

Edgartown Planning Board – Meeting Minutes

Tuesday, February 6, 2024, 5:30 pm

The Edgartown Planning Board scheduled a meeting for Tuesday, February 6, 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 by Lucy Morrison, Chair at 5:31 PM.

Board Present: Lucy Morrison (Chair), Scott Morgan, Glen Searle, Mike McCourt, James Cisek, and Alt: Michael Shalett, Doug Finn, and Deanna Ahearn Laird, Assistant

Absent: None

Guests/Participants: Jane Varkonda, Kara Shemeth, Andrew Kelly, Doug Hoehn, George Sourati, Roger Strauch, Hilary Granis, Gery Conover, Peter Breeze, David Brodsky, Jordan Hoehn

SCHEDULED BUSINESS:

5:30 PM – PUBLIC HEARING – Coastal District –Special Permit: Azur Properties, LLC, 153 Cow Bay Road (13-3)

Application to construct a 900 square foot guest house in the inland zone of the Coastal District.

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, February 6, 2024, at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Azur Properties, LLC.

The subject property is located at 153 Cow Bay Road, Assr. Parcel 13-3.

Present for the applicant: Doug Hoehn, SBH, Inc., and Gery Conover, Conover Restoration.

Discussion: The property and project were introduced, and plans were reviewed for the construction of a 900-square-foot house. The site of the guest house in relation to other existing buildings on the property was also discussed. The guest house will not exceed 900 sq.

ft. and will be one level with two bedrooms, two bathrooms, a combined kitchen, and a living area with cathedral ceilings. The house ridge line is 23'6 above mean grade, meeting the 26' foot height limit.

The hearing closed at 65:20 PM

MOTION: Morrison and SECONDED by Morgan

Roll Call vote

Searle – Y M, McCourt – Y Scott Morgan – Y

J. Cisek – Y Morrison - Y

To continue the public hearing to February 27, 2024, Vote at 6:06 PM

5:30 PM - PUBLIC HEARING - Coastal District - Swimming Pool: Azur Properties LLC, 153 Cow Bay Road (13-3)

Application to construct a 50 x 20 in ground pool in the inland zone of the Coastal District.

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on February 6, 2024 at 5:30 Pm, at the request of Doug Hoehn, SBH, Inc. on behalf of Azur Properties LLC. to construct a pool in the inland zone of the coastal district.

Subject Property is 153 Cow Bay Road

The applicants are proposing a 50 x 20 foot in ground pool

The pool will have a depth of 7 feet leaving the bottom of the pool

This will allow the pool to be at least one foot above ground water.

The pool proposed will have a dry well installed for draw down of pool water.

The pool will meet all standard conditions.

Cow Bay Homeowners Association has approved all construction design.

A copy of the signed letter is in the file.

There are 3 cabanas at the water's edge. One has a kitchenette, bath and changing area.

It was discussed if the cabanas need to be attached to the new septic installation.

Scott Morgan asked about the ejector pump that will be installed to pump waste water from cabanas to septic.

Doug Hoehn reported that the flow will be low enough that the ejector pump will handle the flow. Mr. Hoehn agreed.

Mr. Hoehn and Mr. Conover stated that there are no immediate plans to do work on the cabana buildings.

It was noted that this parcel and the neighboring parcel are owned by the same family and they would like to create mirror images after construction.

The landscape plan will be completed shortly and be submitted to the Planning Board.

Present for Applicant: Doug Hoehn, Schofield, Barbini & Hoehn, Inc.

Public Comment: Mr. Roger Strauch an abutter (10/12) Gold Club Road. Noted that there were some tensions in Cow Bay relative to property rights, the owners police their own beach and waterfront, as well as their privacy. He approves of the construction and represents 2 abutters tonight. The beach and waterfront involved is a deeded right to said properties in Cow Bay.

No other public comment was received.

Vote: Lucy Morrison, (Chair) polled the Board and all were in agreement to postpone approval until Conservation Commission signs off after their next meeting.

The board voted to conduct a Site Visit on February 27, 2024, the morning before continuing this hearing.

MOTION: made by Morrison: Seconded by Morgan

To continue the public hearing to February 27, 2024, Vote at 6:06 PM

Passed unanimously by show of hands vote. 5, 0, 0 (6:07 PM)

5:50 PM – PUBLIC HEARING – Coastal District – Swimming Pool – Solar Properties, LLC. 139 & 145 Cow Bay Road (13-3)

In accordance with the Edgartown Bylaw 5.1, the Planning Board will hold a public hearing on February 6, 2024, at 5:50 PM, at the request of Doug Hoehn, SBH, INC., on behalf of Solar Properties, LLC. They are applying construct an in-ground Pool 50 x 20 feet in the inland Zone of the Coastal District.

Present for the applicant, Doug Hoehn, SBH, Inc. and Gery Conover, Conover Restoration

Discussion: Please see above. All standard pool conditions will be met.

Presentation/Findings:

Doug Hoehn and Gery Conover present for the applicant reported that the applicant had previously submitted development plans that were approved the applicant never moved forward with construction. Those plans are very similar to the plan they have submitted tonight.

Vote: To continue the public hearing to February 27, 2024, at 6:30 PM

Passed unanimously by show of hands vote. 5, 0, 0 (6:35 PM)

6:10 PM - PUBLIC HEARING - Coastal District Special Permit: Charles and Amanda Kane, 415 Katama Road (45-130.4)

Application to construct a 3rd floor viewing deck with partial roof line not to exceed existing ridge height. Including a new set of French Doors for access.

In accordance with Section 5.1 of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, February 6, 2024, at 5:30 PM, at the request of Bryan Cornock, Brodsky

Woodworking, Inc., on behalf of Charles and Amanda Kane, to construct a third-floor viewing deck with a partial roof line not to exceed the existing ridge height, including a new set of French Doors for access.

The subject property is located at 415 Katama Road, Assr. Pcl. 45-130.4

Present for the applicant: Bryan Cornock, Brodsky Woodworking, Peter Breese, architect.

Presentation/Findings

The applicant purchased the property two years ago. The House and deck on the back of the house over an open bluestone patio are preexisting. The changes to the side of the house facing the fields will not negatively impact the neighborhood.

Adjudication

Scott Morgan noted that the additions will not exceed the height limit or change the footprint. Lucy Morrison noted that the presented application appears to meet the intent of the bylaw.

Vote: Motion: Glen Searle, Seconded: McCourt

To approve the application as presented with standard conditions for approval.

Vote by roll call, 5, 0, 0 (6:25 PM) unanimously passed.

OTHER BUSINESS:

Lucy Morrison asked the boards' approval to authorize 2 other board members to act as signatories in addition to herself.

MOVED by _ SECONDED by _

To authorize Lucy Morrison, Glen Searle, Mike McCourt, and James Cisek to act as signatories for the purposes of approval for Payroll and A/P Warrants.

Vote: Roll call vote: 5, 0, 0 passed unanimously. (6:25 PM)

6:30 PM - PUBLIC HEARING - Coastal District - Swimming Pool: Two Wheeler Holdings, LLC, 93 Edgartown Bay Road (51-41)

Application to construct a 9x21 ft. spa and plunge pool with associated utilities and a 767 sq. foot deck addition to an existing single-family residence on a pre-existing non-conforming lot located in the Inland Zone of the Coastal district.

In accordance with Sections 5.1 and 10.1.G of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, February 6, 2024 at 6:30 PM, at the request of George Sourati, Sourati Engineering Group, on behalf of Two Wheeler Holdings, LLC,

Application to construct a 9x21 ft. spa and plunge pool with associated utilities and a 767 sq. foot deck addition to an existing single-family residence located in the Inland Zone of the Coastal district.

The subject property is located at 93 Edgartown Bay Road, Assr. Pcl. 51-41.

Present for the applicant: George Sourati, Sourati Engineering Group; Kristen Reimann, landscape designer, Owen Thomas

Presentation / Findings

The current owners purchased the property two years ago.

A locus map was presented for review.

There will be no change to the existing dwelling.

An existing deck will be removed and rebuilt around the proposed pool.

The pool equipment will be in a sound-proof shed, located about 15 feet from the side lot line.

The deck will be 20' from the west side lot line, and 19' from the east lot line.

The pool will be four and a half feet deep, but will be placed on a foundation, and not set into the ground.

Ms. Reimann noted that the current proposal is smaller than the original and will be a set-in-place precast "swim spa."

The pool will not go below the existing natural grade.

Conservation is anticipated to approve this change to the pre-existing plan administratively.

There is a hydrant within 200' of the subject property.

No public comment was offered.

Decision:

A motion made by Glen Searle, Seconded by Mike McCourt

to approve the application with the standard pool conditions.

Vote: 5, 0, 0 Unanimous (6:40 PM)

6:50 PM - PUBLIC HEARING - Coastal District - Swimming Pool: Wintucket Cove LLC, 59 Seth's Way (27-7)

Application to construct a 12 X 20 plunge pool and re-purpose a portion of existing garage as a pool cabana

In accordance with Sections 5.1 and 10.1.G of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, February 6, 2024 at 6:50PM, at the request of Doug Hoehn, SBH, Inc, on behalf of Wintucket Cove LLC, to construct a plunge pool and re-purpose a portion of existing garage as a pool cabana. The subject property is located at 59 Seth's Way, Assr. Pcl. 27-7.

Present for the applicant: Doug Hoehn, SBH, Inc

Presentation/Findings

The locus map was reviewed. A site plan (as submitted) was reviewed.

The applicant is proposing a 12x20 plunge pool in the driveway.

A portion of the garage is proposed to be converted to a pool cabana.

An enclosed, sound proof shed for pool equipment shed is proposed.

A dry well for draw-down of water is proposed.

Path lights will be down-facing LED (low voltage) lights.

An existing detached bedroom located southeast of the garage will remain.

No interconnection of the bedroom to the pool house.

The garage doors will be replaced with glass bi-fold doors.

The pool house will have a cathedral ceiling.

A small proposed dormer will just provide light into the interior of the pool house.

Conservation Commission has approved the plan.

Depth to ground water is at about elevation 5'. Grade is 14', separation of 4' from bottom of pool to groundwater.

Ms. Morrison asked about other locations of fire hydrants near the subject property.

There was some discussion relative to whether a dry hydrant can be feasibly placed on the subject property.

Scott Morgan suggested that the Board can't condition its approval on a side agreement between neighbors.

James Cisek also suggested that the board lean away from allowing shared dry hydrants.

Andrew Kelly, Park and Fire Departments spoke about current best practices for fighting fires, and the concerns about taking water from one site to fight fires on another.

Andrew Kelly noted that a pumper engine should be within 20 feet of a hydrant to draw water from it effectively.

Andrew Kelly also noted that the app used by firefighters denotes locations of dry hydrants.

There was some discussion relative to past practices and best practices related to hydrants.

Lucy Morrison asked for opinions moving forward.

Scott Morgan suggested that the applicant not be required to install a hydrant, and not require or suggest that a neighbors' agreement be suggested or encouraged.

Mike McCourt reinforced the need to provide resources to fight fires at every opportunity. The public hearing was closed at 7:14 PM

Deliberation/Discussion

Scott Morgan noted that the proposal meets the criteria of the zoning bylaw, that the use will not be more impactful than the existing uses of the lot, and that there will be no negative impact on the neighborhood.

No other issues were anticipated.

Decision:

Motion to approve: Morgan, Seconded: Morrison

Approval of the application as presented with standard pool conditions is required. A dry hydrant will not be required at the property.

Vote: 4, 0, 1 (7:16 PM)

Morgan – Yes

Cisek – Yes

Searle – Yes

McCourt – Abstain

Morrison – Yes (7:50 PM)

7:10 PM - PUBLIC HEARING - Special Permit: County of Dukes County, Katama Road at Atlantic Drive.

Application to engage in the sale of dry goods (Tee shirts, hoodies, hats, etc.); proceeds will benefit the Town of Edgartown Norton Point Revolving Fund.

In accordance with Section 8 (Beach Area Regulations) of the Edgartown Zoning Bylaw, the Planning Board will hold a public hearing on Tuesday, February 6, 2024, at 7:10 PM, at the request of the Parks Department, Town of Edgartown, on behalf of the County of Dukes County, to engage in the sale of dry goods (t-shirts, hoodies, hats, etc.); proceeds will benefit the Town of Edgartown Norton Point Revolving Fund.

The subject property is located in the Public Right of Way at Katama Road at Atlantic Drive. Glenn Searle noted that he would abstain from deliberation.

Present for the applicant: Andrew Kelly; also present: Jane Varkonda and Kara Shemeth (Edgartown Conservation Commission)

Glen Searle removed himself from deliberation as he is a Parks Department member.

Presentation / Findings

Andrew Kelly asked for permission to sell various items (tee shirts, hoodies, hats, etc.) out of the same trailer that sells beach permits.

Andrew Kelly noted that he did not anticipate advertising the service.

Andrew Kelly also noted that the county commissioners would be advised of the proposal.

Scott Morgan asked if the shack would be back out on the beach this summer.

Andrew Kelly: Uncertain due to damage to the dunes from winter storms.

Andrew Kelly confirmed that the proposal would use the same trailer, which had stickers sold in the past.

Andrew Kelly noted that measures have been taken to prohibit access to the beach by vehicles that were not capable of traversing the area safely and successfully. There was some discussion relative to efforts to support beach replenishment efforts.

James Cisek noted his support for the proposal and any effort to restore the beach area. Michael Shalett noted his support as well.

Mike McCourt reminded board members of the need to support local businesses in downtown.

Mike McCourt asked if the Parks Department might consider working with local businesses to reach the same goal.

Deanna Laird noted that there would be sufficient traffic to support the effort.

Michael Shalett noted that an online option might be considered.

Glenn Searle asked whether other town departments should be allowed to vend items that might otherwise be sold at other locations in town.

Doug Finn noted that the Zoning Bylaw does not allow commercial activity at this location.

There was some discussion about whether this could lead to other parties could sell at the beach.

Lucy Morrison asked whether other items might be sold (bottled water, snacks). Answer: No.

Lucy Morrison asked where the funds would go. Response: Norton Point Revolving Fund, which is overseen by the Parks Commission.

Can the parks department receive donations?

There was ongoing discussion relative to similar projects, and concerns expressed by residents and local business owners.

The trailer will be at that location selling beach access permits whether or not the applicant receives permission.

Deliberation

Lucy Morrison suggested a permit validity term of no more than 2 years

Lucy Morrison also suggested that the Parks Department be required no later than November 30 in the season after they start selling for a review about concerns regarding traffic.

Andrew Kelly confirmed that only dry merchandise to support Norton Point would be sold.

Action:

MOTION made by Cisek, SECONDED by Morrison

To approve the sale of wearable merchandise from the Parks Department trailer; sales may occur between May 15 and October 15. It was decided that no advertising is permitted.

Applicant must return by November 30 with a report to the Planning Board. Permit valid for two years only.

4, 0, 0 McCourt Abstained

7:30 PM – ANR - 20C-141.1, 20C-137.2 – 4 M Daniels Way – Boy and Girls Club of Martha's Vineyard

Lot Line adjustment.

No one was present to speak to the application. Mr. Finn reminded board members that failure to act within three weeks of submission of an ANR could result in constructive approval; denial would not penalize the applicant, and they could return at any time to seek endorsement. After brief deliberation,

Deny endorsement due. This is the second meeting that the applicant has not attended. They will be contacted.

Vote:

MOVED by Morrison, SECONDED by Searle
To deny endorsement.

5, 0, 0 (7:50 PM)
Unanimous

FUTURE MEETING SCHEDULE The Next Planning Board Public Hearing will be February 27, 2024 5:30 PM

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Mr. McCourt requested that board members receive reminder emails of future meetings.

ADJOURN

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

To Adjourn

Vote

Unanimous, 5, 0, 0 (7:54 PM)

APPROVAL of MEETING MINUTES: Will be done at next Planning Board meeting 2/13/24

FUTURE MEETING SCHEDULE: Next Edgartown Planning Board Meeting will be February 13, 2024 at 5:30 pm in the Fred B Morgan Room and via Zoom

ADJOURN: 7:54