

Edgartown Planning Board Minutes

Tuesday, May 5, 2020

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, May 5, 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 is being conducted remotely in accordance with Chapter 53 of the Acts of 2020.

The meeting is being live-streamed via Facebook. Agenda materials for this meeting are available online through the Planning Board Facebook page:

Fb.com/EdgartownPlanningBoard

Please note that this meeting is being recorded, and that some attendees are participating by video conference.

The public notice on the Town's Website identifies how the public may join and observe the meeting.

Please be aware that all other members and participants can see and hear you. Anything said or seen may be captured by the recording.

All supporting materials that have been provided to the members of this body are available on a publicly accessible website hosted by Google Drive. Any member of the public may access this website, using the instructions included in the Meeting Agenda.

The public is encouraged to follow along using the posted agenda. The board reserves the right to address items out of order as may be permitted by law in the interest of time or convenience.

CALL TO ORDER:

The meeting was called to order at 5:33 PM. Mr. Mascolo called the roll:

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

A quorum was declared.

Mr. Mascolo noted that items of business may be taken out of order for the convenience of the applicants and the board, when legally permissible.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP: John E. and Amanda J Waldron, 22 Bayside South (36-159.13)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing on Tuesday, May 5, 2020 at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of John E. and Amanda J Waldron (Owner) to construct a guest house that is (a) larger than 900 square feet; and (b) on a conforming lot with a dwelling in existence for less than five years.

This application was made in accordance with Sections 2.1.B.9 and 2.1.B.10 of the Edgartown Zoning Bylaw. The property is located at 22 Bayside South, Assr. Pcl. 36-159.13. Copies of the application are available in the Planning Office for public review.

Prior to opening the Mr. Finn noted that the applicant had requested to withdraw the application for

the guest house, and advised that the board vote to allow the withdrawal without prejudice.

It was MOVED by Morrison SECONDED by Searle

To allow the withdrawal of the application without prejudice.

VOTED: ROLL CALL VOTE

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

MORRISON: YES

SEARLE: YES

CISEK: YES

(5:37 PM)

Mr. Finn noted that the action would be transmitted to the Town Clerk, closing out the application.

5:30 PM - PUBLIC HEARING - SP: John E. and Amanda J Waldron, 22 Bayside South (36-159.13)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing on Tuesday, May 5, 2020 at 5:30 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of John E. and Amanda J Waldron (Owner) to construct a pool and pool house, in accordance with the application and plans as filed with the application.

The application was made in accordance with Sections 2.1.B.9 and 2.1.B.10 of the Edgartown Zoning Bylaw. The property is located at 22 Bayside South, Assr. Pcl. 36-159.13. Copies of the application were made available for public review upon request.

Present for the applicant: Doug Hoehn, SBH, Inc.; Leslie Carter, landscape architects, Reed Hilderbrand Architects; Mr. John Murry, principal architect, John B Murry Architects LLC. Also Erin de Losier, associated, with John B. Murry Architects..

The public hearing was opened at 5:39 PM.

Presentation

Mr. Hoehn introduced Ms. Leslie Carter (Reed – Hilderbrand Landscape Architecture), who assisted in the presentation of the application, including a Plan Packet, landscape and lighting plan, and other documents (see file).

No member of the public was present.

No letters were received regarding the application.

After some discussion, it was MOVED by McCourt SECONDED by Morrison

To close the public hearing.

VOTED: ROLL CALL VOTE

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

MORRISON: YES

SEARLE: YES

CISEK: YES

(6:08 PM)

Deliberation / Findings

- The location will be shielded from neighbors by substantial vegetation
- The Pool will not be directly visible from Katama Bay.
- The Bottom of the pool foundation will be at least five feet above high groundwater.
- Fencing will be in accordance with all safety regulations and building codes.
- All lighting will be downward lit, and shielded in accordance with building code.
- A minimum of excavation will be necessary.
- There will be no disturbance of the shore zone.
- Fill water source is from town water; a dry well is proposed for minor water draw-down at the end of season; if pool has to be emptied, water will be transported off site.
- Pool will be salt-treatment or equivalent
- Landscaping and fencing will help to abate any disturbance to neighbors.
- A Pool house and surrounding deck are proposed.
- Pool equipment will be placed in the basement of the pool house.
- Approval by Conservation Commission is necessary and outstanding.
- Lot is sufficient for the development as proposed.
- No negative comments have been received by abutters or other parties.
- The proposed second floor does not have closets or storage.
- The structure is not intended to be used as dwelling or sleeping space.
- The first floor is not intended to be used for food preparation.

It was MOVED by McCourt SECONDED by Morrison

To approve the application as presented in accordance with the findings as noted, and with standard conditions for construction and swimming pools as noted.

VOTED: ROLL CALL VOTE
MASCOLO: YES
MCCOURT: YES
MORGAN: YES
MORRISON: YES
SEARLE: YES
CISEK: YES
(6:11 PM)

5:45 PM – PUBLIC HEARING – SP (Coastal): David J. Schafer, 40 Peases Point Way N (20D-71.12)

Applicant proposes to construct an in-ground swimming pool, solid wood fencing, sound-proof equipment shed, an outdoor shower enclosure, and associated utilities and landscaping.

The public hearing was continued at 6:11 PM.

Mr. Finn noted that the public hearing had been opened on April 7, 2020, and continued without presentation. Mr. Finn further noted that the agent for the applicant (Mr. George Sourati, Sourati Engineering Partners) had requested a further continuance to a regular meeting in June, citing a desire to make the presentation in person, and to resolve concerns related to the project cited by abutters.

It was MOVED by Searle SECONDED by McCourt

To continue the public hearing to June 16, 2020, 5:30 PM.

VOTED: ROLL CALL VOTE
MASCOLO: YES
MCCOURT: YES
MORGAN: YES
SEARLE: YES
CISEK: YES
(6:14 PM)

5:50 PM – Admin. Review – Facilities Request: Empire Telecom LLC, 59 North Street (29A-96)

Applicant proposes adding 3 SDARS remotes, 3 combiners, 3 RR-FA3 Mounts, 1 Surge Arrestor, 1 Main Unit, and all ancillary cables and equipment. No expansion beyond existing compound is proposed.

Present for the applicant: Nora Oliver, Empire Telecom USA, LLC, for American Towers.

Presentation / Deliberation

Ms. Oliver noted that AT&T is looking to perform minor changes to the tower; no significant visual impact is expected. The new equipment is intended to improve performance for certain sectors on the tower.

No modification to the grounds or the site is anticipated.

It was MOVED by Searle SECONDED by Morrison
To approve the proposal as presented.

VOTED: ROLL CALL VOTE
MASCOLO: YES
MCCOURT: YES
MORGAN: YES
MORRISON: YES
SEARLE: YES
CISEK: YES
(6:20 PM)

**6:00 PM - PUBLIC HEARING - SP: Susan Sanford, Vineyard Complementary Medicine, 238
Edgartown Vineyard Haven Rd (21-10.16)**

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing on Tuesday, May 5, 2020 at 5:45 PM, at the request of Susan Sanford, Vineyard Complementary Medicine, on behalf of Susan Sanford, Vineyard Complementary Medicine(Owner) for a variance from lot dimensional regulations in order to construct three temporary structures (10' x 10' tents), in order to serve patients and clients outside of the main building for a limited time, so as to better protect staff and patients from risk of transmission of Covid-19 virus.

This application was made in accordance with 40A Section 10 and Sections 3.2.B and 3.2.E of the Edgartown Zoning Bylaw. The property is located at 238 Edgartown-Vineyard Haven Rd, Assr. Pcl. 21-10.16. Copies of the application are available in the Planning Office for public review.

This public hearing will be conducted exclusively using Remote Conference technology, in accordance with Chapter 53 of the Acts of 2020. The applicant, interested parties, and the public, may 'attend' the meeting using one of the following methods:

Using an internet-enabled device with a camera and mic, visit:

<https://zoom.us/j/94280223100>

Using a telephone:

Dial (312) 626-6799 and enter Meeting ID #942 8022 3100

Present for the applicant: Susan Sanford, VCM

The public hearing was opened at 6:21 PM.

Presentation

Ms. Sanford noted that eleven feet of areas exists between the building and the fenceline.

Tents are an attempt to allow for conducting their practice, while keeping social distancing. To manage the volume anticipated, 'social distancing' would be preferred.

A letter from Christina Miller, dated April 30, 2020, was read (included in project file).

A letter from Kristen Gosselin, dated May 1, 2020, was read (included in project file).

A letter from Meghan Gosselin, dated May 1, 2020, was read (included in project file).

A letter from Kim Scott, dated May 1, 2020, was read (included in project file).

A letter from Mackenzie Wall, dated May 1, 2020, was read (included in project file).

A letter from Charles Hajjar, dated May 5, 2020, was read (included in project file).

Comments from Mr. Matt Poole, Health Agent, Town of Edgartown:

Deliberation / Findings

- Appropriate ground cover is necessary to maintain a safe walkable surface.
- Applicant will need to satisfy Board of health requirements for handwash facilities and wastewater disposal.
- McCourt: There are some significant issues. Applicant should return with landscape plan, a wash-sink plan; a more definitive plan for both should be presented.
- Morgan: We need to help push this along. PT is essential to some folks. Folks need this, and they can't go to the hospital to do this now. This is a help issue. Recommend: approve with final inspection required by Board of Health before operation can proceed.
- Morrison: Agree with Morgan. This needs to proceed. Agree with McCourt that issues remain. Ground cover must be met. Handwash station needs Matt's approval. Temporary until end of September. Commends Matt for his time and help.
- Searle: Agree with Morgan and McCourt – this is an essential need.
- Cisek: We should proceed. Ground cover is essential. Review operation in three months.
- Mascolo: If this proceeds, it should be done with proper conditioning and regulation. Effective only as long as social distancing is recommended. Once that is over, permit should cease. Allow BoH to sign off on flooring and sinks.
- Morgan: Should board ask applicant to return at a later meeting to report?
Mascolo: Provided that Board of Health regulates the operation; Board of Health is the expert consultant in this matter; BoH agent should have input on the application. Allowance of the application in times of emergency makes sense, but should cease when emergency is over. Would like to see insurance policy / rider; ok of ground cover and handwashing by BoH. Anchoring of tents.
- Morrison: Time limit of October 1, 2020, or end of social distancing, whichever comes first.

It was MOVED by Morgan SECONDED by Searle

To close the public hearing, and to approve the application with the following conditions to be met prior to commencement of operation:

- *Board of Health and Building Inspector approval is required for ground preparation / covering*
- *Board of Health approval is required for setup of a handwashing facility, including treatment / disposal of wastewater, etc.;*
- *Sanitary maintenance procedures for all outside facilities are established, and submitted to the Board of Health for review and approval;*
- *Tents shall be anchored in a manner sufficient to insure stability in high winds and weather, as directed by the Building Inspector;*
- *Proof of insurance for applicant to offer services in this location and manner be submitted to the Town for inclusion in the applicant's file.*

VOTED: ROLL CALL VOTE
MASCOLO: YES
MCCOURT: YES
MORGAN: YES
MORRISON: YES
SEARLE: YES
CISEK: YES
(7:29 PM)

**6:20 PM - ANR: GSC Realty Trust / Hale Realty Trust, 21 Plantingfield Way, 25 Plantingfield Wy,
36 Pierce Lane (20B-34, 20B-36.1, 20B-36.2)**

Lot line adjustment. Will result in new buildable lot on Pierce Lane.

Agent: Doug Hoehn, SBH, Inc.

Mr. Hoehn presented the proposal.

The plan does not propose new lots. All lots have sufficient (50 feet) frontage on a public way. All lots have access to the buildable portion of the lot across its own frontage.

It was MOVED by McCourt SECONDED by Searle

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

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

ADMINISTRATIVE UPDATES

Payroll Review

Payroll for the period ending May 12 was reviewed.

UPCOMING MEETINGS

Meetings were scheduled for May 19, June 2 and June 16.

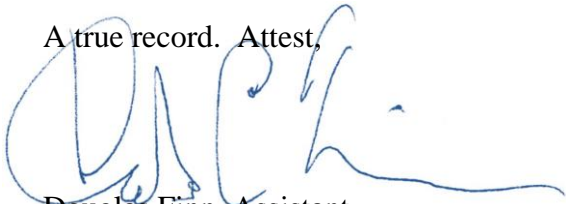
ADJOURN

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

MASCOLO: YES
MCCOURT: YES
MORGAN: YES
MORRISON: YES
SEARLE: YES
CISEK: YES

The meeting was declared adjourned at 6:50 PM.

A true record. Attest,

A handwritten signature in blue ink, appearing to read 'D. Finn', written over the text 'A true record. Attest,'.

Douglas Finn, Assistant
Edgartown Planning Board