

Meeting Minutes

Edgartown Planning Board - Tuesday, August 11, 2020

The Edgartown Planning Board scheduled a meeting for Tuesday, August 11, 2020, 5:30 PM.

Prior to the call to order, Mr. Finn noted the following:

The meeting is being audio and video recorded, and attendees participating by video conference, in accordance with Chapter 53 of the Acts of 2020.

All supporting materials have been provided to the members of this body and are available on a publicly accessible internet website. Any member of the public is able to access the site, using the instructions included in the Meeting Agenda.

The public is encouraged to follow along using the posted agenda.

Deviations from the agenda, if any, will be noted.

CALL TO ORDER / ROLL CALL

Mr. McCourt called the meeting to order at 5:34 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Present

SEARLE: Present

CISEK: Present

MCCOURT: Present

A quorum was declared.

SCHEDULED BUSINESS

5:30 PM - DISCUSSION – REVIEW OF DRI CHECKLIST PROPOSED REVISIONS

A draft copy of a letter to the MV Commission, addressing the Planning Board's concerns with the proposed changes to the MV Commission.

There was some discussion related to the content of the letter.

Mr. Mascolo noted that, given the characteristics of each island town, it is very difficult to set a single policy for all towns. Mr. Mascolo noted that the checklist seemed to be an attempt at 'social engineering'.

Ms. Morrison noted that there were certain issues with the current policy that should be resolved.

Mr. Searle noted that the Commission did not seem to be responding to concerns from the Town.

Mr. Morgan asked if Edgartown's representatives to the Commission agreed with the proposed changes to the Checklist, and noted with concern the Commission's recent denial of the Meetinghouse Way subdivision as an expression of the disconnect between Town and Commission.

Mr. James Joyce responding, noting that the Commission was required to review the checklist bi-annually. Changes are not absolutely required to be made; however, changes that make staff work easier would make sense.

Ms. Christina Brown: the commission is intended to be a 'backup' to the local boards who may not have the regulatory authority to condition projects. Ms. Brown noted that the proposed changes did not represent a wholesale change to the Checklist. Ms. Brown also noted that the 'large-house' section was not included, although a place-holder is proposed.

Mr. Mascolo noted that previous attempts to engage the commission on the subject had been met

with no success.

JAMES CISEK LEFT MEETING AT 5:51 PM.

Mr. Morgan asked about the next steps. Can this be stopped? Can we talk to the commission? Will our voices be heard? Or are we wasting time?

Mr. T Ewell Hopkins (Chairman, Oak Bluffs Planning Board): I do hope that we're not wasting time. I agree with the sentiment that we've been 'dismissed' by the Commission when attempting to collaborate on the checklist. The commission process for reviewing the checklist, and for adjudicating referrals, seems to be disjointed. There is an obligation to review the checklist every two years, but no requirement to change it. I would prefer that the Commission assist the towns in improving their Zoning Bylaws. There's no question that the Commission is essential, but I've not seen the commission act as a 'backup' to the local boards. I know the importance of the commission on certain projects (such as the high school, the lithium battery grid backup).

JAMES CISEK RETURNED TO THE MEETING AT 5:56 PM.

Ms. Elaine Miller (Chair, Tisbury Planning Board): Tisbury has not been able to comment on the checklist. Ms. Miller stated, personally, that whereas the Commission has previously been helpful when boards were not as fully capable; however, now, we are at a crossroads: boards are better able to adjudicate projects independent of the commission. Communication will be essential as we go forward. Ms. Miller reiterated that her comments were not necessarily representative of the Tisbury Planning Board.

Ben Robinson (Tisbury Planning Board): As I'm on the commission and the Planning Board, so I have a unique view. At the commission, we discussed several options that did not make it to the final checklist.

Mr. Robinson briefly reviewed some of the changes to the DRI Checklist, and noted that the checklist covers all of the towns; as each town has unique bylaws, there are times when the zoning bylaw is sufficient to review or regulate certain types of development. Mr. Robinson noted that smaller types of development are having a larger impact. Mr. Robinson also expressed gratitude for the conversation happening at that meeting level. Mr. Robinson noted that it was within the purview of the town to develop

Mr. Morgan asked Mr. Robinson how the Meetinghouse Way Subdivision would presumably affect the island as a whole?

Mr. Robinson noted that the MV Commission's deliberations were detailed, and that there were regional impacts to water quality, traffic, etc.

Mr. Hopkins again reiterated that the towns do not feel supported – or even heard – by commissioners. Mr. Hopkins stated that this has been a continual concern for the past five years. The continual point is that the document continues to be modified and changed, in spite of the breakdown of communication, and a discontinuity in the manner by which project are adjudicated. The staff is top notch, and very responsive, but commissioners have continually been non-responsive to Oak Bluffs concerns. Even if I agree with the intent of the changes, I am opposed to any changes being proposed by too small of a group.

DO TO TECHNICAL ISSUES, SCOTT MORGAN LEFT THE MEETING AT 6:22 PM

Mr. Robinson: We do have to be careful not to paint with too broad of a brush. We don't operate in a static world. We do have to be flexible as we move forward.

Mr. Hopkins noted that the letter, as proposed, is representative of only two towns, who have largely

agreed that the communication remains a significant concern.

Ms. Cheryl Doble (Tisbury Planning Board) noted that Tisbury continues to rely on the Commission where the Town is unable to properly review or regulate a proposal. Ms. Doble also noted that the speed with which projects are reviewed remains a concern. Ms. Doble supports the comments expressed this far.

Ms. JoJo Lambert (Oak Bluffs Planning Board) agreed with comments from Mr. Hopkins – that communication is broken, and work needs to happen to repair it.

Ms. Connie Alexander (Tisbury resident, Teacher): Having a good relationship with the commission is critical. If there is still concerns, freezing changes makes sense at this point.

Mr. Finn asked Mr. Robinson if the presentation of the report of the Checklist Committee to the full commission would satisfy the legal requirements. Mr. Robinson concurred.

Ms. Miller reiterated her concerns about the need for clear communication.

Ms. Morrison noted her concerns:

- Moving the definitions to the front of the document is a positive.
- In favor of the elimination of section 2.3, but has concerns with its replacement.
- Section 2.6 is a positive addition.
- Section 8.1.B (as proposed): change the year to simply a fixed age.

There being no further comment, it was MOVED by McCourt, SECONDED by Mascolo

To send the letter as revised to the MV Commission.

MASCOLO: Yes

MORRISON: Abstain

MORGAN: (absent)

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

(6:35 PM)

De Minimis Request – Mark Snider, Winnetu

Mark Snider presented a request to allow amplified music for a single event (a wedding on October 10, 2020) at the Winnetu resort (Dunes Road). Mr. Finn noted that will note that the request has been forwarded to Matt Poole, who has replied that any regulations that apply at the time of the event will be enforced. Currently, there is a 50-person limit on outdoor events. Mr. Snider recognized that this would not set a precedent, but would be a one-time-only approval.

Mr. Finn noted that all other activities as proposed comply with the special permit conditions.

Mr. Mascolo noted that in many other cases relaxation of rules had been permitted, and have been successful.

It was MOVED by Searle SECONDED by Morrison

That the request constituted a ‘de minimis’ change to the Special Permit.

MASCOLO: Yes

MORRISON: Yes

MORGAN: (Absent)

SEARLE: Yes

CISEK: Yes

MCCOURT: Yes

(8:40 PM)

Request for All Island Planning Board Meeting – Elaine Miller

Mr. Finn noted that the All Island Planning Board Meeting was scheduled for either August 19 or

Sept 2. Mr. McCourt deferred to Ms. Morrison and Mr. Mascolo. After some discussion, August 19 was noted as preferred.

OTHER BUSINESS

None at this time.

ADMINISTRATIVE

None at this time.

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

None at this time.

ADJOURN

It was MOVED by Searle, SECONDED by Morrison

To Adjourn

MASCOLO: Yes
MORGAN: (Absent)
CISEK: Yes

MORRISON: Yes
SEARLE: Yes
MCCOURT: Yes
(6:44 PM)

Respectfully Submitted,

Douglas Finn
Planning Board Assistant