

Edgartown Planning Board Minutes

Tuesday, July 21, 2020

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, July 21, 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 5:33 PM. Mr. McCourt called the roll:

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

A quorum was declared.

SCHEDULED BUSINESS

5:30 PM: PUBLIC HEARING: SUBDIVISION -- (CONT'D FROM JUN 2, MAR 10, DEC 17, OCT 15, AUG 6, APRIL 2, MAR 5, 2019, NOV 27, SEP 18, JUL 24, MAY 15, APR 17, 2018) MEETINGHOUSE WAY LLC, 139 MEETINGHOUSE WAY (37-47)

A Definitive Subdivision Plan. Subdivide 54.26 acres in R-20 residential district into 36 lots.

The public hearing was continued at 5:34 PM.

Mr. Finn reported that the matter was still under consideration by the MV Commission, with no Decision yet issued, and recommended that the public hearing be continued to September 15, 5:30 PM.

It was MOVED by Mascolo SECONDED by Searle

To continue the public hearing to September 15, 5:30 PM.

		ROLL CALL VOTE
MASCOLO: YES		MCCOURT: YES
MORGAN: _____		MORRISON: YES
CISEK: YES		SEARLE: YES
		(5:35 PM)

5:30 PM: PUBLIC HEARING (CONT'D FROM JUL 7): SP(COASTAL DISTRICT): THE RONALD L. SARGENT REVOCABLE TRUST, 44 GREEN HOLLOW ROAD (29-134)

Application 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

Present for the applicant: Mr. George Sourati.

Mr. George Sourati requested a continuance to the next available meeting, in order to resolve remaining concerns with the abutters. After some discussion regarding schedules, Mr. Finn recommended that the public hearing be continued to August 4, 5:45 PM.

It was MOVED by Mascolo SECONDED by Morrison

To continue the public hearing to August 4, 5:45 PM.

		ROLL CALL VOTE
MASCOLO:	YES	MCCOURT: YES
MORGAN:	_____	MORRISON: YES
SEARLE:	YES	CISEK: YES
		(5:40 PM)

ADMINISTRATIVE

Minutes

Minutes from June 2, June 12, June 16, and July 7 were distributed.

Lucy Morrison noted errors on Page 2 and Page 6.

[Administrative Note, 22 June 2020: the minutes of July 7 as distributed on July 21 were an incomplete draft. Completed minutes will be distributed for review prior to the next regular meeting.]

Meshasket Affordable Housing Update

There was brief discussion related to the Meshasket affordable housing project, and whether the sewer interconnection for that project would be able to be covered through the offers made by the Meetinghouse Way Project proponents. There was further discussion related to public procurement tasks related to the affordable housing project.

5:45 PM: PUBLIC HEARING - Continued from June 12, June 2, April 28, March 24, 2020: SUBDIVISION - TOWN OF EDGARTOWN / BOYS AND GIRLS CLUB (20C-163, 20C-134.1)

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

The public hearing was continued at 5:45 PM.

Mr. Finn reported that while the public hearing had been closed, and a recommendation for approval had been made by the LUPC, no Decision has yet issued; Mr. Finn recommended that the public hearing be continued to August 18, 2020, 5:45 PM

It was MOVED by Searle SECONDED by Mascolo

To continue the public hearing to August 18, 5:45 PM.

		ROLL CALL VOTE
MASCOLO:	YES	MCCOURT: YES
MORGAN:	_____	MORRISON: YES
SEARLE:	YES	CISEK: YES
		(5:45 PM)

5:45 PM: PUBLIC HEARING – SP(PPOOL) (FROM JUL 7, MAY 5, APR 7): DAVID SCHAEFER, 40 PEASES POINT WAY N (20D-71.12)

Applicant proposes 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: George Sourati.

The public hearing was continued at 5:47 PM.

Presentation

Mr. Sourati requested that the board conduct a site visit to resolve some of the concerns of the abutters and the board.

Mr. Finn read into the record a letter from Ms. Lisa Morrison, Administrator of the Edgartown Zoning Board of Appeals, regarding applications for swimming pools in tight residential neighborhoods. *[Administrative Note: Letter included in application file.]*

Mr. Sourati requested a site visit to review the application, and review the proposed changes designed to address surface-water management. Mr. Sourati noted that he believed that many of the concerns could be addressed.

Mr. Cisek noted that a prior site visit demonstrated that the site appeared to be too close to the abutters home, and would very likely cause disruptions.

Mr. Searle: where will surface water go? Mr. Sourati: a stone trench around the pool will capture storm-water runoff from the pool; further, the grades would be leveled which will help to allow the lawn absorb any stormwater. A six-inch difference in grade from the street to the pool.

Mr. Ted Rosbeck (Island Pools) expressed a concern that a pool would automatically become a source of disturbance in a neighborhood; and since swimming pools are allowed by the current bylaw, they should be allowed, without question.

Ms. Morrison: Our concern is not whether a pool should be allowed or not, but whether it should be allowed in this location.

Mr. Sourati reiterated his request for a site visit.

Mr. Jones noted that he would prefer to attend the site visit, and would be able to if scheduled after August 16.

Mr. Jones expressed concerns with the retaining wall, parallel to their common boundary, as proposed. Mr. Jones also expressed concerns related to drainage.

Mr. Finn was asked to request the applicant to present a comprehensive grading and drainage plan to the board at the site visit.

Mr. Mascolo also asked for an updated map of swimming pools in the area. A satellite view of

It was MOVED by Mascolo SECONDED by Searle

To schedule a site visit at 10 AM, August 18, 2020, and to continue the public hearing to August 18, 6:00 PM.

		ROLL CALL VOTE
MASCOLO:	YES	MCCOURT: YES
MORGAN:	_____	MORRISON: YES
SEARLE:	YES	CISEK: YES
		(6:05 PM)

6:00 PM - PUBLIC HEARING - SP(COASTAL DISTRICT): BLUE HERON WAY, LLC, 8 & 10 BLUE HERON WAY / 130 BEACH ROAD (12-9, 12-10, 12-11)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing on Tuesday, July 21, 2020 at 6:00 PM, at the request of Reid G. Silva, PE/PLS, Vineyard Land Surveying & Engineering, Inc., on behalf of Blue Heron Way, LLC(Owner) to construct and maintain a 30' by 60' in-ground swimming pool and detached bedroom / pool house within the Coastal District.

This application was made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 8 & 10 Blue Heron Way / 130 Beach Road, Assr. Pcl. 12-9, 12-10, 12-11. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Reid Silva, VLS&E; Ted Rosbeck (Owner); James Moffat, Architect.

Presentation / Findings

Mr. Silva presented the site plan as revised (dated June 29, received July 20, 2020)

- The overall lot is comprised of three parcels (12-9, 12-10 and 12-11), with slightly over four acres of land area.
- A portion of the property is below the 10' contour, which places it in the Coastal District.
- Part of the pool would lie on a grade originally below the 10' contour.
- Conservation Commission has granted an order of conditions
- The pool will be 30' x 60', with an 'infinity edge' on roughly three sides.
- A detached bedroom /pool house is proposed
- There is no visibility from any public way
- The area proposed for development is currently a broad grassy law area (disturbed).
- The pool equipment will be placed in an enclosure on the back (north side) of the pool house.
- The existing structures on the lot will be demolished and removed.
- The construction of the new dwelling is permitted by right.

An abutter (Chris Murphy, owner) asked questions.

- Partial visibility of the pool by an abutting neighbor to the south is anticipated. The owner agreed to work with the neighbor to develop a landscaping plan for screening purposes.
- A proposed septic system is more than double the required distance from an abutters well.
- An existing utility line was noted as running across the property to an abutting lot; the proponent agreed to work to preserve that utility line.

There being no further presentation, the chair closed the public hearing at 6:35 PM.

Deliberation

- Ms. Morrison would like the board to be appraised related to the final landscaping plan.
- Members generally agreed that, given the amount of area on the lot, the proposal is appropriate in size and scale, and will cause minimal if any disturbance to abutters.

There being no further deliberation it was MOVED by Searle SECONDED by Mascolo

To approve the project as presented with the following conditions:

This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Planning Board and Building Inspector. Any modifications to the plan shall require approval from the SPGA.

The construction shall conform to the application considered and approved by the Planning Board, including all plans and documents submitted in support of same, and approved by the Planning Board.

This special permit shall run with the land.

Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.

Substantial construction activity must commence no later than one year from the date of final action by the Planning Board.

No construction activity will take place earlier than 7:30 AM or later than 7:30 PM, or on Sunday, or from June 15 through September 15.

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.

ADDITIONAL

The applicant will submit a landscaping plan, illustrating measures to screen the swimming pool from view of the abutting neighbor (Assessors Parcel #10-8) prior to issuance of a building permit.

		ROLL CALL VOTE
MASCOLO:	YES	MCCOURT: YES
MORGAN:	_____	MORRISON: YES
SEARLE:	YES	CISEK: YES
		(6:37 PM)

ADMINISTRATIVE

Mr. Finn noted that the site survey of Mill Hill Road was complete, with full-size paper copies anticipated to be received within a few days. Mr. Finn noted that the survey had been received in digital form, and could be reviewed. Mr. Finn suggested a site-visit to walk the road, and review the plan, on August 4, 2020, 9 AM. The board concurred.

Mr. Finn further noted a request from Mr. David Burke to be placed on an agenda. Mr. Finn suggested that the meeting of August 4 would be appropriate, given the site visit to Mill Hill Road that day, and given the limited business on the agenda at this time. The Board concurred.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

General Discussion / Board Member Concerns

Mr. Cisek noted that some of the cherry trees had been cut down in front of the Stop and Shop. There was some discussion related to the MV Commission decision and the Planning Board decision related to the Stop and Shop Expansion Project (see project file – 2018-0123 – STOP & SHOP – Expansion, parcel 20A-57.1) Mr. Finn was directed to look into the matter.

Ms. Morrison asked about an update in regard to the All Island Planning Board. Mr. Finn noted that no new information has been received, but that he would reach out to other island planning offices for an update.

Mr. McCourt asked about what could be done to rectify the serious deficiencies in the parking lot at the Triangle Condominiums (parcel 21-6.21). After some discussion, Mr. Finn was directed to write to all unit owners, politely but urgently requesting them to effect repairs. The letter is to be copied to the fire chief, police chief, highway superintendent, and town administrator.

Mr. McCourt also asked about the parking lot lines at the Post Office Square parking lot (Parcel 21-10). There was some discussion related to whether the lines were properly striped, and whether the

spaces were being properly utilized. Mr. Finn stated that he would look into the matter.

Upcoming Meetings

The following upcoming meetings were noted

- MV Commission –
 - July 27, 5:30 PM – Remote LUPC – Meetinghouse Way
 - July 30, 7:00 PM – Full Commission – Meetinghouse Way Deliberation and Decision
- Planning Board
 - August 4, 9:00 AM - Mill Hill Road Site Visit
 - August 4, 5:30 PM – Regular Meeting
 - August 18, 5:30 PM – Regular Meeting

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

Mr. McCourt noted that the parking lot at Triangle Commons parking lot issue had not yet been resolved. After some discussion, the board agreed to send a letter to all owners of the separate condominiums citing the issue of the parking lot as a significant safety hazard, and urgently requesting them to make repairs.

Mr. McCourt noted that the parking lot at the Post Office had not been properly laid out and painted according to the terms of the special permit. Mr. McCourt requested that Mr. Finn look into the matter, and determine what the original conditions were, and whether any conditions are outstanding.

ADJOURN

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

To Adjourn.

	ROLL CALL VOTE	
MASCOLO: YES	MCCOURT: YES	
MORGAN: _____	MORRISON: YES	
	SEARLE: YES	
		(5, 0, 0)

The meeting was declared adjourned at 6:57 PM.

A true record. Attest,

Douglas Finn, Assistant
Edgartown Planning Board