

# Edgartown Planning Board - Meeting Minutes

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Tuesday, January 2, 2023, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, January 2, 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.*

## **CALL TO ORDER**

The meeting was called to order at 5:30.

*Present: Scott Morgan, Glen Searle, Michael McCourt, James Cisek, Michael Shalett (alternate), Lucy Morrison, others (as noted)*

## **5:30 PM – ANR - 45-109.1, -109.2, -109.3, -109.4, -111, -113.1 - FORM A - GRAND VIEW AVE**

Acting on behalf of Mr. Doug Hoehn presented a minor revision of a previously approved plan, noting that the changes were required due to decisions made by the Land Court.

The plan (dated August 28, 2023, revised November 15, 2023) was reviewed, showing the plan that proposes the elimination of Grand View Avenue, a paper road. No changes were made from the plan previously approved by the Land Court.

The plan appeared to show lot line adjustments, and no lot is being left without adequate frontage, area, or access.

After review, it was MOVED by McCourt, SECONDED by Cisek

*To endorse the plan as presented.*

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

## **5:35 PM – REQUEST FOR A DE MINIMIS DETERMINATION - 35 DIVISION ROAD, ASSR. PCL. 37-46.**

Mr. Doug Hoehn presented a proposed change to an approved subdivision plan that proposes to widen the roadway of the subdivision to a total of forty feet, instead of the original road layout which was thirty feet. No other changes are proposed; Mr. Hoehn requested that the plan be adopted as a de minimis change to an approved plan.

Mr. Hoehn explained that the reason for a wider roadway was in order to preserve existing plantings along the boundary with 63 Division Road (28-46.14), in order to comply with existing boundary agreements.

After review, it was determined that the change does not propose significant alterations which would affect the Town or any abutter.

It was MOVED by McCourt SECONDED by Morgan

*To approve the change as a 'de minimis' change to an approved plan for the reasons stated.*

VOTED: 5, 0, 0. (5:42 PM)

**5:40 PM – REQUEST FOR DE MINIMIS DETERMINATION – BAD MARTHAS BREWERY,**

Mr. Jonathan Blum requested Applicant requests change to the existing special permit for the business, in order to allow for sales / service of wine as well as beer.

Mr. Blum basically reiterated the request, noting that the special permit from 2014 did not mention but did not preclude the service of wine, and that they were looking to for the ‘green light’ in order to move forward.

Mr. Morgan noted that past discussions relative to the operations drew significant public interest, and would prefer a public hearing be held.

There was significant discussion about the occupancy limit of the operation. Ms. Reade Milne noted that the original special permit listed a maximum of 34 persons.

It was noted that a larger capacity would require more parking.

There was some discussion about the current parking situation; Mr. McCourt advised the board to be cautious as to how much more traffic could or should be added to Upper Main Street.

There was extensive discussion of seating as permitted vs. “seats on the ground”.

Mr. Morgan noted that the discrepancy of seating count is cause to open a public hearing relative to the request. Mr. Blum reiterated his request to simply get approval to allow for sales and service of wine as well as beer at the facility.

Ms. Morrison noted that the question was whether wine service could or should be permitted.

Mr. McCourt noted that the wine service was less of an issue than any changes that have exceeded their special permit.

Mr. Morgan would be fine with approval of the de minimis request, if the applicant agreed to provide the board with a revised plan of the seating.

Ms. Morrison note that the proposal would not result in an increase to traffic, parking considerations, or noise as a result of wine service. Ms. Morrison asked for a motion.

It was MOVED by McCourt, SECONDED by Morgan

*That the service of wine at the location was a de minimis change to an approved plan.*

VOTED 4, 1 (Searle), 0. (6:17 PM)

**5:45 PM – PRESENTATION/DISCUSSION – ZONING BYLAW PROPOSALS (Julia Livingston, ZBA review Committee)**

The board reviewed and acting on a number of proposed zoning bylaw changes, presented by Ms. Julia Livingston for the Zoning Bylaw Review Committee, as follows:

**A proposed warrant article that would amend Section 2.1.B "R-60 Residential District / Conditionally Permitted Uses", Section 2.2.B.13 "R-20 Residential District / Conditionally Permitted Uses", and Section 2.3.B.9 "R-5 Residential District / Conditionally Permitted Uses", to limit the ability of Edgartown Special Permit Granting Authorities to conditionally**

**permit excessively oversized detached accessory dwellings (“guest houses”), and limiting new guest houses to no more than 1,250 square feet of Livable Floor Space.**

**Discussion:**

Ms. Morrison noted that this is the same bylaw change previously approved by board members at a public hearing in April 2023. This will again go to public hearing, and be resubmitted to the Selectboard. Concerns addressed by Julia Livingston

I was MOVED by Morgan, SECONDED by Searle

*To resubmit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0

**2. A proposed warrant article that would amend Article X - 10.1.K “Tree Yard Protection and Preservation” to require replacement of any healthy trees removed during the course of development on the lot.**

Discussion:

The committee discussed and it was decided to change the definition of trees protected under this change from 12” caliper to 6” caliper; board members decided it is better to keep younger, stronger trees.

It was MOVED by Searle, SECONDED by McCourt

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**3. A proposed warrant article that would amend Article X – Section 10.3.A “Multi-unit Dwellings”, to conditionally permit for a structure containing as many as six dwelling units, if specified criteria are satisfied.**

Discussion:

This was discussed as its goal is to increase year-round housing, these buildings are thought to be either owned/built or rented by the employers for their housing of employees. The title to said property would reflect the year round use and will have Deed Restrictions recorded that will follow the land if sold. Design guidelines are included in bylaw.

It was MOVED by Searle, SECONDED by McCourt:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**4. A proposed warrant article that would amend Article X – Section 10.3.D. “Accessory Apartments”, to conditionally permit an Accessory Dwelling Unit, including an Accessory Dwelling Unit that is a detached structure, if specified criteria are satisfied.**

Discussion:

ADU’s provision to make it easier for owners of independent single family homes could install

inside of or attached to existing structure. The lot involved must be at least 10,000 sq feet. The square footage is 300-900 sq feet per ADU. It was noted that this does NOT apply to Guest Houses nor does it mandate a septic plan to use the nitrogen remediation.

It was MOVED by Morgan, SECONDED by Searle

*To not forward the proposal to the Selectboard.*

VOTED: 4, 1 (MORRISON), 0

The proposal will be returned to the committee for further consideration.

**5. A proposed warrant article that would amend Article X - Section 10.3.E “Substandard Lots as Affordable Home Sites”, to conditionally permit a two-family structure on a substandard lot, if specified criteria are satisfied. This is by Special Permit only.**

Discussion:

Ms. Livingston described the proposal as a step to provide more ‘infill’ housing – to build more on existing lots.

It was MOVED by Searle, SECONDED by McCourt:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**6. A proposed warrant article that would amend Article X – Section 10.3.F “Staff Apartments” to conditionally permit shared staff apartments rented by the employer, and shared by multiple unrelated persons, if specified criteria are satisfied.**

Discussion: It currently states that the business owner must hold title to the houses they use, this changes it to cover rental houses being used for this purpose. This will include the provision that a Resident Manager needs to live onsite. This person needs to be identified to Building Department. This will also change the code of the property from Residential to commercial. Adding that any new construction or retrofitted houses must have a sprinkler system as dictated by the Building and the Fire code which will dictate the # of people allowed to reside in said construction. A title restriction will also be in place.

It was MOVED by McCourt, SECONDED by Morgan:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**7. A proposed warrant article that would add Article X - Section 10.3.G “Mixed-Use Buildings”, to conditionally permit for a structure containing dwelling units located above retail or other commercial space, if specified criteria are satisfied.**

Discussion:

The goal is to make it easier to create year-round housing above existing or attached to a business that currently exists.

It was MOVED by Morgan, SECONDED by Searle:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**8. A proposed warrant article that would add Article X - Section 10.3.H "Fractional Ownership, Interval and Time Share Units" to preserve and protect housing stock in the Town from the market pressures attendant to fractional ownership, interval and time share uses and to protect neighborhoods from the impacts of such uses.**

After brief deliberation, it was MOVED by Morgan, SECONDED by Searle:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**9. A proposed warrant article that would add Section 10.1.L "Impervious Surface Lot Coverage", to limit the amount of impervious coverage on a residential lot, require storm water to be retained and disposed of on a residential lot, and prohibit storm water and excess water runoff onto public ways or abutting properties.**

Discussion

Ms. Livingston noted that the change is an attempt to address storm water drainage due to the covering of land on the lots with Impervious Coverings (ie: pavement, bluestone, pools etc).

The goal is to limit all lots to 20% of total lot square footage or 3,000 sq feet of Impervious Cover. This applies UNLESS the property has a Storm Water Drainage Plan this will be less strict if in place.

After further discussion, It was MOVED by Searle, SECONDED by McCourt:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**10: A proposed warrant article that would add Section 10.1.M "Residential Lot Intensity", to limit the amount of livable floor space constructed on a lot to 10,000 square feet or, if the only fossil fuel use is for a backup generator, 12,000 square feet.**

Discussion:

Ms. Livingston referred to this proposal as a "Big House" Bylaw. It was discussed and clarified to the board that the Limit on house size is 10,000 square feet; the caveat to this is that if you have fossil fuel to power ONLY the backup generator you can build up to 12,000 square feet.

It was MOVED by Morgan, SECONDED by Searle

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**11. A proposed warrant article that would make technical corrections to the bylaw, such as incorrect cross-references, confusing language, scrivener's errors, and similar; said changes are not expected to alter the scope or intent of any part of the bylaw.**

After brief review and deliberation, it was MOVED by Searle, SECONDED by McCourt:

*To submit to the Selectboard as a warrant article for Annual Town Meeting.*

VOTED: 5, 0, 0.

**OTHER BUSINESS NOT ANTICIPATED**

No new business was raised.

**FUTURE MEETING SCHEDULE**

Next meeting will be on January 16, 2024, at 5:30 PM, via Zoom.

**REVIEW OF MINUTES**

No minutes were presented for review.

**ADJOURN**

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

*To Adjourn*

VOTED: 5, 0, 0 (8:09 PM)

Respectfully submitted,

Deanna Ahearn Laird  
Clerk Pro Temp