



Town of Edgartown Planning Board

P.O. Box 5130, 70 Main Street
Edgartown, MA 02539
Tel: (508) 627-6170 Fax: (508) 627-6173
www.edgartown-ma.us
planningboard@edgartown-ma.us

Edgartown, Mass
Town Clerk's Office

Dec 27 20 18
Rec'd for Record
AT 9^H 22^{MA} M

NOTICE OF PUBLIC HEARING

On Tuesday, January 22, 2019 at 6:00 PM, the Edgartown Planning Board will hold a public hearing in the Town Hall, Main Street, to receive comment on proposed changes to the Edgartown Zoning Bylaw.

A description and the text of the proposed changes are available for public inspection in the Planning Office during regular business hours, through the Town's website, and by e-mail upon request.

Interested parties are encouraged to review the proposed changes, submit commentary to the Planning Board office, and attend the hearing.

Douglas Finn, Assistant



Edgartown Planning Board

P.O. Box 5130, 70 Main Street, Edgartown, MA 02539

Tel: (508) 627-6170 Fax: (508) 627-6173

planningboard@edgartown-ma.us

NOTICE OF PUBLIC MEETING / AGENDA

Tuesday, January 22, 2019 at 5:30 PM

Edgartown, Mass
Town Clerk's Office
Jan. 17 2019
Rec'd for Record
AT 8:31

SITE VISITS

SCHEDULED BUSINESS:

5:30 PM SITE PLAN REVIEW: 9 KATAMA FARM SOUTH ROAD (45-431)

Review proposal for renovation of existing guest house, receive comment from Site Plan Committee Members, vote on application, in accordance with Zoning Bylaw 5.3.I.

5:45 PM TENTATIVE – MV HOUSING BANK – PRESENTATION AND DISCUSSION

No action recommended at this time.

5:55 PM RECONSIDERATION: ANR PLAN, CHRIS CHAMBERS (12B-151.3)

5:55 PM ITEMS FOR REVIEW / SIGNATURE

Decision: 40 Pease Point Way

Minutes: December 4, 2018, December 18, 2018, January 8, 2019

Payroll for period ending 01/22/2019

6:00 PM PUBLIC HEARING – ZONING BYLAW AMENDMENTS

6:30 PM MV AIRPORT – PROPOSED RENOVATIONS – REQUEST FOR BOARD COMMENT

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

SCHEDULE OF UPCOMING MEETINGS

January 29, March 5, March 19

ADJOURN

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE: 1/22/19

Name (Please print legibly!)

Street Address

Agenda Item

TED ROSBECK	33 LEWELLYN WAY , EDGARTOWN	GROUND COVERAGE
ANDY VAN ROOYEN	60 W. TISBURY RD , EDGARTOWN	GROUND COVERAGE
Scott Brailford	2 Windsor Dale Fdsstown	Ground Coverage
Bill Milakovic	32 MERCIER WAY	GROUND COVERAGE
Geoff Rose	100 Foxview Dr. OB	Bylaw -
SUSAN CATLING	5 EARL AVE	BYLAW
John Magnuson	25 BOLLESTON DRIVE EDG.	BY LAW
JAMES MOFFATT	58 LAKE ST. VH, 02568	GROUND COVERAGE.
Peter Rosbeck	99 School St., Edg.	ground coverage
ROBERT SMITH	44 Flint Hill WT	ground coverage
FUNI BURNICK	19 main st Edg.	
Wade deSotter	20 High Meadow Lane OB	ground coverage
Gerald C. Conover	68 Davis Lane Edg	ground coverage
Margaret Serpa	54 Norton Orchard Rd Edg.	"

Edgartown Planning Board Minutes

Tuesday, January 22, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, January 22, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

CALL TO ORDER

The meeting was called to order at 5:30 PM.

Call of Roll:

Present: Sam Sherman, Fred Mascolo, Scott Morgan, Lucy Morrison, James Cisek (Planning Board Alternate).

Absent: Michael McCourt

Also Present:

Douglas Finn, Planning Board Assistant

A quorum was declared. The board reserved the right to address unscheduled agenda items out of order as needed, or for the convenience of the applicants.

SITE VISITS

No site visits were scheduled.

SCHEDULED BUSINESS

5:30 PM SITE PLAN REVIEW: 9 KATAMA FARM SOUTH ROAD (45-431)

A proposal for the renovation of existing guest house at 9 Katama Farm South Road was reviewed.

Mr. Finn stated that the site plan review was mandated by the Zoning Bylaw, section 5.3.I.

No one was present on behalf of the applicant. Mr. Finn presented the application, and the reasons and scope of the review.

There was some discussion about the amount of the original structure to be retained, and the "25%" number used by the Building Inspector to determine the difference between a rebuild and a renovation. There was also discussion as to the size and scope of the pool house, whether a detached bedroom and a guest house were permitted by right on the same lot.

It was MOVED by Mascolo, SECONDED by Morrison

To continue to January 29, 2019, to allow for notice to, and comment from the owner or agent.

VOTED: 5, 0, 0.

Mr. Finn was directed to insure that all parties are aware of the continuance.

5:45 PM TENTATIVE – MV HOUSING BANK – PRESENTATION AND DISCUSSION

Mr. Finn reported that Makenzie Brooks, who requested the time initially, has requested a postponement to a later date due to a time conflict.

5:55 PM RECONSIDERATION: ANR PLAN, CHRIS CHAMBERS (12B-151.3)

The Planning Board received for reconsideration a Plan Believed not to Require Approval. Mr. Finn presented a recommended course of action, as proposed by Town’s Counsel.

Mr. Finn stated that, under the DRI Checklist, item 2.6, the plan is required to be referred to the MV Commission as a concurrence referral. Mr. Finn recommended that no action be taken until after the MV Commission completes the DRI review process, and their decision returned.

Mr. Greg Marcella was present, and spoke about the matter, expressing some confusion as to why the matter was before the board again. Mr. Finn provided a brief history of the process.

Mr. Mascolo asked if Town’s Counsel has advised on the matter. Mr. Finn stated that counsel has advised that the matter should be referred to the MV Commission.

It was MOVED by Mascolo SECONDED by Morgan

To refer the application to the MV Commission as a concurrence review under DRI Checklist item number 2.4.

VOTED: 5, 0, 0.

The board will take up the matter again, once a response is received from the MV Commission.

5:55 PM ITEMS FOR REVIEW / SIGNATURE

A decision related to 40 Pease Point Way was presented for review / signature. Minutes from December 4, 2018, December 18, 2018, and January 8, 2019 were presented for review and signature. Payroll for the pay period ending January 22, 2019 was presented for review and signature.

6:00 PM PUBLIC HEARING – ZONING BYLAW AMENDMENTS

On Tuesday, January 22, 2019 at 6:00 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, to receive comment on proposed changes to the Edgartown Zoning Bylaw. A description and the text of the proposed changes are available for public inspection in the Planning Office during regular business hours, through the Town’s website, and by e-mail upon request. Interested parties were encouraged to review the proposed changes, submit commentary to the Planning Board office, and attend the hearing.

Pursuant to General Law, notices of the public hearing were sent to other island planning boards, the regional planning agency, and the Department of Housing and Community Development, in Boston. Written copies of the proposed changes were distributed to members, and made available to attendees at the meeting.

The public hearing was opened at 6:01 PM.

Mr. Patrick Ahearn presented two letters to the board (attached: Exhibits A and B), prior to his comments.

Ahearn described his experience and background.

Mr. Ahearn: I agree with the need to reconsider zoning due to concerns over density, open space, and etc. The current zoning in Edgartown is silent on many of these concerns, and should be addressed. When the R5 was created, the minimum lot size was set at 5,000 square feet. The vast majority of lots generally meet this criteria. The village is not suburbia – it's based on close buildings, with minimal setbacks. The village is walkable, accessible by car, and matches other communities of similar size and scope.

The Planning Board changed the lot size to 10,000 square feet some time back. The Bransford decision states that a 'substandard' lot requires a homeowner to go to the ZBA for a special permit for nearly any change. The ZBA is more sensitive to abutters concerns, massing, etc. The concept of having virtually all of the lots go to the ZBA and the HDC for review is a problem.

Mr. Ahearn: Two changes I would make to the zoning code: one is the lot size (reducing it to 5,000 sq. ft.), and create a clear definition as to what 'open space' is.

Mr. Ahearn discussed recent purchase prices of open land, and land with structures. Mr. Ahearn stated that the value of lots would be reduced if the zoning bylaw was to be put through.

Mr Ahearn spoke about the support that the current residents provide to downtown businesses.

Mr. Ahearn stated that there are flaws in the proposal in terms of open spaces.

Mr. Ahearn objected to the HDC having control over private open spaces.

Mr. Ahearn also objected to the types of structures / development that would be included in 'lot coverage'.

Mr. Ahearn described similar types of zoning on Nantucket. The minimum lot size is 3,000 square feet. The maximum lot coverage is 60%. Minimum frontage is 0%. Front and side lot setbacks are 5 feet.

Mr. Ahearn: Currently, on a 10,000 square foot lot, 30% of the area is in the setbacks.

Mr. Ahearn recommended that the board return the minimum lot size to 5,000 square feet, and set lot coverage at 50%.

Mr. Ahearn again expressed concerns that the Historic District Commission would be the arbiter of the zoning bylaw.

Mr. Ahearn: I think we need to take a pause here. The conversation is meaningful, and should be continued. The current zoning bylaw is 'grey' on this area of concern.

Mr. Ahearn: We have to have a conversation as to what makes this town special. We need a better vetting of this matter. What's on the table is not responsive to the character or scale to the town, and needs to be reconsidered.

Ms. Stacy Wallace, resident of R5 district: Ms. Wallace described her background and experience.

Ms. Wallace: I was present during the change from 5,000 to 10,000 sq. ft., and it was in response to the overdeveloping that was going on at the time. I would like to see this proposed zoning bylaw go into effect. Residents agree with the smaller size and scope of houses, and development in general.

Ms. Wallace: The proposed change is a great idea, but change the percentage to 50%?

Ted Rosbeck: The concerns being raised might be due to some errors in documentation that we have received over time. This matter should be discussed further.

Mr. Rosbeck read into the record a statement (attached: Exhibit C).

Mr. Rosbeck further spoke about his experience as a builder, as an attendee at various meetings, and as an alternate on the Zoning Board of Appeals. The change to 10,000 sq. ft. as a minimum has created significant applications at the ZBA, due to many lots in the R5 as being non-conforming.

Mr. Ahearn: The town should look at, street by street, the size of existing houses, to determine a better method of approaching house size and structure. Mr. Ahearn spoke about hypothetical lot sizes, sales of land, and approaches to building a house that suits the lot size.

Mr. Ahearn: The issue isn't related to zoning space; it's more akin to the historical nature of the village. The change from 5,000 sq. ft. to 10,000 sq. ft. resulted in a dramatic change to the size of houses that are being designed and built. The proposed regulation creates an undue burden on all parties.

Mr. Ahearn: We need to clean up the zoning bylaw, streamline the process, and reduce the minimum lot size to 5,000 sq. ft.

Chris Scott, HDC: I've had an opportunity to speak to a number of people in regard to this proposal. I have a few thoughts: There probably isn't enough support for this warrant article in order to pass at Town Meeting. I am also heartened that many people feel this is an important issue – to have a clearer path through the permitting process, and to understand a level of scale that everyone can agree on. The issue would benefit a great deal from further study, research into the village. We recognize that, for items proposed on town meeting floor to pass, a collaborative approach is a benefit. I will be asking that the HDC withdraw the article from the warrant, and refer the matter to the Planning Board for further consideration and study.

Mr. James Joyce: Who drew up this warrant article?

Mr. Finn explained the development process of the article, stating that he had helped to write and revise the proposal, based on input received from multiple board and staff members.

Mr. Peter Rosbeck: The assistant to the Planning Board wrote the warrant article? wrote the amendment?

Mr. Sherman: This was discussed at the board level, with review and changes made.

Mr. Rosbeck: This matter was not signed by me as a member of the HDC. This was a process that seemed rushed at the time. This seemed to come fast, and has brought the matter to a head, quickly.

Mr. Sherman: In many cases, zoning actions, and town actions, are postponed indefinitely, until something starts to happen. Due to the process by which warrant articles are developed, timelines sometimes slip.

Mr. Rosbeck: This has good intentions, but needs more time and study.

Mr. John Magnuson: Regarding the Zoning Board's participation: we have not formally discussed this, although individual members may have commented on the proposal.

Mr. Joyce: I would add that this seems as though it was not vetted enough.

Re/ Common Driveway Bylaw:

Mr. Ted Rosbeck spoke about the definition of lot; Mr. Finn agreed with the suggestion that the definition should be removed, and that it would not substantially change the intent of the bylaw.

Mr. Geoff Rose spoke about the Marijuana Retail bylaw as proposed. Mr. Rose suggested that the

term referring to non-profit in the definition of Medical Marijuana Facility be removed, as it has been removed as a requirement from the state regulations.

There being no further discussion or public comment, it was MOVED by Morrison SECONDED by Cisek

To close the public hearing.

VOTED: 5, 0, 0.

The public hearing was declared closed at 6:57 PM.

6:30 PM - MV AIRPORT – PROPOSED RENOVATIONS – REQUEST FOR BOARD COMMENT

Mr. Finn provided a précis of changes as proposed at the MV airport for the board’s consideration. Mr. Finn requested that the board consider discussing a formal response at their next regular meeting (January 29).

OTHER BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE.

Mr. Finn updated the board on a matter related to Mr. Rankow and a shared pier. The matter is between Mr. Rankow, the Building Inspector, and (potentially) the Zoning Board of Appeals. The Planning Board has no current role in the matter; Mr. Finn has advised Mr. Rankow of this.

There was casual discussion related to the public hearing, the manner by which zoning bylaws were developed, and a review of the Planning Board’s review and discussion about the zoning bylaws.

Mr. Morgan expressed concern that the “Ground Coverage” proposal had not been fully vetted and discussed by the Planning Board prior to the public hearing.

There was some discussion related to the suggestions made by Mr. Rose in regard to the proposed marijuana retail sales article.

It was MOVED by Morrison, SECONDED by Morgan

To strike the term “non-for-profit” from the definition of “Medical Marijuana Treatment Center, also known as a Registered Marijuana Dispensary (RMD)”.

VOTED: 5, 0, 0.

SCHEDULE OF UPCOMING MEETINGS

The following meetings were tentatively scheduled:

- January 29
- March 5, March 19

ADJOURN

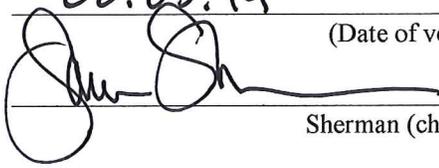
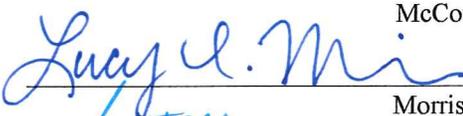
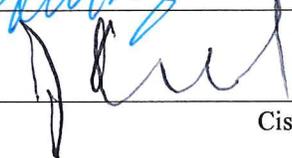
There being no further business, it was MOVED by Morgan, SECONDED by Morrison
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:16 PM.

Respectfully submitted

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>02.05.19</u>	(Date of vote)
	Sherman (chair)
_____	Mascolo
_____	McCourt
	Morrison
	Morgan
	Cisek (alternate)

PATRICK AHEARN
ARCHITECT

EXHIBIT A
1/22/2019

Town of Edgartown Planning Board
Town of Edgartown
70 Main Street
Edgartown, MA 02539

January 12, 2019

Re: Public hearing regarding proposed changes to the Edgartown Zoning Bylaw. Requested Comments.

Dear Planning Board Members,

I have been a practicing licensed architect for over 45 years and one who has completed over 190 projects encompassing what is now the enlarged Edgartown Historic District. Over the last 25 years, I have been before the Historic District Commission over 100 times, and in doing so, I have developed a true sense of the importance of preserving the history of the island in the historic district and also allowing for appropriately scaled renovations and new construction that are sensitive to the architectural styles found in the district.

However, the proposed warrant article approved for submission by the Historic District Commission that would amend section 2.3 R-5 District limiting the ground coverage to 40% of the lot is unnecessary, inappropriate, and in fact damaging to the essence of what makes the Historic District of Edgartown important and desirable.

The basis for the warrant article is to see if the town will act to "reduce urban sprawl" and preserve open space in the Historic District. The notion that "urban sprawl" even exists within the Historic District is totally false and without merit. The definition according to Webster's Dictionary of "urban sprawl" is and I quote: "Urban sprawl is the spreading of urban developments (such as houses and shopping centers) on undeveloped land near a city." Clearly the Historic District has virtually no open lots and does not have the opportunity to create urban developments of housing and shopping centers on undeveloped land, near a city of which no cities exist on the island of Martha's Vineyard. Therefore, the basis of needing this change to the current zoning bylaw is without substance or merit.

A little history is in order: The Historic District of Edgartown is within the R-5 Residential Zoning District. When zoning was enacted in Edgartown, the minimum lot size in the R-5 zone was designated as 5,000 square foot lots. In addition, the zoning code also required in the R-5 District setbacks of 5'0" for side and rear lots and 20'0" for front yards or the average of the setbacks of other houses on lots on either side of the lot in question. Also, the maximum height allowed for a structure in the R-5 District was and is 32'0". Taking into account the required setbacks on a 5,000 sq ft lot, this would mean that a homeowner could build up to 3,000 sq ft of structures or 60% of the lot coverage, taking into account the required setbacks. This formula was created to be consistent with the density and scale of the historic village that has existed for over 300 years.

However, in the more recent past, the Town of Edgartown's Planning Board sponsored a zoning change in the R-5 zone to change the minimum lot size from 5,000 sq ft to 10,000 sq ft lots (even though the average lot size in the village is about 6,500 sq ft). Under the current 10,000 sq ft minimum lot size taking into account the required setbacks on a 10,000 sq ft lot, this would mean that a homeowner could build up to 7,000 sq ft of structures or 70% of the lot coverage, as a matter of right. This mistep has caused most of the lots in the village and Historic District to now be considered "substandard" in size. Any modifications or construction on lots of less than 10,000 sq ft requires approval not only from the Historic District Commission but also from the Zoning Board of Appeals.

This burden and often conflicting points of view has made it increasingly difficult for a homeowner to improve their property. For example, a homeowner could seek approval from the Historic District Commission, be granted approval, then file with the Zoning Board of Appeals with the same approved plans presented to the Historic District Commission and be denied and turned down by the Zoning Board of Appeals. This burden is even more restrictive if the proposed warrant article is approved and has significant unintended ramifications in terms of property values, and changes to the character, scale, and density of the village and the Historic District.

BOSTON OFFICE

160 Commonwealth Avenue, Suite L3
Boston, Massachusetts 02116
T 617 266 1710 F 617 266 2276

MARTHA'S VINEYARD OFFICE

Nevin Square, 17 Winter Street
Edgartown, Massachusetts 02539
T 508 939 9312 F 508 939 9083

PATRICKAHEARN.COM

PATRICK AHEARN

ARCHITECT

Furthermore, the proposed warrant article includes not only the typical structures on a lot that would comprise what is considered lot coverage, in nearly every town in Massachusetts, but a significant over reach to include elements that are either flush with the ground or ancillary to the house. Such elements as storage spaces, window wells, basement bulkheads, decks, swimming pools, areas covered with concrete, asphalt, pavement or similar impervious surfaces are all included as coverage in the proposed warrant. None of these elements have anything to do with true density, open space, or impact on the visual scale of a homeowner's lot. Furthermore, when does a driveway or pool or a deck impact the visual coverage of a lot or be interpreted as a structure that needs to be included in lot coverage?

The Historic District Commission's per view is limited under the bylaw currently to only what is visible from a public way. The proposed warrant article proposes to attempt to include regulation of "private open spaces, such as green lawns, and gardens" as specifically stated on page 25 of the proposed warrant article for the 2019 annual town meeting (see attached document).

Furthermore, the proposed handout (Exhibit A) and diagrams prepared by the Historic District Commission based on a non-conforming 5,000 sq ft lot clearly illustrate the potential negative impact on the Historic District and the homeowners' property values. First of all, the diagram does not take into account that any potential change to a lot of less than 10,000 sq ft requires in addition to the Historic District approval, approval from the Zoning Board of Appeals. The diagram suggests that building a 24'x36' house which equates to 864 sq ft of footprint, assuming a two story house, this would equal only 1,728 sq ft of living space. No one would pay the current average price per substandard lot in the village which is currently between \$1,500,000 and \$1,650,000, if a buyer could only build a 1,728 sq ft house!

If the warrant article is approved at the town meeting, the negative impact on the real estate property values is significant as is the loss of tax revenue to the town, due to the reduction of real estate value is readily apparent.

From an architectural, historic district and town imagery perspective, if current and future homeowners are subject to this ill-conceived 40% maximum ground coverage that includes elements well beyond the true structures on a given lot, the character and scale of the village would change significantly. The density, scale, and close proximity of houses in the village is what makes the village anti suburbia. This density and scale was established over 300 years ago based on lot sizes from 4,000 to about 6,000 sq ft on average.

The current zoning code, if amended at all, should not include elements that are not the true structures in any calculations. Such elements as storage spaces, window wells, basement bulkheads, decks, swimming pools, areas covered with concrete, asphalt, pavement or similar impervious surfaces should not be included in the lot coverage calculations, consistent with most town zoning codes in Massachusetts.

In conclusion, the current zoning code allows for the maximum lot coverage on substandard lots of less than 10,000 sq ft of 60% of lot coverage. The current zoning code allows legal lots of 10,000 sq ft lot coverage of 70%.

Therefore, the proposed warrant seeking to reduce the buildability on a homeowner's property by 20 – 30% based on an ill-informed perspective that includes elements in the calculation that have no impact three dimensionally on density or scale of a property only makes this potential change to the zoning code even more of a mistake and could have lasting negative impacts for the homeowners and the town alike.

What makes total sense is for the Planning Board to not support this ill-conceived warrant, but instead, author an alternative change to the zoning code that reverts the minimum lot size in the R-5 zoning district back to the original lot size of 5,000 sq ft when the zoning code was created. This in turn would afford the opportunity for homeowners to construct smaller houses on lots that are consistent with the scale and character of the 300 year old village layout and plan.

BOSTON OFFICE

160 Commonwealth Avenue, Suite L3
Boston, Massachusetts 02116
T 617 266 1710 F 617 266 2276

MARTHA'S VINEYARD OFFICE

Nevin Square, 17 Winter Street
Edgartown, Massachusetts 02539
T 508 939 9312 F 508 939 9083

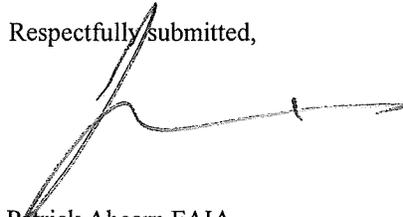
PATRICKAHEARN.COM

PATRICK AHEARN

ARCHITECT

Based on current setbacks in the zoning code, this would equate to being able to construct actual structures on a lot of no more than 3,000 sq ft in total footprint, which is consistent with the density, character, and scale of the 300 year old village that everyone holds dear.

Respectfully submitted,



Patrick Ahearn FAIA
Edgartown Historic District Resident

CC Selectmen Michael Donaroma
 Selectmen Art Smadbeck
 Selectmen Margaret Serpa

BOSTON OFFICE

160 Commonwealth Avenue, Suite L3
Boston, Massachusetts 02116
T 617 266 1710 F 617 266 2276

MARTHA'S VINEYARD OFFICE

Nevin Square, 17 Winter Street
Edgartown, Massachusetts 02539
T 508 939 9312 F 508 939 9083

PATRICKAHEARN.COM

Zoning Changes and Proposed Warrant Articles for 2019 Annual Town Meeting

COMMON DRIVEWAYS 1
SOLAR PHOTOVOLTAIC INSTALLATIONS TO BYLAW 3
RETAIL MARIJUANA ESTABLISHMENTS 6
BASIC CLEANUP OF BYLAW..... 19
 Removal of Building Permit Limitation 19
 Update language in the “Island Roads” district to correct errors in street names 23
 Amend Coastal District, Permitted Uses 24
GROUND COVERAGE (proposed by Historic District Commission)..... 25

COMMON DRIVEWAYS

Currently, the Edgartown Zoning Bylaw is silent on the matter of “Common Driveways” – a single driveway serving multiple lots. The Planning Board believes that it is necessary to insure that shared, or “common” driveways meet minimum standards for width, grade, and material, in order that access to each lot may be afforded to public safety services in case of an emergency.

Therefore, the Planning Board proposes the following regulation which defines and regulates common-driveways. These regulations are not retro-active, and will only impact future proposed common driveways, or significant changes to existing common driveways.

First, we propose to define “Lot”, “Driveway” and “Common Driveway”

Next, we propose a section enabling the Planning Board to condition the creation of a common driveway through the special permit process. As this would be a special permit, public notice and a public hearing would be required.

=====

PROPOSED WARRANT ARTICLE:

To see if the town will amend the Edgartown Zoning Bylaw, Section 1.3.D “DEFINITIONS” as follows:

LOT: For the purposes of this bylaw, a single parcel, or group of contiguous parcels, under common ownership.

GROUND COVERAGE (proposed by Historic District Commission)

The Historic District Commission ("HDC") has proposed the following regulation, designed to provide for a broader review of development – and redevelopment – in the R5 District.

While the HDC is focused on preserving the unique historic qualities of homes and businesses in the District, it also recognizes that open space – even private open spaces, such as green lawns, and gardens – are a significant contribution to the appeal of the District.

Therefore, the HDC has proposed the following reasonable regulation, designed to discourage the 'urbanization' of the District, and to encourage development and rehabilitation that is in keeping with the traditional and historical scale of Downtown Edgartown.

=====

PROPOSED WARRANT ARTICLE:

To see if the town will act to reduce urban sprawl, and preserve open space in the Historic District and R5 Zone, by amending the Edgartown Zoning Bylaw as follows:

2.3.E. Ground Coverage

In the R-5 District, there shall be a maximum ground coverage of 40%.

For the purposes of this section, "Ground Coverage" shall mean all land area that is covered by any artificial or constructed improvements, including but not limited to: structures; storage spaces; window wells; basement bulkheads; decks; swimming pools; areas covered with concrete, brick, bluestone, cobblestone, flagstone, asphalt, pavement, or similar. Ground Coverage shall not include publicly accessible sidewalks, or shared driveways.

PROPOSED WARRANT ARTICLE, as approved for submission by the Historic District Commission:

To see if the town will amend the zoning bylaw, Section 2.3, "R-5 District" by adding section 2.3.E. as follows:

2.3.E. Ground Coverage

In the R-5 District, there shall be a ground coverage limit of 40%.

For the purposes of this section, "Ground Coverage" shall mean all land area that is covered by impervious or roofed improvements, including but not limited to: structures; storage spaces; window wells; basement bulkheads; wooden or raised decks; swimming pools; areas covered with concrete, asphalt, pavement, or similar impervious surfaces. Ground Coverage shall not include impervious surfaces such as brick, bluestone, cobblestone, flagstone or similar; publicly accessible sidewalks; or shared / common driveways.

~~The Zoning Board of Appeals, or in the Historic District the Historic District Commission may, after a public hearing conducted in accordance with Massachusetts General Laws Chapter 40A Section 9, approve an increase in permitted ground coverage.*~~

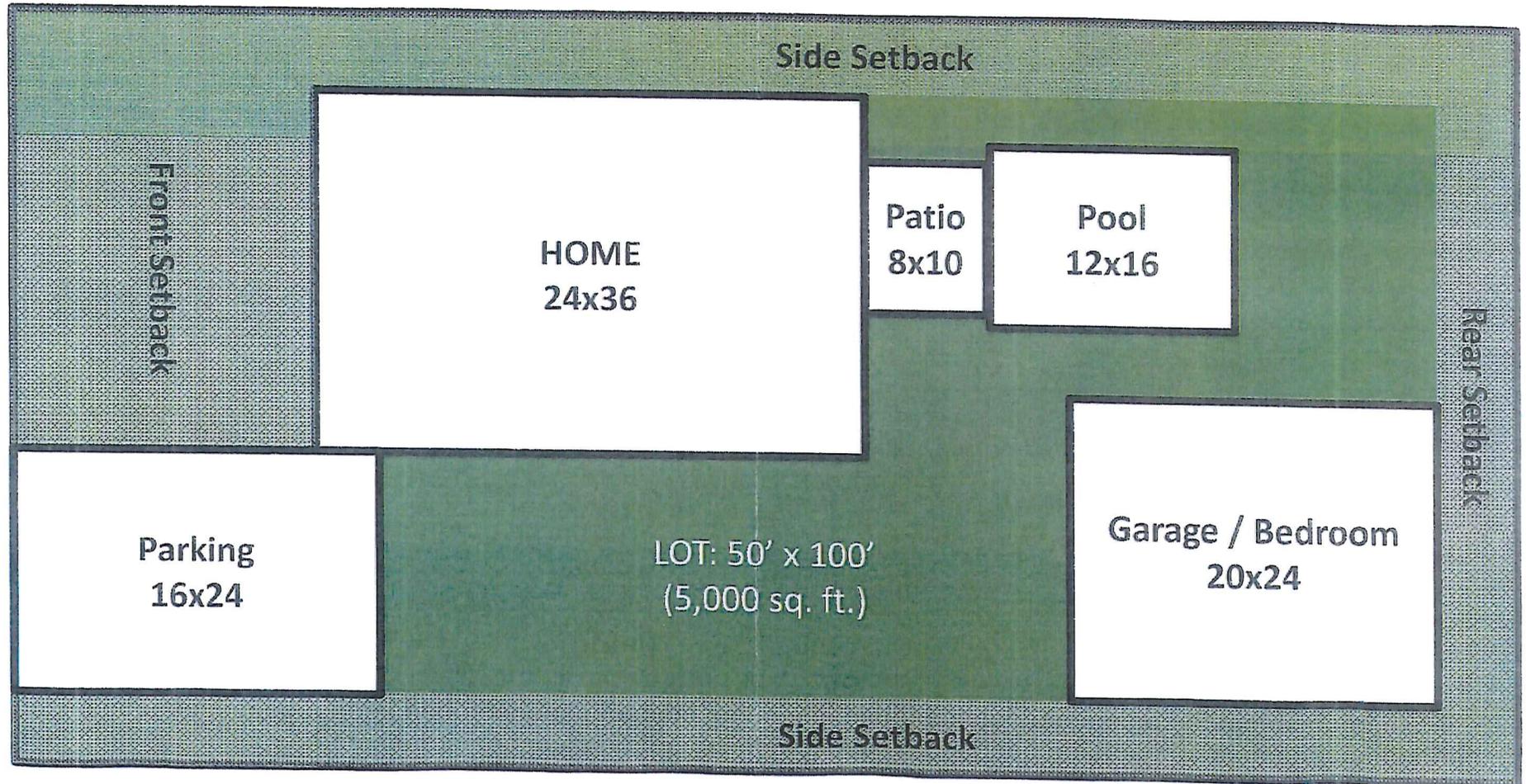
* The Zoning Board of Appeals has recommended striking the entire third paragraph.

A variance is always an option, but may be granted ONLY if there are "circumstances related to the soil conditions, shape, or topography which especially affect the land or structure in question, but which do not affect generally the zoning district in which the land or structure is located; AND that due to those circumstances especially affecting the land or structure, literal enforcement of the provisions of the zoning bylaw would involve substantial hardship, financial or otherwise, to the petitioner; AND, that desirable relief will not nullify or substantially derogate from the intent or purpose of the bylaw; AND that desirable relief will not pose a substantial detriment to the public good."

As a matter of record, variances are rarely granted by the ZBA, and only when all conditions are met.

EXHIBIT "A"
PAGE 1 OF 3

Lot Use:



Lot Use:

- Given a 5,000 sq. ft. lot (50' x 100'), 2,000 sq. ft. of ground coverage area is permitted by right – enough for (NOT THE ZONING BOARD APPROVAL ON LOTS OF LESS THAN 10,000 SQ. FT.)
 - a 24x36 home, (-ONLY 3 BEDROOMS ALLOWED)
 - a 20x24 garage with 2nd floor bedroom,
 - a 16x24 parking area,
 - a 12x16 pool, and
 - 80 square feet of patio or walkway.
- What does that look like?

What qualifies as an “artificial or constructed improvement?”

- structures (houses, garages, sheds, etc.),
- basement accesses (window wells, bulkheads),
- raised decks or porches;
- swimming pools
- concrete or asphalt walkways
- concrete or asphalt driveways.

...basically, anything that would either

- prevent the growth of grass, plants, flowers, etc., or
- create stormwater displacement.

EXHIBIT B
1/22/2019



January 21, 2019

Town of Edgartown Planning Board
Town of Edgartown
70 Main Street
Edgartown, MA 02539

Re: Further input into proposed changes to the Edgartown Zoning Bylaw, Requested Comments

Dear Planning Board Members:

I have researched a number of zoning bylaws in other towns in Massachusetts to evaluate what other towns' bylaws consider appropriate lot coverage or ground cover and what other towns consider as open space not to be included in lot coverage.

The town of Nantucket is of particular relevance as Nantucket is a sister island, with a historic district of similar ages of structures and lot sizes and is visually similar to the town of Edgartown's Historic District and Village. Nantucket Village is comprised of a R-5 zoning district.

The attached zoning code, Article III use and Intensity Regulations of the Town of Nantucket, specifically reference its R-5 zoning district requirements. The chart below compares Nantucket's R-5 regulations to the Town of Edgartown's current and proposed regulations. Of particular note, is the minimum 3,000 sq/ft lot size and 60% ground coverage ratio. The Nantucket Historic District and its R-5 zoning code has clearly the same goals and objectives of preserving the character, scale and density of its village and historic district, as does Edgartown's Historic District and zoning code. The Nantucket code is based on similar character, scale and density of a similar age and whaling town on a sister island.

	Nantucket R-5 Zoning Use and Intensity Regulations	Current Edgartown R-5 Zoning	Proposed Change by HDC R-5 Zone	Proposed Amendment to R-5 Zoning Brought Forward by Concerned Citizens
1. Open land required:	30%	0%	0%	
2. Min lot size:	3,000 sq/ft	10,000 sq/ft	10,000 sq/ft	5,000 sq/ft
3. Max lot ground cover:	60%	70% (taking into account req. setbacks)	40% incl. items that are open space	50%
4. Min. frontage:	0	50'	Typically 50'	50'
5. Front setback:	5'	20' (or the avg. of houses on each side)	20' (or the avg. of houses on each side)	20' (or the avg. of houses on each side)
6. Side/Rear setback:	5'	5'	5'	5'

BOSTON:
100 Commonwealth Avenue
Boston, Massachusetts 02116
T 617.266.1710 F 617.266.2276

MARtha'S VINEYARD
Nevin Square, 17 Winter Street
Edgartown, Massachusetts 02539
T 508.939.9312 F 508.939.9083

PATRICK AHEARN
ARCHITECT

Based on this analysis, Nantucket allows for 3,000 sq/ft minimum lots. Our proposed amendment reverts the minimum lot size created by the town, when zoning was introduced, back to 5,000 sq/ft lots in the R-5 zoning, which is based on the average actual scale of lots in the village (not 10,000 sq/ft lots).

Furthermore, Nantucket allows up to 60% ground coverage in their R-5 zone as coverage. Our proposed amendment calls for up to 50% ground coverage. In addition, in researching other town zoning bylaws, I have included the town of Wellesley's zoning bylaw as a further point of reference and precedent. As it relates to what is included in the definition of open space and what is not considered as structures (see attached). The town of Wellesley's zoning code specifically states that swimming pools, grade terraces, patios, walks, tennis and other play courts should be considered as open space, not structures!

In addition, section XXII B of the town of Wellesley's zoning code further specifically states that exterior swimming pools constructed at or below grade shall not be considered as building coverage. Likewise, the attached excerpt from the town of Newton's zoning code also specifically defines what is considered as open space, not structures. This includes tennis courts, patios, inground swimming pools and non-structural recreational amenities, (firepits, grills, sports courts, etc).

In conclusion, the alternative proposal that is being brought forward to the planning board preserves the Historic District's village scale and density and reflects the true lot size of property in our 300-year-old village. It also provides a clear definition of what is considered as open space. This concept of appropriate density or open space is being interpreted in numerous different ways by different boards and individual members of these boards without clarity, definition, or consistency. Our goal is to provide such clarity and at the same time preserve and enhance the Historic District in a meaningful way.

Very truly yours,


Patrick Ahearn FAIA, BSA
Town Voter and Homeowner in the R-5 Zoning District and Historic District

SCOTT
100 Commonwealth Avenue
Boston, Massachusetts 02116
Tel: 617-261-7100 Fax: 617-261-7101

NANTUCKET VILLAGE
17 North Street 17 North Street
Nantucket, Massachusetts 02554
Tel: 508-894-8312 Fax: 508-894-8302

Town of Nantucket, MA Use and Intensity Regulations

Chapter 170A Zoning

Article III Use and Intensity Regulations

	R-40	R-20	R-10	R-5	ROH
Minimum tract area (acres)	5	3	2	1	1
Open land required (total tract)	70%	50%	40%	30%	25%
Minimum lot size (square feet)	10,000	7,500	4,000	3,000	3,000
Maximum lot ground cover ratio	35%	30%	50%	60%	65%
Minimum frontage	20	20	20	0	0
Front setback	5	5	5	5	0
Side/Rear setback	5	5	5	5	0

*Town of Wellesley Zoning Bylaw***Wellesley Zoning****Section 1A Definitions**

<https://www.wellesleyma.gov/DocumentCenter/View/12119/Full-Zoning-Bylaw-Version-10-1-2018>

Open Space

The portion of a lot not covered by buildings, garages or other accessory buildings or structures, canopies, off-street parking areas, maneuvering aisles, loading areas or driveways. The portions of a lot devoted to lawn; landscaping; swimming pools constructed at or below grade; at grade terraces, patios, walks, tennis or other play courts; and woodland or wetland shall be considered as open space. Open space shall be free of automotive traffic, or parking.

SECTION XXIIB. SWIMMING POOLS.

2. Lot Coverage - For the purposes of SECTION XVIII. AREA REGULATIONS., exterior swimming pools constructed at or below grade shall not be considered building coverage.

Newton Zoning:

<http://www.newtonma.gov/civicax/filebank/documents/69436>

thereof, and not made available to the general public.

Open Space, Usable:

All the lot area not covered by

buildings and/or structures, roadways, drives, surface parking area or paved surfaces other than walks. The area devoted to lawns, landscaping, exterior tennis courts, patios, in-ground swimming pools and non-structural recreational amenities shall be included as usable open space. The area covered by roof overhangs of up to 2 feet shall be included in the calculation of open space

EXHIBIT C
1/22/2019

Town of Edgartown Planning Board
Town of Edgartown
70 Main Street
Edgartown, MA 02539

Re: Proposed changes to the Edgartown Zoning Bylaw – “Ground Coverage”

Planning Board Members,

As architects, designers, builders, landscapers and members of various Town Boards, we have extensive experience with the development, design, permitting and building process on Martha’s Vineyard and specifically the Edgartown R-5 Residential District, including many sensitive projects located within the old and recently expanded Historic District. Having an understanding and respect for the character and scale of the village and the R-5 District is critical to the successful execution of these projects for the property owners and Town as a whole.

We have reviewed the Proposed Warrant Article regarding “Ground Coverage”, proposed by the Historic District Commission (HDC) and we believe it to be unnecessarily too restrictive and not “in keeping with the historical tradition and scale of Downtown Edgartown” as claimed. Specifically, the many inclusions listed in the Ground Coverage calculation is entirely unfounded and an extreme difference from the current bylaws. Further, everything proposed by the HDC and not visible from a public way is currently outside the purview of the HDC and the authority granted by the townspeople, which is clearly defined in the Historic District Bylaws. This proposal is an attempt to circumvent the restrictions and limits of this authority. This was a major topic and concern during the recent expansion of the Historic District and the Townspeople were repeatedly assured this would not be the case. While not the subject of this letter, this issue does raise a related issue of general authority and jurisdictions of town boards and we recommend a separate discussion regarding the significance of respecting individual board purview granted by the townspeople. Additionally, while drainage is certainly an important issue, it is only effectively controlled and mitigated with proper drainage plans and provisions onsite, regardless of the materials on the surface, thus irrelevant to the discussion of Ground Coverage. A discussion on drainage is far better suited for the Board of Health and Building Department where drainage can be addressed correctly in the planning and permitting stages of a project.

That all said, the general discussion of lot size, ground coverage (Structures) and lot open area, is an important issue and often raised and debated at various levels of permitting (Zoning Board of Appeals, Planning Board and HDC). Currently the permitting process and bylaws regarding this topic is either non-existent or poorly defined, often leaving property owners, architects, builders and Town board members without proper guidance and with inconsistent rulings. This causes inefficient use of time, money, administration and frustration on all levels. Therefore, we recommend the Planning Board consider a more reasonable alternative amendment to the R-5 Residential District Bylaw, to provide clear guidance for property owners and Town boards and to better represent the historical tradition and scale of Downtown Edgartown and the R-5 Residential District.

Therefore, attached is an alternative Proposed Warrant Article for consideration. We also encourage the Town to take the time to properly research and review this very important issue by forming a sub-committee of members of various town boards, experienced members of the building trades and property owners in the R5 Residential District.

Thank you for your time and consideration.

PROPOSED WARRANT ARTICLE:

To see if the Town will vote to preserve the historical density, character and scale of the R-5 Residential District, by amending the Edgartown Zoning Bylaw as follows:

2.3.E Bulk, Area and Parking Requirements

Minimum Requirements:

- Total Lot Area (square feet): ~~10,000~~ **5,000**
- **Open Lot Area (square feet): 50%**
- Front Yard - Setback (feet): 20 feet*
- Side Yards (feet): 5
- Rear Yard (feet): 5
- Off-street Parking spaces per dwelling unit: 2
- There shall be a maximum of one 16' wide curb cut per lot on a public street. All new curb cuts, or modifications after January 7, 2014 shall require a site plan review from the Planning Board.

*However, no building need provide a front yard larger than the average of front yards of existing buildings on adjacent lots on the same side of the street.

Further, to see if the Town will vote to amend the Edgartown Zoning Bylaw to include:

1.3.D "DEFINITIONS":

Open Lot Area shall be defined as any Lot area not covered by a Structure as defined in these Bylaws.

Existing Edgartown Bylaw 1.3.D "Definition":

Structure is a combination of materials assembled at a fixed location to give support or shelter. A structure includes any building. Swimming pools and tennis courts shall be considered structures. A fence or wall over six feet high shall be considered a structure; an open terrace not more than thirty inches above grade shall not be considered to be a structure. A vessel shall not be considered to be a structure.

Disclaimer:

The views and opinions expressed in this letter are those of the following individuals and do not necessarily reflect the official policy or position of any other company, board, agency, or organization listed below (Listed Alphabetically):

Patrick Ahearn

Patrick Ahearn Architects, LLC
Martha's Vineyard Builders Association, Member
Extensive Edgartown R-5 Architecture Experience
Edgartown Resident (Historic District)

Doug Best

D. Best Construction
Edgartown Historic District Commission, Past Member
Martha's Vineyard Builders Association, Board Member
Extensive Edgartown R-5 Construction Experience

Louise Brooks & Vincent Falotico

Brooks & Falotico
Extensive Edgartown R-5 Architecture Experience
Edgartown Resident

Gery Conover

Conover Restorations, Inc
Edgartown Zoning Board of Appeals, Alternate
Extensive Edgartown R-5 Construction Experience
Edgartown Resident (Historic District)

Kevin Cusack

Autumn Construction Co.
Extensive Edgartown R-5 Construction Experience

Kate DeVane

Donaroma's Landscape
Extensive Edgartown R-5 Landscape Experience

Andrew Flake

Andrew A. Flake, Inc
Martha's Vineyard Builders Association, Founding Member
Extensive Edgartown R-5 Construction Experience

Fred Fournier

Landscape, Inc
Extensive Edgartown R-5 Landscape Experience
Edgartown Historic District Commission, Past Member
Edgartown Resident

Wendy Harmon

Point B Realty, LLC
Extensive Edgartown R-5 Real Estate Experience
Edgartown Resident

Kris Horiuchi

Horiuchi Solien Inc
Extensive Edgartown R-5 Landscape Architecture Experience

James Moffat

Greenwater Architects, LLC
Martha's Vineyard Builders Association, Member

Mark Morris

Custom Floor & Painting
Extensive Edgartown R-5 Construction Experience
Edgartown Resident

Caleb Nicholson

Contemporary Landscapes
Extensive Edgartown R-5 Landscape Experience

Cole Powers

Powers Electric Inc
Extensive Edgartown R-5 Construction Experience

Norman Rankow

Colonial Reproductions
Edgartown Planning Board, Past Member
Edgartown Zoning Board of Appeals, Past Alternate
Martha's Vineyard Builders Association, Member
Extensive Edgartown R-5 Construction Experience
Edgartown Resident

Phil Regan

Hutker Architects
Martha's Vineyard Builders Association, Member
Extensive Edgartown R-5 Architecture Experience

Peter Rosbeck II

Rosbeck Builders Corp
Edgartown Historic District Commission, Member
Extensive Edgartown R-5 Construction Experience
Edgartown Resident (Historic District)

Ted Rosbeck

Island Pools, Inc
Edgartown Zoning Board of Appeals, Alternate
Martha's Vineyard Builders Association, Founding Member
Extensive Edgartown R-5 Swimming Pool Experience
Edgartown Resident

Spike Smith

Walter Smith Plumbing
Martha's Vineyard Builders Association, Founding Member
Extensive Edgartown R-5 Construction Experience
Edgartown Resident

Matthew and Zach Stedman

Stedman Construction, Inc
Extensive Edgartown R-5 Construction Experience

Scott Stearns

John G. Early Contractor & Builder, Inc
Martha's Vineyard Builders Association, Board Member
Extensive Edgartown R-5 construction Experience
Edgartown R-5 Resident

Neil Sullivan

Better Lawns & Gardens
Extensive Edgartown R-5 Landscape Experience
Edgartown Resident

Carlos Teles

Teles Landscaping
Extensive Edgartown R-5 Landscape Experience