

Edgartown Planning Board Minutes

Tuesday, July 7, 2020

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, July 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.

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

ROLL CALL

The meeting was called to order at 5:38 PM. Mr. McCourt called the roll:

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

A quorum was declared.

It was MOVED by Morrison SECONDED by Morgan

To nominate Michael McCourt as chair of the Planning Board, said term to conclude at the first regular meeting after Town Meeting, 2021.

ROLL CALL VOTE

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

Mr. McCourt accepted the position, and thanked Mr. Mascolo for his service to the board as chair.

SCHEDULED BUSINESS

5:30 PM - PUBLIC HEARING - SP(Coastal District): The Ronald L. Sargent Revocable Trust, 44 Green Hollow Road (29-134)

In accordance with MGL Chapter 40A Section 9, the Edgartown Planning Board will hold a public hearing in the Town Hall, Main Street, on Tuesday, July 7, 2020 at 5:30 PM, at the request of George Sourati, P.E., Sourati Engineering Group, LLC, on behalf of Ronald L. Sargent, Trustee, Ronald L. Sargent Irrevocable Trust (Owner) to demolishing an existing garage with detached bedroom and construct a guest house; further, to demolish an existing dwelling, replacing it with a new single family dwelling. All new structures will be in compliance with property line setbacks and the height limit of the Coastal District.

This application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 44 Green Hollow Road, Assr. Pcl. 29-134. Copies of the application are

available in the Planning Office for public review.

*Present for the applicant: George Sourati, P.E., gsourati@souratigroup.com;
Patrick Ahearn, Architect.*

Presentation / Findings

Mr. Ahearn presented the project, which proposes to remove the existing dwelling (within the Shore Zone), and reconstructing it further from the edge of the water (within the inland zone).

There is an existing detached bedroom over a garage. That structure will be removed, and replaced with a three-bay garage and second floor guest house.

The guest house as proposed will have a footprint of 932 square feet, with 766 square feet of habitable space.

Existing screening on the north and south boundaries will be maintained and improved.

The applicant has been in communication with both neighbors to the north and the south.

Additional landscaping elements will be installed along the north boundary.

The proposed work meets dimensional setbacks under current zoning

The structures meet height restrictions.

Currently, there is limited screening along the north boundary of the property.

Additional screening for the north boundary will be purchased and installed by the applicant.

A 25-foot side yard setback requirement will be maintained.

A variety of species will be used (arbor vitae, etc) to provide screening.

The guest house will be constructed first. Once complete, the primary dwelling will be removed and rebuilt.

An existing "Way 2", a driveway serving the abutter to the north, will be maintained.

A pool may be considered in the future, but is not presented for review or approval at this time.

The overall height of the main structure will be within the 26-foot height limitation.

Public Comments

Ms Karen Brush noted her appreciation regarding the applicant's screening, with an interest in maintaining an adequate viewshed for both parties.

Mr. George Brush (for the Reily's) noted that the lot is undersize, and expressed concern that there were neither similar non-conformities in the neighborhood, and that the character of the project not be detrimental to the neighborhood.

Mr. Brush stated his client's expectation that the structures and their use would be detrimental, citing the size of the structures, the construction on the site, the proximity to existing structures, and other factors.

Mr. Ahearn responded to the comments, comparing the size and height of the proposed structures to those on the immediately adjacent lots, and suggested that the proposed structure is relatively 'modest' in scale.

Mr. Brush again noted that the subject parcel is an undersized lot, and reminded the board that the proposal is subject to approval, and again reiterated the detrimental impact that the proposal would have on the Reily's, due to its proposed size.

Mr. Brush noted that the Reily's also had concerns related to the proposed screening.

The current property was flagged as a potential location of archeological value or significance.

The total square footage of the house includes terraces, garages, etc., but excluding the basement of the main house is about 7,400 square feet. The habitable square footage of the main structure, including the finished basement, is 6,230 square feet. Decks and covered porches account for an additional 1,750 square feet.

Mr. Ahearn noted that structures on adjacent properties, while they may be permitted by right, may impose on the zoning dimensional requirements.

Mr. Ahearn further noted that the proposed dwelling will be moved back about thirty feet from the existing dwelling.

Mr. Bo Reily noted that his existing dwelling is significantly smaller than the structure proposed by the applicant. Mr. Reily also noted his frustration with allowances for construction on non-conforming lots, and formally objected to the proposal.

Mr. Finn noted that more information would likely be needed and a continuance might be warranted.

Ms. Reily expressed concerns about light pollution and the location of the air-conditioning compressors. Mr. Ahearn noted their proposed location on the plan.

Mr. Ron Sargent (Property owner) expressed his interest in being a good neighbor. Mr. Sargent noted that he proposed to maintain the fifteen-foot hedge as screening to the benefit of the Reilys, and in accordance with the Conservation Commission order of conditions. Mr. Sargent noted that the Reilys had requested an easement for the planting of screening and shrubs.

Mr. McCourt stated his hope that the applicant could communicate with their neighbors, and resolve any problems prior to closing of the public hearing.

Ms. Morrison asked about the archeological concerns; Ms. Milne noted her understanding of the process; Mr. Sourati noted that the inquiry would be made prior to any construction activities on the site would commence.

It was MOVED by Mascolo, SECONDED by Searle

To continue the public hearing to July 21, 5:30 PM.

ROLL CALL VOTE

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

5:45 PM: Site Plan Review – Solar Installation: Sun Harvest Solar; 10 Janes Cove Way (38-3.8)

The Planning Board proceeded with a Site Plan Review (Zoning Bylaw, section 14.2) on an application to construct a ground-mounted solar photovoltaic array, less than 20 Kwh nameplate capacity, at 10 Janes Cove Way, Assessors Parcel #38-3.8

Present for the Applicant, Sean Buckley, sbuckley@sunharvestsolar.com

Mr. Buckley described the proposal as an installation of a ground-mounted solar photovoltaic array to be placed on a private residence. Mr. Buckley (through his application) noted that the array will be placed at the end of the lawn area, north and slightly west of the house; some small scrub oaks and understory will be cleared.

A trench, 4 inches wide and 18 inches deep, will be cut halfway across the lawn to a central area to the main service panel and generator pad. Sod will be restored.

Piers (two rows of 10 inch wide holes excavated down 84 inches and then filled with concrete and steel pipe) will provide footings for the steel array framework.

The single array is intended to provide power for the residence.

The array has a nameplate rating of 17.775 kW DC.

Mr. Buckley noted that the proposal is similar to others that had already been installed in the town. The maps and site plan described the location for the array as being a significant distance (300+ feet) from neighboring dwellings, and screened by significant older-growth trees and shrubs.

Mr. Buckley noted that the rendering of the array (provided with the application) did not accurately depict the exact location; the site plan more accurately places the array at least 100 feet from the house, 50 feet from the boundary, and at least 100' from the shared right-of-way.

The array will be about eight to ten feet in height above grade.

Cisek: were abutters notified?

Finn: Abutters were notified related to the Conservation Commission application for the same project, and explained that the site plan review did not require public notification.

McCourt: Is glare from the array required to be reviewed by the FAA or other aircraft related agency?

Finn: The distance for the proposed location is too far from any given airport.

It was MOVED by Morgan, SECONDED by Morrison

To approve the application as presented.

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

6:00 PM - PUBLIC HEARING - SP(Coastal District): John C. Stratton III, Trustee of the Osprey Cove Nominee Trust III, 80 Meetinghouse Way (38-8.2)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board will hold a public hearing on Tuesday, July 7, 2020 at 6:00 PM, at the request of Matt Coffey, Architect, South Mountain Company, Inc., on behalf of John C. Stratton III, Trustee of the Osprey Cove Nominee Trust III (Owner) to construct a guest house in excess of 900 square feet of livable floor space in the Inland Zone of the Coastal District.

This application is made in accordance with Sections 2.1.B.9 and 5.1 of the Edgartown Zoning Bylaw. The property is located at 80 Meetinghouse Way, Assr. Pcl. 38-8.2. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Mr. Matt Coffey, Architect, mcoffey@southmountain.com, Mr. John Abrams.

Prior to opening the public hearing, Ms. Morrison disclosed that she was an indirect abutter to the subject property, but had no financial interest in the property, the project, and no formal relationship with the applicant or their agents.

The public hearing was opened at 6:38 PM.

Presentation

Mr. Coffee noted that the property was 52 acres, with two deeded building envelopes of about three acres each.

The property currently has a garage and boat storage shed that also serves as a two-bedroom guest house of just about 800 square feet. The proposal would expand the guest house to about 1,500 square feet.

All zoning regulations (height, setback) are met.

Mr. Searle noted that 1,500 square feet seemed like a large guest house.

Mr. Coffey noted that there would be no increase in bedroom count (no increase in use), and that the proposal was only to allow for more living space. Mr. Coffey also noted that other properties of this size had received special permits for guest houses over 900 square feet.

Mr. John Abrams noted that the expansion is relatively modest, given the overall size of the property; Mr. Abrams also noted that the main house was only about 3,500 square feet.

Mr. Abrams further noted that the family, and children, were permanent residents, and live and work full time on the Vineyard, and that this guest house would likely become a full-time residence.

Mr. Coffey noted that the Nature Conservancy supported the proposal.

Ms. Morrison asked if the garage and boat storage was included in the space estimates.

Mr. Coffey noted that the existing guest house, exclusive of the Garage / Boat house was about 775 square feet, and the addition as proposed would add about 688 square feet, for a total of 1,465. The existing garage and boat shed accounts for about 845 square feet, and which was not included in the calculations for the guest house.

Mr. Coffey noted that the entire building would be brought up to modern high-performance standards. A 9 kW solar array will be added to the building.

Mr. Mascolo noted that similar projects had been approved in this area on lots of larger size (12-20 acres), and said that this project seems to be in line with what had been previously approved.

Mr. Finn asked if an adjacent lot (60 Meetinghouse Way) was part of the overall parcel. Mr. Abrams replied that it was not, but that it was protected by a conservation restriction.

Ms. Morrison: Has the board of health reviewed this?

Mr. Coffey: the Board of Health has said that no review is needed, given that there will be no increase in use. Mr. Finn confirmed.

Mr. Morgan noted his concern about continuous approvals of oversize guest houses.

Mr. Mascolo reiterated historical approvals, based on lot size, of oversize guest houses.

Mr. Abrams noted that the property could be subdivided, which would allow any size dwelling.

There being no further discussion, it was **MOVED** by Mascolo, **SECONDED** by Morrison

To close the public hearing, and approve the project as presented.

ROLL CALL VOTE

MASCOLO: YES

MCCOURT: YES

MORGAN: YES

MORRISON: YES

SEARLE: NO

(4, 1, 0)

Deliberation

6:15 PM: PUBLIC HEARING – SP(PPOOL) (from May 5, Apr 7): DAVID SCHAEFER, 40 PEASES POINT WAY N (20D-71.12)

The board continued a public hearing from May 5, continued from April 7, on a request from George Sourati, Sourati Engineering Group, LLC, on behalf of David J. Schaefer, Owner, for 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.

Present for the Applicant: Mr. George Sourati, Sourati Engineering Group; Sasha Robinson White, RW Design; Ms. Andrea Schaefer (co-owner).

The public hearing was continued at 6:58 PM

Presentation

The property is located at 40 Peases Point Way North.

The pool proposed will be 15' x 30'

There is a current drainage issue, that results in flooding of the Schaefer property to the two abutting properties, primarily on the Hart / Jones property.

The design of the pool and landscaping includes construction of a retaining wall.

To complete the project, the retaining wall will be constructed, the grades will be elevated to elevation 10', and the majority of the drainage issues encountered from this parcel to the Hart / Jones parcel (to the north and west) would be remediated.

Mr. Sourati stated that he believed Jones would be in agreement.

The pool would be surrounded by a code-compliant fence.

Six-foot tall plantings along the common Hart / Jones boundary.

A small pool equipment shed is proposed, along the mill street boundary.

A cross section of the proposed pool was presented.

An 'auto cover' is proposed.

The pool structure meets setbacks.

The pool is relatively shallow, in order to stay above groundwater.

The drainage issues from the Schaefer's property is expected to be abated. However, drainage from other properties to the Hart / Jones property is not affected or abated.

Ms. Schaefer noted that she had been in communication with the Jones, and would work to accommodate and address any concerns. She also noted that she expected Jones to be present to verbally endorse the proposal.

Mr. Mascolo asked if the neighbors had been informed. Mr. Finn replied that they had, and had been in recent communication, citing outstanding concerns with the proposal.

Mr. Robinson-White stated that they had received a verbal endorsement previously.

Ms. Schaefer confirmed that Mr. Jones had expressed support earlier in the day, and was confused about the apparent change of opinion.

Mr. Morgan noted that, if the water-runoff has been alleviated, where will the water go?

Mr. Sourati noted that the pool will have a stone trench to capture storm-water that may overflow from the pool itself (such as when covered).

There was some discussion as to how water might flow if the property contours were modified, and whether water from the property would impact abutting properties after the work was completed.

Ms. Schaefer also noted that a historic septic system had been abandoned, with the connection of the dwelling to municipal sewer.

Mr. Sourati offered the construction of a stone trench along the street in order to capture stormwater and prevent any surface water from encroaching onto the street.

Ms. Morrison suggested that the board solicit an opinion from the ZBA, or the ZBA administrator, regarding the proposal, to determine if it is in line with others that have been made in the R5 district. Mr. Finn noted that he had received a letter at 6:15 (1 hour prior), from Hart / Jones, asking for more time to digest the proposal.

Mr. Searle expressed his concerns that the lot was not adequate for the pool.

Mr. Robinson-White stated that this type of proposal has been approved in this region countless times before.

Ms. Davis asked if she should pull the application.

It was MOVED by Mr. Mascolo, SECONDED by Searle,

To continue the public hearing to July 21, 2020, 5:45 PM.

	ROLL CALL VOTE
MASCOLO: YES	MCCOURT: YES
MORGAN: YES	MORRISON: YES
	SEARLE: NO
	(4, 1, 0)

Mr. Morgan noted that he had to leave the meeting at this time.

ADMINISTRATIVE

Mr. Finn noted that minutes for June 4, June 12 and June 16 would be emailed for board review.

Triangle Condominium Association - Parking Lot

Mr. Finn noted that staff was working with the Building Inspector and the Town’s public safety officials regarding the condition of the parking lot.

Authorized signatory

It was MOVED by Mascolo, SECONDED by Searle

To allow Mr. McCourt to be the authorized signatory for all expense warrants.

	ROLL CALL VOTE
MASCOLO: YES	CCOURT: YES
MORRISON: YES	SEARLE: YES
	CISEK: YES
	(5, 0, 0)

The Meetinghouse Way subdivision

All Island Planning Board – Discussion re/ Island-Wide Climate Action Plan

Mr. Finn noted that the Island Wide Planning Board was intending to meet regarding the Climate Action Plan. Mr. McCourt asked for a couple of volunteers to represent the board. Mr. Mascolo and Ms. Morrison responded in the affirmative. Mr. McCourt appointed them to represent the board, and Mr. Finn stated he would coordinate communication.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Upcoming Meetings

The following upcoming meetings were noted:

- MV Commission – July 9, 2020, 7:00 PM (Hob Nob Expansion)
- Planning Board – July 21, 2020, 5:30 PM

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No further business was introduced.

ADJOURN

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

	ROLL CALL VOTE
MASCOLO: YES	CCOURT: YES
MORRISON: YES	SEARLE: YES
	CISEK: YES
	(5, 0, 0)

The meeting was declared adjourned at 7:16 PM.

A true record. Attest,

Douglas Finn, Assistant
 Edgartown Planning Board