

Edgartown Planning Board Minutes

Tuesday, April 7, 2020

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, April 7, 2020, at 5:30 PM. Pursuant to the Governor's order of March 10, 2020, and Chapter 53 of the Acts of 2020, the meeting was conducted with 100% remote participation for all members, applicants, and the public.

This Open Meeting of the Edgartown Planning Board was being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, and the State of Emergency in the Commonwealth due to the outbreak of the 'COVID-19' Virus.

In order to mitigate the transmission of the COVID-19 Virus, the Town was advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies were allowed and encouraged to participate remotely.

The Order, which was posted with agenda materials for this meeting allowed public bodies to meet entirely remotely so long as reasonable public access was afforded so that the public could follow along with the deliberations of the meeting.

Ensuring public access does not require public participation unless such participation is required by law.

For this meeting, the Planning Board convened by telephone and/or video conference via Zoom (a commercial video-conferencing service). The meeting was also live-streamed via Facebook (an internet-based social network). The public notice identified the means by which the public would be able to view and observe the meeting.

The meeting was audio and video recorded, with attendees participating by video conference.

Attendees were notified that other members or participants would be able to see them. All participants were reminded to not screen share their computer, and that anything that was said or shown was broadcast and captured by the recording.

All supporting materials that had been provided to the members of this body were available on a publicly accessible internet website. Any member of the public was 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 would be noted.

CALL TO ORDER:

The meeting was called to order at 5:32 PM. Mr Mascolo called the roll:

MASCOLO:	Present	CISEK:	Present
MCCOURT:	Present	MORGAN:	Present
MORRISON:	Present	SEARLE:	Present

A quorum was declared.

ADMINISTRATIVE UPDATES

Payroll Review

Mr. Finn noted that payroll sheets need to be signed. Mr. Mascolo suggested using “DocuSign” as a way to get the payroll sheet signed. The board concurred.

Master Plan Consultant Services Warrant Article

Mr. Finn noted that the Town Administrator was seeking to make a \$1M reduction in the FY21 budget, and suggested that the board reconsider the request for \$100,000 for Master Plan Consulting Services.

Mr. Mascolo concurred, and suggested that the request could be made next year.

Mr. McCourt reinforced the need for a professional, properly compiled plan.

Mr. Finn noted that the board could proceed on its own for the first 10-12 months.

Mr. McCourt suggested using the time wisely, perhaps at a slower pace.

It was MOVED by Morrison, SECONDED by Searle

To withdraw the warrant article for Master Plan Consultant Services.

VOTED: ROLL CALL VOTE

MASCOLO: YES MCCOURT: YES

MORGAN: YES MORRISON: YES

SEARLE: YES CISEK: YES

SCHEDULED BUSINESS

5:30 PM – Public Hearing – SP: Julia Tarka, Edgartown Board of Trade

In accordance with MGL Chapter 40A, Section 9, the Edgartown Planning Board scheduled a public hearing for Tuesday, April 7, 2020 at 5:30 PM, at the request of Julia Tarka, Edgartown Board of Trade, on behalf of Island Holdings LLC, c/o STANMAR, Inc., Owner, to hold select events of the 13th annual Martha's Vineyard Food and Wine Festival at the Winnetu Oceanside Resort in Edgartown (Katama). Events to be held at the resort: the Grand Tasting event on Saturday, October 24th, select seminars to be held indoors; one additional event to be held under the tent.

This application was made in accordance with Sections 10.1.G and 5.5 of the Edgartown Zoning Bylaw. The property is located at 31 Dunes Road, Assr. Pcl. 52-261. Copies of the application were made available online, and in the Planning Office for public review.

Mr. Finn noted that he had received a request from the applicant to withdraw the application without prejudice.

It was MOVED By Morgan SECONDED by McCourt

To allow the applicant to withdraw the application without prejudice.

VOTED: ROLL CALL VOTE

MASCOLO: YES MCCOURT: YES

MORGAN: YES MORRISON: YES

SEARLE: YES CISEK: YES

5:45 PM – PUBLIC HEARING – SP(Pool): David Schaefer, 40 Peases Point Way N (20D-71.12)

In accordance with MGL Chapter 40A, Section 9, the Edgartown Planning Board scheduled a public hearing for Tuesday, April 7, 2020 at 5:45 PM, at the request of George Sourati, Sourati Engineering

Group, LLC, on behalf of David J. Schaefer, Owner, a special permit for the construction of an in-ground swimming pool, solid wood fencing, a sound proof pool equipment shed and an outdoor shower enclosure and associated utilities and landscaping located in the inland zone of the Coastal District.

This application was made in accordance with Section 5.1.C of the Edgartown Zoning Bylaw. The property is located at 40 Peases Point Way N, Assr. Pcl. 20D-71.12. Copies of the application were made available online, and in the Planning Office for public review.

Mr. Finn noted that Mr. Sourati had requested a continuance to a date certain, and recommended May 5, 2020, 5:45 PM.

Mr. Mascolo opened the public hearing at 5:46 PM.

It was MOVED by Searle SECONDED by McCourt

To continue the public hearing on May 5, 2020, 5:45 PM

VOTED: ROLL CALL VOTE

MASCOLO: YES MCCOURT: YES

MORGAN: YES MORRISON: YES

SEARLE: YES CISEK: YES

The public hearing was declared continued at 5:47 PM.

RECESS

At 5:48 PM, the chair declared the board at recess until a call from the chair.

CALL BACK TO ORDER

The board was called back to order at 5:58 PM. Mr Mascolo called the roll:

MASCOLO: Present	CISEK: Present
MCCOURT: Present	MORGAN: Present
MORRISON: Present	SEARLE: Present

A quorum was declared.

6:00 PM – PUBLIC HEARING – SP(Pool): John A and Betsy Rolls, 10 Jacobs Neck Rd (43-1.4)

In accordance with MGL Chapter 40A, Section 9, the Edgartown Planning Board scheduled a public hearing for Tuesday, April 7, 2020 at 6:00 PM, at the request of Reid Silva, VLS&E, Inc., on behalf of John A and Betsy Rolls, Owner, to construct and maintain a 20' by 40' in-ground swimming pool, fence, pool equipment shed, deck and associated landscaping within the Shore Zone of the Coastal District.

This application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 10 Jacobs Neck Road, Assr. Pcl. 43-1.4. Copies of the application were made available online, and in the Planning Office for public review.

Present for the applicant: Reid Silva, VLS&E

The public hearing was declared open at 6:00 PM.

Presentation and Findings

Mr Silva presented the application and related materials. Findings:

- The pool will not extend below high ground water.
- The distance to ground water is about five and a half feet from the grade, and about eight feet

from the deck of the pool, or slightly below the base of the pool.

- Two trees will be removed, as noted on the site plan.
- The location was chosen to keep the development out of the shore zone, and to keep the pool closer to the house.
- The pool fence terminates at the house.
- Pool equipment will be close to the house, inside the inland zone, enclosed in a shed insulated for sound.
- The homeowners association has approved the proposal and location, subject to approval by the Town.
- The elevation of the ground is about 10' elevation, and the pool will be about 30" above ground.
- The development is not expected to be visible from the water, particularly in the summer.
- The pool will be a salt-water filtration system.
- The door from the house into the fenced area will be properly alarmed in accordance with state codes.
- The application is not yet reviewed or approved by the Conservation Commission.
- The State has reviewed the project and has approved the project as proposed.

There being no further comments, the public hearing was closed at 6:10 PM.

Deliberation and Vote

Mr. McCourt requested that approval by the Conservation Commission be mandated in the conditions.

After brief deliberation, it was MOVED by McCourt SECONDED by Searle

To approve the application as presented, with standard conditions for swimming pools USE and SAFETY

1. *Only the residents of the dwelling and their guests shall use the pool.*
2. *The pool shall be surrounded by a barrier, securing access to the pool in accordance with local and state Building and Health codes.*
3. *A ring buoy shall be provided with a secured safety line of a length adequate to reach all areas of the pool.*
4. *All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.*

WATER

5. *Pools supplied by well water shall be filled prior to June 15 or after September 15.*
6. *Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.*
7. *Draining or adjustment of water level shall be in accordance with Department of Health or Conservation Commission regulations, and shall not be accomplished through disposal of water into a public or private way, and shall not be allowed to cause surface ponding or flooding.*

LIGHTING and ENERGY

8. *Outdoor lighting is limited to that required by building code, and shall be fully shielded, and directed downward. Mercury vapor lighting and bug zappers are prohibited.*

9. *Heated pools are permitted with the recommendation the heat source is solar, geothermal or other alternative energy source.*

COMPLIANCE

10. *The project shall comply with any applicable Conservation Commission Order of Conditions, Massachusetts Department of Environmental Protection Wetlands Order of Conditions, Board of Health regulations, and Building Code.*
11. *The responses contained within the Swimming Pool Special Permit Criteria Checklist shall become a part of this decision.*
12. *Copies of this decision shall be provided to the construction crew prior to the construction of the project.*

VOTED: ROLL CALL VOTE (6:13 PM)

MASCOLO: YES MCCOURT: YES

MORGAN: YES MORRISON: YES

SEARLE: YES CISEK: YES

6:15 PM - PUBLIC HEARING - SP: Stop & Shop a subsidiary of Ahold USA, 225 Upper Main Street (20A-57.1 et seq.)

In accordance with MGL Chapter 40A, Section 9, the Edgartown Planning Board scheduled a public hearing for Tuesday, April 7, 2020 at 6:15 PM, at the request of Mary McEvoy, Manager, Stop and Shop / Edgartown, on behalf of Stop & Shop a subsidiary of Ahold USA, Owner, for a modification to the Special Permit in order to to construct a temporary outdoor display to sell garden and outdoor products. Garden products, flowers and plants will be displayed on carts provided by the vendor. The display will be in the same location as in the previous years. Pedestrian walkways will not be disturbed and ample space will remain for carts and wheelchair access.

This application was made in accordance with Section 3.2 of the Edgartown Zoning Bylaw. The property is located at 225 Upper Main Street, Assr. Pcl. 20A-57.1 et seq. Copies of the application were made available online, and in the Planning Office for public review.

Present: Ms. Mary McEvoy, applicant (by remote video conference)

Mr. Mascolo opened the public hearing at 6:16 PM.

Public Hearing

Ms. McEvoy made a brief presentation. Ms. McEvoy noted that, due to current conditions, indoor seating was not possible.

No member of the public was present to speak to the application.

No letters were received.

There being no further presentation, Mr. Mascolo closed the public hearing at 6:17 PM.

Deliberation and Findings

The request is similar to previous year's requests.

Due to present circumstances, indoor seating cannot be provided.

The applicant agrees to all other conditions imposed as in previous years.

It was MOVED by Mascolo SECONDED by Searle

To strike the condition requiring benches to be placed in the store.

VOTED: ROLL CALL VOTE

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

MORRISON: YES

SEARLE: YES

CISEK: YES

After further brief deliberation, it was MOVED by Searle, SECONED by Morrison

To approve the application as presented, with conditions as follows:

General:

1. *Outside lighting shall be fully operational at all times, comply with the building code, and downward lit.*
2. ~~*Benches shall be provided indoors and outdoors for the elderly, and people waiting for car services.*~~
3. *All outside electrical outlets shall be maintained in compliance with regulations.*
4. *Outside faucets shall be properly maintained, and shall utilize a secure faucet suitable for a public area.*

Shopping Carts:

5. *Cart corrals shall be maintained to the right & left side of the parking lot "walkthrough" areas.*
6. *All carts shall be neatly organized in and returned to the cart corrals or the single-line storage areas on the sidewalk throughout the day.*
7. *Cart corrals shall not be blocked and shall be properly maintained.*
8. *Carts shall be properly cleaned in accordance with Board of Health instruction.*
9. *Carts stored on the sidewalk in front of the store shall be stored in a single row.*

Bicycle Racks:

10. *Bike racks shall be secured and maintained on opposite ends of the parking lot.*
11. *Signage shall be maintained at the bicycle rack facing the front door of the store, reserving the space for bicycles only.*

Parking lots

12. *Surfaces shall be regularly checked for condition, and property maintained.*
13. *Missing bricks shall be replaced.*
14. *Potholes shall be properly repaired immediately.*
15. *The lot shall be properly plowed, sanded and salted as necessary.*
16. *The parking lot shall be swept of all sand and salt at the end of winter.*
17. *All ADA parking spaces shall have appropriate signage and ground markings.*
18. *All cement parking lot bumpers shall be secured or reset on a daily basis.*
19. *Drainage systems in the parking lot shall be regularly cleaned and maintained.*

Landscaping:

20. *Landscaping shall be maintained; dying plants shall be replaced; branches shall be kept trimmed.*

Sidewalks

21. *All sidewalks shall be cleaned daily and properly maintained on a regular basis.*
22. *Stop and Shop shall maintain the brick walkway between the two parking areas near the front door wide enough to accommodate wheel chairs, shopping carts and strollers in two*

directions, keeping it free of shopping carts and bicycles.

Outdoor Displays:

- 23. *Outdoor displays of merchandise are permitted from April 1, 2020 through December 31, 2020.*
- 24. *Display area is to be 26' long on the sidewalk along the front of the store.*
- 25. *A minimum of 60" of sidewalk width shall remain clear at all times.*
- 26. *Display racks on front sidewalk shall be placed so as to extend no more than 30" from front wall.*
- 27. *Sale items are limited to the following:*
 - a. *Produce and vegetables*
 - b. *Outdoor Plants and Flowers*
 - c. *Firewood and related items (e.g., bundles of fire wood, fire starters)*
 - d. *Autumn seasonal produce and organic décor items (e.g., pumpkins, cornstalks)*
 - e. *Holiday organic décor items (e.g., wreaths, greens, trees)*
- 28. *Any additional items to be placed outside require additional Planning Board approval.*
- 29. *All display items shall be placed on the racks. No plants or display items may be placed on the sidewalk.*
- 30. *Empty display racks must be promptly refilled, or removed.*

VOTED: ROLL CALL VOTE

MASCOLO: YES	MCCOURT: YES
MORGAN: YES	MORRISON: YES
SEARLE: YES	CISEK: YES
	(6:20 PM)

There was discussion unrelated to any application. (6:21 PM to 6:29 PM).

6:30 PM - PUBLIC HEARING - SP(Coastal District): Frank & Catherine Delli Carpini, 11 Dunes Rd (52-26.31)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing for Tuesday, April 7, 2020 at 6:30 PM, at the request of Douglas Hoehn, SBH, Inc., on behalf of Frank & Catherine Delli Carpini(Owner) to construct a pool and pool house on a pre-existing non-conforming lot in the Inland Zone of the Coastal District.

This application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 11 Dunes Rd, Assr. Pcl. 52-26.31. Copies of the application were made available online, and in the Planning Office for public review.

Present for the Applicant: Mr. Doug Hoehn (SBH, Inc.); Mr. Fred Fournier (Landscape)

Also present: Mr. and Mrs. Olsen, 9 Dunes Road.

Mr Mascolo opened the public hearing at 6:30 PM.

Presentation

Mr. Hoehn and Mr. Fournier presented the application:

- The lot is preexisting, non-conforming (about 35,000 square feet – R60 zone)
- All structures, present and proposed will meet setbacks.

- Proposed pool house will be 25 feet from rear lot line.
- Lot is in coastal district only due parts of the lot below elevation 10’.
- Proposal is for 20’ x 40’ pool with patio surrounding, and a 20’ x 18’ pool house.
- The enclosed portion of the pool house will be 8’ x 20’, and is intended to serve as storage. A covered open portion measures about 10’ x 20’.
- The building will be about 16’ 9” in height.
- The pool house will be open storage, with no bath, shower, kitchen or other plumbing.
- Pool equipment will be installed in the pool house, which will be fully insulated.
- A dry-well is proposed for pool-water disposal.
- The patio is dry-laid stone.
- The pool will not interfere with the existing septic system.
- No lighting is proposed except for pool lighting.
- A fence (at least 48” high) will wrap around the yard, enclosing the pool area.
- The pool will be salt-filtered.
- The pool is centered side-to-side on the lot; the pool house is 25’ from the rear lot line.

Two letters were received by abutters: 4/5/2020 from Andrea Caruso (5-7 Dunes Road), and Steve Steinberg (15 Dunes Road), both of which were included in application file. Both spoke in favor of the application.

Mr. and Mrs. Olsen (9 Dunes Road) spoke in favor of the application.

There was some discussion related to landscaping or screening on the rear property line. Mr. Fournier anticipated that existing native vegetation would likely remain unchanged. Mr. Fournier also noted that the applicant was expecting to add some plantings to the rear property line, and clean out and encourage the existing plantings.

Tehre being no further discussion, it was MOVED by Searle, SECONDED by McCourt

To approve the pool, pool house and landscaping as proposed and presented, with the following standard conditions:

USE and SAFETY

1. *Only the residents of the dwelling and their guests shall use the pool.*
2. *The pool shall be surrounded by a barrier, securing access to the pool in accordance with local and state Building and Health codes.*
3. *A ring buoy shall be provided with a secured safety line of a length adequate to reach all areas of the pool.*
4. *All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.*

WATER

5. *Pools supplied by well water shall be filled prior to June 15 or after September 15.*
6. *Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.*
7. *Draining or adjustment of water level shall be in accordance with Department of Health or Conservation Commission regulations, and shall not be accomplished through disposal of water into a public or private way, and shall not be allowed to cause surface ponding or flooding.*

LIGHTING and ENERGY

- 8. *Outdoor lighting is limited to that required by building code, and shall be fully shielded, and directed downward. Mercury vapor lighting and bug zappers are prohibited.*
- 9. *Heated pools are permitted with the recommendation the heat source is solar, geothermal or other alternative energy source.*

COMPLIANCE

- 10. *The project shall comply with any applicable Conservation Commission Order of Conditions, Massachusetts Department of Environmental Protection Wetlands Order of Conditions, Board of Health regulations, and Building Code.*
- 11. *The responses contained within the Swimming Pool Special Permit Criteria Checklist shall become a part of this decision.*
- 12. *Copies of this decision shall be provided to the construction crew prior to the construction of the project.*

VOTED: ROLL CALL VOTE
 MASCOLO: YES MCCOURT: YES
 MORGAN: YES MORRISON: YES
 SEARLE: YES CISEK: YES
 (6:50 PM)

UPCOMING MEETINGS

The next regular meeting was scheduled for April 28, 2020, 5:30 PM.

ADJOURN

There being no further business, it was MOVED by Searle, SECONDED by McCourt
To Adjourn.

ROLL CALL VOTE
 MASCOLO: YES
 MCCOURT: YES
 MORGAN: YES
 MORRISON: YES
 SEARLE: YES

The meeting was declared adjourned at 6:52 PM.

A true record. Attest,

Douglas Finn, Assistant
Edgartown Planning Board