipment shed will be slightly pitched at approximately 7 feet tall.

All questions from the board were answered by applicant.

No Public Comments:

Findings:

Closest fire hydrant is within 500 feet of property lines.

Life Saving Equipment must be present at the pool due to the Wilson Amendment.

No negative effects on the neighborhood or any abutters.

The Pool equipment shed will be well ventilated to avoid overheating.

Standard Pool Conditions must be followed.

Conditions:

The applicant will provide a new plan after they raise the bottom of the pool by a foot (1) above the ground water depth) to accommodate the condition regarding ground water depth from the Planning Board.

The surrounding grade will be raised by 1 foot to accommodate the raising of the floor of the pool. This will be done by eliminating one step on the plan.

The board thanked the applicants for offering to raise the pool one foot. They have also agreed to Standard Pool Conditions.

Conservation Commission Conditions must be followed.

Hearing Closed: 7:17

Motion: Morgan

to approve application with Standard Pool Conditions as well as the condition that the floor of the pool will be raised by one foot to avoid ground water.

2nd: Shalett

Roll Call: Morgan – Y

Shalett – Y

McCourt – Y

Morrison – Y

Livingston – Y

Vote: 5, 0, 0

Discussion regarding Administrative Assistant

_Morrison made a motion to extend employee probation to October 2, 2024.

2nd by Livingston

Vote: 5, 0, 0

REVIEW FUTURE MEETING SCHEDULE

Upcoming Meeting were scheduled for July 2, 2024 at 5:30 PM.

Other Business Not Reasonably Anticipated 48 hours in advance

There being no further business, it was MOVED by Morgan, 2nd by McCourt

To Adjourn (7:47 PM)

VOTED: 5, 0, 0

Respectfully submitted,

Deanna Ahearn Laird. Assistant