

# Edgartown Planning Board Minutes

Tuesday, April 28, 2020

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, April 28, 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.*

*RESIDENTS, APPLICANTS and INTERESTED PARTIES were informed via the publicly posted agenda that they could*

- watch the meeting live on Facebook: <http://www.fb.com/EdgartownPlanningBoard>;
- participate in real time by telephone: (646) 558-8656 (Meeting ID: 927 0316 7710); or
- participate in real time by Zoom Teleconference: <https://zoom.us/j/92703167710>

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

*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 5:40 PM. Mr. Mascolo called the roll:

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

A quorum was declared.

## **SCHEDULED BUSINESS**

### **5:30 PM Public Hearing (continued from March 24, 2020 – PUBLIC HEARING: SUBDIVISION – Town of Edgartown / Boys and Girls Club (20C-163, 20C-134.1)**

The board continued a public hearing from March 24, 2020, on an application received from Reid G. Silva, VLS&E, Inc., on behalf of Bradford A Norton and Philip J Norton III, Owners, of a definitive subdivision plan, intended to divide a single 30.75 acre +/- lot into four conforming lots for the

purposes of (a) transfer to the Town of Edgartown for improving the existing Recreation Area, (b) transfer to the Town of Edgartown for future expansion of the existing New West Side Cemetery, and (c) development of new fields and facilities for the existing Boys and Girls Club. Plan will also create an extension to M. Daniels Way, an existing way used as a public road, to serve the lots.

This application was made in accordance with Section 81K-81GG of Chapter 41 of the General Laws, and the Town of Edgartown Subdivision Rules and Regulations. The property is located at 110 West Tisbury Road, Assr. Pcl. 20C-134.1. Copies of the application were made available in the Planning Office for public review.

*Present for the applicant: Mr. Reid Silva (VLS&E), Mr. Norman Rankow.*

The public hearing was continued at 5:41 PM.

### **Presentation / Findings**

Mr. Reid Silva spoke to the project.

- An existing 20-foot wide right of way through the existing New West Side Cemetery will be abandoned by the Boys and Girls club.
- An extension of M. Daniels Way shall be constructed along the east and south side of the existing recreation area.
- The location of the proposed road is acceptable to neighbors.
- The road must be constructed to Town standards and specifications.
- The proposal does not call for construction of any structures at this time.
- A memorandum of understanding has been executed between the Town and the Applicant, securing the interests of both parties.
- Two lots (identified as parcel B and Parcel D) are intended to be sold or transferred to the Town of Edgartown. Parcel D is expected to be donated to the Town by the Boys and Girls Club.
- The proposal must be referred to the MV Commission, as it is a division of land involving more than two acres of habitat.

### **Public Comment:**

**Brad and Anne Fligor:** We saw the plans, and are pleased with the location of the road as revised. Appreciative of efforts by all involved.

**Donna Flannery:** A couple of months ago, we wrote a letter; however, those concerns were addressed with the relocation of the access road, our concerns have been satisfied.

No other comments from the public.

### **Referral to MV Commission**

It was MOVED by McCourt SECONDED by Searle

*To refer the application to the MV Commission, requesting no concurrence, and to continue the public hearing to June 2, 2020, 6 PM.*

VOTED: ROLL CALL VOTE  
MASCOLO: YES  
MCCOURT: YES  
MORGAN: YES  
SEARLE: YES  
CISEK: YES  
(6:02 PM)

**5:50 PM Review of Revised Plans and Decision – Mark Harding, Wampworx, 207 Upper Main Street, 20C-26**

Mr. Finn reviewed with the board the final revised plans as submitted by Mr. Harding, reflecting the conditions imposed by the Board’s vote on Febraary 28. Mr. Finn also noted that the Decision was prepared, and ready to be signed. After some discussion, it was MOVED by Searle SECONEDDED by McCourt

*To authorize Mr. Mascolo to sign the Decision on behalf of the Board.*

VOTED: ROLL CALL VOTE  
MASCOLO: YES  
MCCOURT: YES  
MORGAN: YES  
SEARLE: YES  
CISEK: YES  
(6:08 PM)

**5:50 PM DE MINIMIS Determination: AJP Real Estate, 99 Chappaquiddick Rd**

The board considered a request for De Minimis Determination for minor changes to a previously approved special permit, issued to AJP Real Estate, 99 Chappaquiddick Road, for minor additions to an existing dwelling in the Shore Zone of the Coastal District.

*Present: Mr. George Sourati, Sourati Engineering, Inc.*

**Presentation**

Mr. Sourati described the proposal, which includes a reduction in the size of a previously approved deck; a change of location of the proposed hot tub to the porch on the north (back) side of the house; to make a slight change to the location of an approved outdoor shower; and the addition of a small structure to house the trash receptacles.

A completed application has been submitted.

**Deliberation and Decision**

After discussion, it was MOVED by McCourt SECONDED by Searle

*That the changes as proposed were de minimis in nature, and required no further action by the Planning Board.*

VOTED: ROLL CALL VOTE

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

(6:13 PM)

**6:00 PM Public Hearing: SP (Coastal) – (continued from March 24, March 10) Catalina Island**

**Nominee Trust, 24 Ocean View Avenue (29-149)**

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board continued a public hearing from March 24, 2020, on the request of Doug Hoehn, SBH, Inc., on behalf of Catalina Island Nominee Trust, Owner, to

- (1) remove main dwelling (shore zone) and replace with same size dwelling in same location at same height of existing dwelling (a special permit granted in 1992 allowed a height of 28'4" above mean grade);
- (2) Remove existing garage (inland zone) and replace with new garage with detached bedroom;
- (3) Remove pool house (inland zone) and replace with new pool house with second floor 900 sf guest house; and
- (4) Remove existing pool (inland zone) and replace with new 40'x40' pool.

This application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 24 Ocean View Avenue, Assr. Pcl. 29-149. Copies of the application were available in the Planning Office for public review.

*Present for the applicant: Doug Hoehn, SBH, Inc.; Julie Hausch-Fen, Kristine Makwinski (Seldorf Architects, New York, NY)*

Prior to continuing the public hearing, the applicant was informed that only four members were eligible to vote on the application. After brief discussion, the applicant opted to continue with the presentation.

The public hearing was continued at 6:00 PM.

**Presentation:**

The revised floorplans were reviewed. There was some discussion related to the direction of the proposed stair, the size and amenities of the 'pool house'.

No comments from the public were received.

There being no more information forthcoming, it was MOVED by Morgan SECONDED by Searle

*To close the public hearing.*

VOTED: ROLL CALL VOTE

MASCOLO: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

(6:29 PM)

**Deliberation / Findings:**

- The garage height was noted as being 25 feet in height from mean natural grade.
- A 400 square foot detached bedroom was noted on the plan.
- The garage / utility building would also include a 'catering' area, including refrigeration and a sink, with storage on the second floor.
- The detached bedroom would be a part of the first story of the utility building.
- The house, garage, and guest house / pool house intend to replace existing structures on the lot.
- The proposed detached bedroom (two-store, 20' x 50') is a new use on the lot.
- The Conservation Commission has approved the proposal (reference: Order of Conditions as issued on February 20, 2020)
- The proposed swimming pool is double the size and of the existing pool, but in roughly the same location.
- The revised plans for the detached bedroom shows no direct access to storage or the catering areas, and the revised plan for the second-floor guest house shows a second means of egress.
- The second floor of the structure near the pool is adjudicated as a separate use, and conforms to the requirements of a guest house.
- The first floor of the structure near the pool is not a detached bedroom for zoning purposes.
- There is no direct connection between the first floor and the second floor of the 'pool house'.
- There is no intention on the part of the applicant to use the first-floor of the pool house as a bedroom for guests.

There being no further deliberation, it was MOVED by \_ SECONDED by \_

*To approve the application as submitted, and amended, with standard conditions for construction projects, and standard conditions for swimming pools; further:*

*The first-floor of the pool house is permanently restricted from serving as sleeping quarters.*

*The detached bedroom in the garage structure shall not connect to any other spaces in the garage structure, other than the bathroom, as denoted on the revised floorplans dated April 21, 2020.*

VOTED: ROLL CALL VOTE

MASCOLO: YES

MORGAN: YES

SEARLE: YES

CISEK: YES

(6:31 PM)

**6:15 PM ANR: Bellizzi Family 1999 Realty Trust / Wilson Family Living Trust – 29-50.2**

The board took up an application for endorsement of a plan not believed to require subdivision approval. The plan was submitted on behalf of the Bellizzi Family 1999 Realty Trust and the Wilson Family Living Trust, and proposed the division of a single parcel of 4.86 acres into two parcels of 2.43 acres.

The parcel location was 25 Mill Hill Road, Assessors Parcel 29-50.2

The board reviewed the plan.

It was determined that

- the private driveway noted as Mill Hill Road on the plan provided adequate frontage for the two lots; and
- the easement across lot 29-57.2 was adequate to serve the needs of the two parcels as well as 30 Mill Hill Road.

It was MOVED by Searle SECONDED by McCourt

*That the plan as presented does not require review or approval under the subdivision control bylaw.*

VOTED: ROLL CALL VOTE  
 MASCOLO: YES  
 MCCOURT: YES  
 MORGAN: YES  
 SEARLE: YES  
 CISEK: YES  
 (6:45 PM)

**ADMINISTRATIVE UPDATES**

**Payroll Review**

Mr. Finn noted that payroll had been distributed and signed by three board members, and was available for review.

**Adoption of Electronic Signatures**

Mr. Finn noted that the Board could adopt and accept MGL 110G, which would allow it to sign documents by electronic means. Mr. Finn noted that acceptance of such provision would still require that all matters would still require consideration by and vote of the board at a regular meeting.

It was MOVED by Searle SECONDED by McCourt

*Effective April 28, 2020, the Planning Board of the Town of Edgartown (“Board”) recognizes and accepts the provisions of Chapter 110G of the General Laws regarding electronic signatures, that the Board will henceforth execute documents either with electronic signatures or with wet ink signatures, and that both will carry the same legal weight and effect.*

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

**UPCOMING MEETINGS**

The next regular meeting was scheduled for May 5, 2020,  
5:30 PM, with meeting to be held by “Remote Teleconference” participation only.

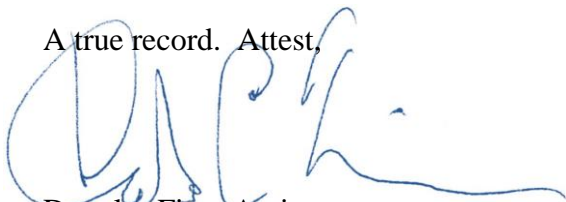
**ADJOURN**

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

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

The meeting was declared adjourned at 6:59 PM.

A true record. Attest,



Douglas Finn, Assistant  
Edgartown Planning Board