

Edgartown Planning Board Minutes

Tuesday, June 18, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, June 18, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

PRESENT: Fred Mascolo (Chair); Michael McCourt, Lucy Morrison, Scott Morgan, Glen Searle, James Cisek (Alternate).

ABSENT:

The meeting was called to order at 5:30 PM, and a quorum was declared.

SITE VISITS

Site visits were scheduled as follows:

- 9:15 AM 8 BEACH STREET (29B-78.1)
- 9:30 AM 32 OCEAN VIEW AVENUE (29-137)
- 9:45 AM 82 TURKEYLAND COVE RD (44-3)
- 10:00 AM 250 UPPER MAIN STREET (20A-78.1)

No deliberation was conducted as part of the site visit.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING: SPECIAL PERMIT – FLOMAR INC., 82 TURKEYLAND COVE RD (44-3)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, June 18, 2019 at 5:30 PM, on the request of Reid G. Silva, Vineyard Land Surveying & Engineering, on behalf of Flomar Corp., Owner, for a special permit to construct a pool in the inland zone of the Coastal District.

This application was made in accordance with Section 14.1.D.2 of the Edgartown Zoning Bylaw. The property is located at 82 Turkeyland Cove Road, Assr. Pcl. 44-3. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Reid Silva.

The chair opened the public hearing at 5:31 PM.

Presentation

Mr. Silva presented a detail plan of the location of the pool, and described the location of the pool.

Mr. Silva: the pool is proposed to be four feet higher than the existing mean. Pool equipment will be in an equipment shed located to the south. The shore zone is delineated on the plan; the applicants have removed all construction out of the shore zone, rebuilding it in the inland zone.

Pool is proposed to be 20x40. The checklist items were reviewed (see responses in application file).

Mr. Silva stated that the elevation of the pool helps to bring up and out of the groundwater level.

A drywell for disposal of pool water is not shown on the plan, but will be on a plan to be presented to the Conservation Commission.

Question: distance from proposed pool equipment shed to nearest neighbor's house? Response: roughly 75

feet; moving the shed closer to the pool is also welcomed by the applicant.

Mr. Morgan: the applicant would consider a vault closer to the pool itself? Response: Yes, if the cost is not exorbitant. A vault has only been casually considered, and is not a formal option for the applicant as of yet.

It was MOVED by Morgan, SECONDED by Searle

To close the public hearing

VOTED: 5, 0, 0.

The public hearing was closed at 5:46 PM.

Deliberation

The board generally spoke in favor of the application, and agreed to apply the general conditions for swimming pools. The board also required that

Mr. Mascolo: Please be sure that there is sound proofing in the pool shed to minimize sound from pool equipment.

It was MOVED by Morgan SECONDED by Searle

To approve the application with standard conditions for swimming pools as follows:

- 1. The pool, pool house, and fencing shall be constructed according to the plans presented at the hearing. Any modifications to the plan shall require approval from the SPGA.*
- 2. Only the residents of the dwelling and their guests shall use the pool.*
- 3. No portion of the pool shall be located closer than the standard setbacks of boundary line of said lot.*
- 4. The pool must be securely fenced and maintained with a child-proof fence, gates and doors to a height of not less than four feet. A 'life ring', shall be provided with a secured safety line of a length to reach all areas of the pool.*
- 5. The location of the pool shall not interfere with the enjoyment of the view of the natural surroundings from a way used by the public, public land, or abutting land.*
- 6. All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.*
- 7. Pools supplied by well water shall be filled prior to June 15 or after September 15.*
- 8. Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.*
- 9. Heated pools are permitted with the recommendation the heat source is solar, geothermal or other alternative energy source.*
- 10. All water (treated or untreated) drained from the pool shall be trucked off-site to an appropriate approved location unless specifically waived by the SPGA.*
- 11. Outdoor lighting is limited to that required by building code and shall be low wattage, fully shielded when viewed from the top and sides and directed downward. Mercury vapor lighting and bug zappers are prohibited.*
- 12. The responses contained within the swimming pool special permit criteria checklist shall become a part of this decision.*

13. Copies of this decision shall be provided to the construction crew prior to the construction of the project.

14. The project shall meet compliance with any Conservation Commission Order of Conditions.

15. The project shall meet compliance with any Massachusetts Department of Environmental Protection Wetlands Order of Conditions.

16. A final copy of the plan, showing the location of the pool dry-well, shall be submitted to the Planning Board and the Building Inspector, prior to issuance of a building permit.

VOTED: 5, 0, 0.

5:40 PM REQ. FOR DE MINIMIS DETERMINATION: MV EDGAR INN, 231 UPPER MAIN ST. (20A-90)

The board continued deliberation on a request for a De Minimis Determination related to a request from Geohan Coogan, on behalf of the MV Edgar Inn, related to an enclosed stairwell on the south-east side of the Town Bar and Grill (formerly the Shiretown) located at 231 Upper Main Street.

The stairwell has been enclosed, with a shingled roof overhead. The Building Inspector is requesting that the Planning Board issue a determination as to whether a modification to the Special Permit should be requested, or whether the change constitutes a “de minimis” change to the original plan as approved.

Mr. Mascolo requested that, prior to the board engaging in any matter, the applicant be notified as to the date, time and location that the public hearing was held.

Mr. Mascolo disclosed that he had a prior business relationship with the applicant; after some discussion, Mr. Mascolo concluded that he did not have a conflict of interest in the matter.

Discussion

Mr. Geohan Coogan (present for the applicant) stated that he had received notice for the meeting.

Mr. Lenny Jason (Building Inspector) stated that the applicant had created a storage area under the stairway, which differed from established plans. He asked Mr. Finn to present the matter before the board, to determine if it constituted a de minimis change, or a significant change to the plan.

Mr. Coogan stated that the change had been put into place by the builder as a means to make it more attractive and safer for clients. A dry-system sprinkler head will be placed in the location. The area will be fully closed.

Mr. Cisek: This seems to have happened in reverse order; the work was done prior to requesting the change to the plan.

There was some discussion related to the application, as well as previous projects.

Mr. Jason expressed his opinion on the order of events (construction, permitting, Planning Board review).

Mr. Coogan: There were some things that were not done at the same time; this particular step was certainly done before getting approval.

Mr. McCourt: (to Mr. Jason) isn't it normal procedure, when a contractor has an item on a plan, doesn't the contractor notify the building inspector to inquire if any change to the permit?

Mr. Jason explained that changes to building plans happen regularly, and sometimes tracking of the changes is difficult.

Mr. Morgan: I believe that the process worked in this case, and would consider this to be a minor change to the plan.

It was MOVED by Morgan SECONDED by Morrison

To approve the additional work as de minimis, and not requiring further review by the Planning Board.

VOTED: 5, 0, 0.

5:45 PM PUBLIC HEARING: SPECIAL PERMIT -- MV REFUSE DISPOSAL & RR DISTRICT, 250 WEST TISBURY ROAD (25-4) (CONT'D FROM MAR 5, 2019; NOV 27, SEPT 11, 2018);

The Planning Board continued a public hearing from March 5, 2019, on a request from Don Hatch, MVRD, to reroute existing accesses to recycling and weighing in for refuse. The property is located at 750 West Tisbury Road, Assessors' Parcel 25-4. The hearing is held in accordance with MGL Chapter 40A and the following section(s) of Edgartown zoning bylaw: Article XXII, "Public Utilities"

The public hearing was continued at 5:59 PM.

Mr. Finn stated that the Office had received a written request from Don Hatch to withdraw the application without prejudice. The proposal continues to be reviewed by the MV Commission, and Mr. Hatch agreed to return to the Planning Board with a renewed application once that process was complete.

It was MOVED by Morrison SECONDED by Searle

To allow withdrawal of the application without prejudice, and to close the public hearing; further, the application fee for reapplication for the same purpose shall be waived.

VOTED: 5, 0, 0.

6:00 PM PUBLIC HEARING: SPECIAL PERMIT – 32 OCEAN VIEW AVENUE REALTY TRUST (29-137)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, June 18, 2019 at 6:00 PM, on the request of Doug Hoehn, SBH, Inc., on behalf of 32 Ocean View Avenue Realty Trust, Owner, for a special permit to construct a garage / pool house on a pre-existing, non-conforming lot in the inland zone of the coastal district.

This application was made in accordance with Sections 5.1.D.2 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 32 Ocean View Ave, Assr. Pcl. 29-137. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Doug Hoehn, SBH, Inc.; Chuck Sullivan (Architect) Tim Lee (Landscape Architect); Jason Brickman (Contractor); Victoria Sullivan (Owner) Tom Sheehan (Attorney for the Applicant).

The chair opened the public hearing at 6:03 PM.

Presentation

Mr. Hoehn: The property is familiar to the board, with previous components having already been approved. The application is for approval of property on a non-conforming lot. If the lot were conforming, the project would be allowed by right.

Mr. Hoehn described the history of the previous application, and the withdrawal of same.

The entire project and landscaping has been approved by the Conservation Commission in September. The changing of the typing and tanks to the septic system have been approved by the Board of Health. This part of the project (the building) was not specifically listed, so a special permit request for this building was necessary.

Mr. Chuck Sullivan will describe the building. Mr. Lee will describe the landscaping details.

Some changes to the plan from previously proposed: The pool house has been moved to the south about three

feet. The roof of the pool house has been lowered. A retaining wall was originally proposed with a stone “vener” on only the upper two feet; the wall will now be veneered to the ground with stone, creating a more complete “illusion” of a stone wall.

Mr. Mascolo: When will the planting be effective as a screening? Response: Immediately – we’re expecting to be installing mature plants as part of this project.

Mr. Chuck Sullivan presented the plan (panel L1, as amended 6/18/2019, included in application file).

Mr. Sullivan: The building is designed to be built in the side of the hill; the lower level is garage and equipment storage for the pool; the upper building is a detached bedroom (376 square feet) and cabana.

The building is about 24 feet above mean natural grade; the building has been reduced in height about 16”, in an effort to reduce the visual impact.

The plan was further described: a stairwell along the driveway on the north side; a tiered retaining wall along the south side.

Copies of updated plans were distributed to board members.

Mr. Lee spoke to the board about the landscaping plan, and provided orientation as to the landscaping plan. The upper parking area will be about three feet below the grade of the upper lawn. The retaining walls have been lowered as much as possible to reduce their visual impact.

(The board took a one minute recess at 6:20 PM.)

Mr. Lee: The retaining walls run around the perimeter of the pool, as well as along the driveway. A pathway along the south side of the lot is intended to provide maintenance access to the upper areas of the property.

The intent was to maintain as much of the existing plantings as possible; the only areas able to be saved were on the north side as well as the south side; There was impact to the north-western property line; our intention was to maintain as much area for planting and to provide as much visual screening as possible.

Mr. Lee: In addition to the visual screening, we added larger trees in order to provide screening vertically. There is room for deciduous and evergreen planting as well.

Mr. Lee presented some simulations showing the expected height of the plantings that are proposed to be placed along the northwest property boundary. We are committed to placing large plant material in order to recreate the visual buffer between the properties.

Mr. Lee also presented some photo simulations of the property with the proposed plantings in place. There was some discussion related to the types of the trees proposed for planting. We were trying to maximize the amount of space we had, and to maximize the cover that could be provided to both parties.

The goal is to fill in along the boundary with evergreen trees, as well as some deciduous trees closer to the driveway entrance.

Mr. Lee described the photo simulations of the finished landscaping (in the application file), as well as a view looking along Ocean View Avenue from the entrance.

Mr. Lee presented photos of different types of plants that are proposed to be used in the area, which were described as hardy for the zone, and able to be planted within an area close to brackish or salt water. The selection of plants were described as varied, with different heights, shapes, and canopy sizes. Examples: Linden, Eastern Red Cedar, Red Maple, Bayberry. Many will be 5’ to 18’ when mature; the deciduous varieties would likely be taller than eighteen feet when mature.

Mr. Lee: The intent is to provide for both the applicant and the neighbors full visual screening when completed. Our commitment is to provide as much screening and as much privacy as possible to both properties.

Mr. Searle: Will the owners be willing to work with the neighbors to select varieties that would be acceptable to both parties? Mr. Lee: absolutely -- that's been our intent all along.

Mr. Mascolo (to Ms. Reily): Would you be willing to work with your own landscaper to maintain the property, select varieties?

Chuck Sullivan: We would be willing to work with the Reily's landscaper on this project.

Mr. Mascolo: Why was the driveway moved from the south to the north? Mr. Sullivan: There was a driveway which split and ran along the north side of the property to a garage under the original house.

Mr. Hoehn: The septic system is on the south side of the house. The leaching area is also acceptable. The location of both have been adjusted, and they have been proposed to be left where they should be. The original leaching area was not designed to be driven on.

Mr. Lee: because of the positioning of where the driveway has to be because of its width, we would have to have moved the building closer to the property line; we felt that wasn't a good idea. We were trying to more centrally locate the building; the location of the driveway was a result of that intent. The turning radius at the top of the driveway was also a factor.

Mr. Mascolo asked for proponents to the project (no one rose to speak).

Ms. Caroline Reily: (representing 35 Green Hollow, 39 Green Hollow, and 26 Ocean View Drive):

Ms. Reily: Touching on the process: We were excited to meet our new neighbors, and fully expected that the house will be demolished. When we spoke, there was no mention of a swimming pool or a new building. We were assured at the time of the permitting for the new house that the swimming pool cabana would be considered as a separate process. We believed, however, that the process would protect us. There seemed to be some murky understanding as to who had control over the project, particularly the excavation of the hill, removal of the trees, and etc.

Ms. Reily presented a series of photos taken from her back yard, showing the area of disturbance related to previous conditions.

Ms. Reily: We are concerned about this project, as it seems like too much development on too small of a lot.

Mr. Lee: We can confirm the planting area is no narrower than 8 feet at any point; we believe that even at its narrow point, the area is sufficient to support the plantings that we have proposed.

Mr. Tom Sullivan (Attorney) did mention correspondence that had written in an attempt to engage the Reilys in this matter.

Mr. Will Reily, abutter, read from a prepared statement (not provided to the Town) expressing his concerns related to the matter.

A letter to the Planning Board from Bo Reily, dated June 13, 2019, expressing his objections to the proposal, was read into the record (included in case file).

Mr. George Brush spoke about the matter, stating that nearly every objection to the proposal as too much development on too small of a lot. Mr. Brush referenced letters from Catalina, Mr. Tim Clark, and Mr. David Brown (hand delivered by Mr. Brush) (all letters are in the case file).

Mr. Brush: This is a .93 acre lot.¹ The lots around them for the most part are non-conforming. The pool house is 32' x 23.5', a footprint of 752 square feet, with a total of about 1,500 square feet of additional space.

Mr. Brush spoke about the location of the previous driveway and the topography of the lot prior to the current development.

Mr. Brush stated that there was confusion at the pool hearing (Summer, 2018) related to the relocation of the driveway; Mr. Brush stated that there was ongoing miscommunication related to the removal of trees, and the extent of the site-work on the property.

¹ According to the Assessors Records, as retrieved on June 20, 2019, parcel #29-137 is 1.2 acres in size.

Mr. Brush reminded the board of the criteria necessary in order to grant the special permit: detriment to neighboring properties, and similar non-conformities in the neighborhood.

Mr. Brush presented a diagram of neighboring lots, including the lot sizes. The one non-conforming property (29-134, 1.14 acres) has a single house of about 1,600 square feet. The subject project proposed about 4,773 square feet.

Mr. Brush reminded the board that they are in receipt of several letters from neighbors saying the project is too large for the lot.

Mr. Brush: What the Reilys have been saying from the beginning is that they have been willing to work with the applicant. The question that has been asked from the beginning is why can't the landscape be restored to its original grade, and replanted, with the pool and (potentially) the garage / pool house relocated to a place where it can be acceptable to the neighbors. The selection of trees proposed are acceptable, but they need to be replaced back on the slope.

Mr. Brush entertained questions.

Mr. Mascolo: When the trees were removed, did that involve a permitting process? Or was that done by right?

Mr. Sullivan: The question had been asked (and noted in the minutes) about large trees to be removed. The minutes did not discriminate between the special application for a pool, and for the replacement of the main house. The site visit earlier that day presented a plan that showed a grade change.

Mr. Morgan: I was the one at the board meeting asking the question. I remember asking the question about removal of the large trees. I was told that, no large trees would be removed. The approval was conditioned that minimal trees would be removed.

Mr. Sullivan: then I misunderstood the question at the time – there's no way that the existing trees on the lot would not be removed, given the scope of the work that we proposed and was approved.

Mr. Morgan: You said that we would receive an application for the pool house later, and that the work as approved (the house and pool) would not result in removal of trees from the lot.

Mr. Sullivan: One of the final conditions of the approval by the Conservation Commission was for a landscaping plan. In reviewing the plan presented to the Conservation Commission, the pool house is clearly shown, the elevations are clearly shown, and there's no way that we would have stated that no trees would be removed.

There was some discussion related to the previous actions on the lot by the Planning Board, and whether the Planning Board intended to condition approval on minimal removal of vegetation.

Mr. Brush: The criteria for approval is that a minimum of excavation, recontouring and retaining walls planned.

Mr. Mascolo reiterated: Where the trees cut with approval?

Mr. Hoehn: The trees were cut in conjunction with an approved building permit.

Mr. Mascolo asked Mr. Jason: If the trees were within 200 feet from Katama, it would need permission from the Conservation Commission.

Mr. Hoehn: What was had from the Conservation Commission was permission to build all structures: pool, poolhouse, and house. The order of conditions also allowed the removal of the trees as necessary to complete the construction of all structures – house, driveway, pool and poolhouse.

Mr. Brush: I don't think that's entirely the case.

Mr. Brush expressed his belief that the intent of the approval was to maintain the vegetative buffers between the separate lots, and separate homes; you would have imposed that condition if you understood the scope of the work to be proposed.

Atty Sullivan expressed disagreement with Mr. Brush's point of view.

Mr. Mascolo cited the time, stated that there was much to review, and a great deal of new information received tonight; he asked for a motion to continue the public hearing to a date certain.

It was MOVED by Morrison SECONDED by Morgan

To continue the public hearing to July 9, 2019 at 6 PM.

VOTED: 5, 0, 0. (7:26 PM)

6:20 PM PUBLIC HEARING: SPECIAL PERMIT (COASTAL DISTRICT) – 8 BEACH STREET (29B-78.1)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board will scheduled a public hearing in the Town Hall, Main Street, on Tuesday, June 18, 2019 at 6:20 PM, on the request of Doug Hoehn, Schofield, Barbini and Hoehn, Inc., on behalf of Anthony & Shipley Salewski, Owner, for a special permit to construct a pool in the inland zone of the Coastal District, and to construct additions to pre-existing non-conforming structures (dwelling and garage) on a pre-existing non-conforming lot.

This application was made in accordance with Sections 5.1.D.2 and 10.1.G of the Edgartown Zoning Bylaw. The property is located at 8 Beach Street, Assr. Pcl. 29B-78.1. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Doug Hoehn (SBH, Inc.), with Chris Horiuchi, landscape designer and James Moffatt, architect.

The chair opened the public hearing at 7:27 PM.

Presentation

Mr. Hoehn presented the proposal:

The proposal will place a pool on an undersized lot, with a sloped driveway.

The proposal is for two small additions to the house, one small addition to the garage, and a 15'x35' pool. The proposal will require regarding of the site, and will result in better management and disposal of stormwater on the site.

The plan proposes to use drainage cisterns and leaching basins, which will capture ground stormwater, as well as roof runoff.

The driveway will be relocated to the west of the lot.

The placement of the catch basins are designed to capture as much stormwater on site as possible.

Mr. Moffatt presented the building plan:

A 19 square foot addition to the north side of the building will act as a portico entryway.

A second, 8'x20' addition to the west end of the building will add about 160 square feet.

An addition of 57 square feet is proposed for the garage to provide an outside 'grilling' area. The remainder of the work on the site is cosmetic work – windows, shingles, etc., with no exterior structural changes.

Mr. Mascolo: how will the catch basins work?

Mr. Hoehn: The catch basins will be enclosed cylinders in the ground enclosed with surface grates; they are redirected into leaching basins, four feet of gravel around them. The intent is to capture as much stormwater as possible, leaving as little water running into the harbor as possible.

Mr. Cisek: What is the height of the retaining wall on the beach street side?

Ms. Horiuchi: The circular driveway will be replaced with a straight driveway; a lower parking area will provide some turn-around space.

The project has received approval from Conservation Commission and Historic District Commission;

comments from the abutters have been considered and dialogue with neighbors has continued.

Sloping driveways will be balanced out with terracing, steps between levels, and retaining walls; no retaining wall will be more than four feet in height.

The pool is 15' by 35' and is defined by the shore-zone boundary, as well as lot setbacks. The plan provides convenient walkways to and from the pool and garage.

The fencing around the pool will be a combination of fencing and stone walls. The pool will be completely enclosed.

A cross section of the pool was presented; pool will go from three feet in depth to about eight feet. The landscape enclosure will be a series of landscaping and fencing, in order to provide a 'facelift' to the existing house, and to allow the additions to smoothly fit into the existing landscape.

Mr. McCourt: Will you be removing any trees?

Ms. Horiuchi: There will be some trees removed in order to complete the grading, and in order to place the pool. We do hope to replace them with landscaping elements that are complementary to the area, and agreeable to the neighbors. The privet along the west boundary (immediately abutting the proposed parking area) would not be disturbed.

Ms. Morrison: Do you have a plan for maintenance of the catch basins?

Mr. Hoehn: the catch basins will be cleaned -- likely not annually, but probably once every few years.

Ms. Morrison: would the applicant hire someone to do this work? Mr. Hoehn: I presume the work would be done regularly; otherwise, the drainage systems would no longer work.

Mr. Moffatt: The proposal calls for the pool equipment to be located in an existing shed on the south side of the lot, and that it will be properly enclosed for sound insulation.

Mr. Mascolo asked for public comment. No one offered comment.

It was MOVED by McCourt SECONDED by Searle

To close the public hearing.

VOTED: 5, 0, 0.

The public hearing was closed at 7:46 PM.

Deliberation

Mr. Cisek: Given that it has the approval of Conservation and Historic District Commission, I don't see any problem with this proposal.

Mr. Searle: I'm happy with the presentation, and the proposal

Mr. McCourt: I'm in favor of the project.

Mr. Morgan: I'm happy with the project.

Ms. Morrison: So long as the drainage system is maintained, I'm in favor of the project.

It was MOVED by McCourt SECONDED by Searle

To approve the application as presented, with standard conditions for swimming pools, as follows:

1. The pool, pool house, and fencing shall be constructed according to the plans presented at the hearing. Any modifications to the plan shall require approval from the SPGA.

2. Only the residents of the dwelling and their guests shall use the pool.

3. No portion of the pool shall be located closer than the standard setbacks of

boundary line of said lot.

4. The pool must be securely fenced and maintained with a child-proof fence, gates and doors to a height of not less than four feet. A 'life ring', shall be provided with a secured safety line of a length to reach all areas of the pool.

5. The location of the pool shall not interfere with the enjoyment of the view of the natural surroundings from a way used by the public, public land, or abutting land.

6. All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.

7. Pools supplied by well water shall be filled prior to June 15 or after September 15.

8. Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.

9. Heated pools are permitted with the recommendation the heat source is solar, geothermal or other alternative energy source.

10. All water (treated or untreated) drained from the pool shall be trucked off-site to an appropriate approved location unless specifically waived by the SPGA.

11. Outdoor lighting is limited to that required by building code and shall be low wattage, fully shielded when viewed from the top and sides and directed downward. Mercury vapor lighting and bug zappers are prohibited.

12. The responses contained within the swimming pool special permit criteria checklist shall become a part of this decision.

13. Copies of this decision shall be provided to the construction crew prior to the construction of the project.

14. The project shall meet compliance with any Conservation Commission Order of Conditions.

15. The project shall meet compliance with any Massachusetts Department of Environmental Protection Wetlands Order of Conditions.

16. The applicant shall provide to the Planning Board and the Building Inspector a proposed maintenance guide for the stormwater drainage systems.

VOTED: 5, 0, 0.

6:30 PM PUBLIC HEARING: SPECIAL PERMIT (B-II) – 250 UPPER MAIN ST. (20A-78.1, 20A-78.2)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, June 18, 2019 at 6:30 PM, on the request of Jessica Frascotti, Sunshine and Coconuts, on behalf of Alex Alexander, Owner, for a special permit to place a mobile food trailer that will serve food prepared on site for public consumption either on or off site.

The application was made in accordance with Section 3.2 of the Edgartown Zoning Bylaw. The property is located at 250 Upper Main Street, Assr. Pcl. 20A-78.1 and 20A-78.2. Copies of the application were made available in the Planning Office for public review.

Present: Jessica Frascotti, Applicant.

The chair opened the public hearing at 7:47 PM.

Presentation

Ms. Frascotti spoke about the proposal. The intention is to provide the service at the parking area of Evolve Pilates, located at 250 Upper Main Street, “as few as 0 days per month to as many as four days per month”. The proposal is to sell Acai (described as “a berry from the Amazon”) smoothies, smoothies in a bowl with fruit toppings and granola, and “bulletproof” coffee.

Mr. McCourt: Are you currently selling anywhere else? Ms. Frascotti: We currently vend through the Artisan Fair in West Tisbury, and the Flea Market in Chilmark.

Ms. Frascotti concluded her presentation, and Mr. Mascolo asked for comments from the public.

Mr. Gino Courtney: I am not against this proposal in particular, but would like to speak against any mobile carts in Edgartown. We don’t have a way to bring food carts downtown. If we say yes to one, we have to say yes to others. It opens a door that I don’t think should be opened.

Ms. Frascotti: I recognize the concerns. We understand the food truck concept; we’re not a hot-dog cart; we’re trying to bring in healthy, sustainability options. We respect the work that many people have done to maintain the quality of Edgartown; we also want to work to maintain that quality, and to add to that a healthy option.

Mr. Max Celeste (Dairy Queen, Upper Main Street): I sell hotdogs and ice-cream. I recognize that parking is already an issue at the Pilates studio, with morning customers parking in my lot. This would only increase an existing problem of parking.

Mr. James Walpole (Abutter): I came here to hear the proposal; I know there’s a traffic problem already. Approval of this application will open the door to additional food-cart style businesses, and that will bring in more congestion in an area that cannot handle it.

Ms. Julia Celeste: I recognize the difficulty in opening a new business; however, this does a disservice to those business owners who have done the work to create a food-service business in town by allowing non-property owners to have a ‘short-cut’ to selling food in Edgartown.

Mr. Phil Walpole: I have to agree: opening the door to one food cart will open the door to more.

Mr. Lenny Jason: We have a food cart at the B-III district, which was allowed by a Special Permit issued by the Zoning Board of Appeals years ago. It’s the only exception. By allowing this by Special Permit in the B-II district, you will open a door, and I think that will be a problem for traffic, for parking, and will increase congestion in town.

Mr. Phil Hughes, Edgartown Board of Trade: Historically, a precedent was set by this board with a previous denial of a request for a food-truck at one of our events. If you didn’t allow it then, you shouldn’t allow it now.

There was some discussion related to the rules in the Upper Main Street, as well as the manner by which uses are allowed in the B-III (Airport Business Park).

Mr. Mascolo addressed the difference between brick-and-mortar uses, versus itinerant uses, but emphasized that the Planning Board had to speak to increase of use on this one parcel as a result of this proposal, and impacts to traffic and parking that could result from this proposal.

There was some discussion related to the parking and loading on the lot. There was some discussion related to other options for providing a similar service on that site for customers of the existing business.

It was MOVED by Morgan SECONDED by Morrison

To close the public hearing.

VOTED: 5, 0, 0.

The public hearing was closed at 8:09 PM

Deliberation

Mr. Mascolo polled the board for their opinions.

Mr. Cisek: It's an interesting concept, but it's the wrong location, given the amount of parking, and the current traffic.

Mr. Searle: Adding a trailer in the lot will take away parking from the existing use, and I don't think it will benefit either the applicant, the current land owner, the other businesses in the area, or the residents and visitors of Edgartown.

Mr. McCourt: Traffic is already a problem in the area; to increase use by allowing a mobile vendor to operate on an existing business site isn't in keeping with the intent of the current Zoning Bylaw.

Mr. Morgan: I can't speak in favor of this proposal, but would welcome a proposal to offer this service to the clients of the current business.

Ms. Morrison: I think it's an unfortunate situation; I feel that the applicant has a great product and great marketing plan; I don't personally see that food-carts would present any real competition with other restaurants in downtown Edgartown; however, we have to consider this application not only on its merits, but also in context with the existing situation and the Zoning Bylaw. There may be an option where food cart services could be allowed and permitted in this area in the future, but at this point, we have to work with the bylaws as they stand now.

Mr. Finn advised the board that it had to take some final action on the application.

It was MOVED by Morgan SECONDED by Morrison

To approve the application as presented.

VOTED: 1, 4, 0.

The motion failed to carry, and the chair declared the application denied.

ADMINISTRATIVE

PLAN ENDORSEMENT: FACINGWESTVENTURES LLC (87 WEST TISBURY ROAD)

Mr. Finn reported that the Form D Covenant for the FacingWestVentures subdivision (20C-110) had been recorded with the Dukes County Registry of Deeds on June 14, 2019, and recommended that the board endorse the subdivision plan.

It was MOVED by Morgan SECONDED by Morrison

To approve the plan as presented and to sign.

VOTED: 5, 0, 0.

The board endorsed the plan.

Review and Sign Payroll

Payroll for the period ending June 25, 2019 and June 30, 2019 was reviewed and approved.

Review schedule of meetings

Upcoming Meetings were scheduled for July 9, July 16, August 6 and August 20.

ADJOURN

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


VOTED: 4, 0, 0.

The meeting was declared adjourned at 8:17 PM.
Respectfully submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board
at a regular meeting, held on

September 3, 2019
(Date of vote)




Mascolo

McCourt

Lucy J. Morrison

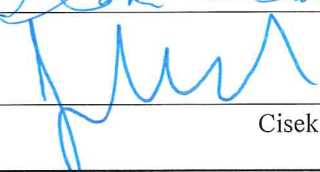
Morrison



Morgan

Blon Searle

Searle



Cisek (alternate)

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE:

6/18/2019

P. 1

Name (Please print legibly!)

Street Address

Agenda Item

Name (Please print legibly!)	Street Address	Agenda Item
LENNY JASON	276 SOUTH RD CHILMARK	MEETING
Alec Berman	25 Atwood Ln, Edg	
Geaghan Cogan	241 Daggs Vt	231 Upper Main
TIM lee	67 Baker Ave. Lexington, MA	32 Ocean View Ave.
Georgy Boun	459 St. Rd. W.T.	" " " "
Thomas M. Sheehan	clo P.O. Box 352, Durham	" " " "
Victoria Sullivan	MA 02332; clo P.O. Box	" " "
Jessie Frascott	352, Durham, MA 02332	
Mary Klimacewiski	11 Thaxter Lane Edgartown MA	280 Upper Main St
Max Leberte	107 Beagle point 02539	250 Upper Main St.
Julia Tarka	24 CLEVELANDTOWN RD	" "
Lynnelle Tavares	44 Bay View Ave	250 UPPER MAIN
Caroline Reilly	26 Ocean View 39+31 Greenholbrook Rd	250 Upper main st.
Will Reilly	39 Green Holbrook Rd	"
ANDREA DERNES	79 PINE ST TISBURN	"
		SUNSHINE + COCONUTS