

Edgartown Planning Board Minutes

Tuesday, October 15, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, October 15, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

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

ABSENT:

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

SITE VISITS

The following site visits were scheduled:

- 9:30 AM: 12 MILIKIN WAY (36-343.1)
- 10:00 AM: 13 BOLDWATER ROAD (38-3.18)

No deliberation was conducted as part of any site visit.

SCHEDULED BUSINESS

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

The planning board continued a public hearing related to a Definitive Subdivision Plan, submitted by Doug Hoehn (SBH) on behalf of the property owner. The original proposal was to subdivide 54.26 acres in R-20 residential district into 36 lots. (Agent, Doug Hoehn, SBH, Inc.).

Present for the applicant: Doug Hoehn, SBH, Inc.

The public hearing was continued at 5:31 PM.

Mr. Hoehn provided an update of the status of the project at the MV Commission, and expressed concerns with feedback that he had received related to the MVC LUPC concerns with the project.

Mr. Hoehn: The only way, at this point (given that the public hearing is now closed) would be for the MV Commission to reopen the public hearing.

Mr. Hoehn described his concerns related to the potential denial of the project, and the reasons by which a reapplication would present a greater burden on the applicants, and a higher bar to meet in relation to affordable housing, nitrogen mitigation, etc.

Mr. Hoehn stated that he continues to engage Mr. Adam Turner (MVC Executive Director) on strategies as how to proceed forward at this point. There was some discussion related to the possibility of the board speaking at the regular MV Commission Meeting on November 22.

Mr. Hoehn requested a further continuance of the public hearing.

It was MOVED by McCourt SECONDED by Searle

To continue the public hearing to December 17, 2019, at 5:30 PM.

VOTED: 4, 0, 1 (MORRISON).

FORM A: , 24 OCEAN VIEW AVENUE (29-149) (DOUG HOEHN, SBH)

Mr. Doug Hoehn presented a plan not believed to require approval under the subdivision control bylaw. The purpose of the plan is to satisfy concerns related to Land Court requirements. Mr. Hoehn presented plans related to the matter including: Assessors map of the area, Land Court Plan 11887C dated August 27, 1966,

(attached to these minutes), and a copy of the plan. The applicant proposes to create a non-conforming lot for the purpose of transferring the lot to an abutter. Mr. Hoehn described the purposes of the proposed plan, including history of the division of land in the immediate area.

The board found that the plan constituted a lot-line adjustment, and would not create new buildable lots. The existing way was found to be adequate for access to the lot.

It was MOVED by Morgan SECONDED by Searle

To endorse the plan as not requiring approval under the subdivision control bylaw.

VOTED: 5, 0, 0.

5:45 PM: PUBLIC HEARING: SP (POOL) – 13 BOLDWATER RD (38-3.18)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, October 15, 2019 at 5:45 PM, on the request of Reid G. Silva, Vineyard Land Surveying & Engineering, Inc., on behalf of AKACMV LLC, Owner, to construct an 18-foot by 45-foot in-ground swimming pool, pool house, and associated landscaping.

This application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 13 Boldwater Road, Assr. Pcl. 38-3.18. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Reid Silva, VLSE, Inc.

The public hearing was opened at 5:57 PM.

Presentation

Mr. Silva introduced James Moffat, the architect for the project.

Mr. Silva described the project, and reviewed the plans as presented. The proposed pool house will be 18' x 24' (432 square feet).

A spa, next to the pool, is separate from the pool.

A previous application for a pool on the site was further back on the lot.

Mr. Silva stated that the project has been reviewed by the Conservation Commission. A dry well is included on the latest landscape plan. The project is approved by and given an Order of Conditions by the Conservation Commission.

A security fence is proposed to partially surround the pool; the pool will be elevated about 48" above grade, and will act as a security fence.

Mr. Silva stated that the project is about 250 feet away from the nearest neighbor.

Mr. Finn read into the record a letter from Joe Bower, on behalf of the Boldwater Residents Association Architectural Review Committee (included in application file).

There was some discussion related to how the Planning Board should proceed.

Mr. Moffat stated that the Conservation Commission had approved the project with the understanding that the project requires approval by the ARC.

Mr. Mascolo polled the board on how best to proceed – whether to continue the public hearing to the next regular meeting, or to vote with conditions that might require application if the ARC requires modifications to the plan.

Ms. Morrison: Can the equipment be enclosed? Mr. Moffat agreed that was a possibility.

It was MOVED by Mascolo SECONDED by Searle

To continue the public hearing to October 29, 2019, 5:30 PM.

VOTED: 4, 1 (MORRISON), 0.

6:00 PM: PUBLIC HEARING: SP (PIER) – 31 SO. WATER STREET (20D-326.1)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on Tuesday, October 15, 2019 at 6:00 PM, on the request of Norman Rankow, Owner, to modify a Special Permit (issued by the Edgartown Planning Board on Tuesday, May 15, 2007, recorded with the Dukes County Registry of Deeds at Book 1125, Page 523) removing conditions #13, which and #17; further, to permit the installation of a 4' x 40' finger pier within an existing boat slip.

This application is made in accordance with Sections 6.4, 17.5 and 17.7 of the Edgartown Zoning Bylaw. The property is located at 31 So. Water Street, Assr. Pcl. 20D-326.1. Copies of the application are available in the Planning Office for public review.

Mr. Finn noted a scrivener's error in the public notice related to the book and page reference, and apologized for any confusion that may have resulted. The reference is to an Edgartown Planning Board Decision, filed by Mr. David B. Vietor, at book 1125 / page 533.

Mr. Finn also noted that the applicant has requested to withdraw this application without prejudice, and advised the board of the options as how it may proceed.

It was MOVED by Searle SECONDED by Morrison

To allow the applicant to withdraw without prejudice.

VOTED: 5, 0, 0.

Mr. Finn stated that he would record a certification of this vote with the Town Clerk.

6:15 PM: PUBLIC HEARING: SP (PIER) – 12 MILIKIN WAY (36-343.1)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board will hold a public hearing in the Town Hall, Main Street, on Tuesday, October 15, 2019 at 6:15 PM, on the request of George Sourati, Sourati Engineering, Inc., on behalf of Agreement of Trust for the Benefit of Lisa Lipkin and Michael Lipkin, Owner, to construct and maintain a new boardwalk over a Salt Marsh, and a new pier in Edgartown Harbor, to replace an existing boardwalk and pier. Relief requested: a special permit pursuant to the Edgartown Zoning Bylaw, Surface Water District, and Beach Area and Wetlands Regulations.

This application is made in accordance with Sections 6.4.E and 8.4.B.4 of the Edgartown Zoning Bylaw. The property is located at 12 Milikin Way, Assr. Pcl. 36-343.1. Copies of the application are available in the Planning Office for public review.

Present for the applicant: Mr. George Sourati

The public hearing was opened at 6:19 PM.

Presentation

Mr. Sourati reviewed the site plan as submitted, as well as the plan for the proposed pier.

A mooring, noted on the plan as "Mooring (Typ.)", located 24' from proposed pier, will be removed.

The general width of the proposed pier will be five feet. Water at the end of the pier will be about 4.2' at low tide.

Lighting is proposed for the pier, and will be downward shielded, in accordance with Marine Advisory regulations.

Power on the pier will meet all rules and regulations promulgated by state code.

The pier deck will be flow-through decking, designed to allow water to pass through.

Mr. Finn noted that the proposal has not yet been reviewed by the Conservation Commission or the Marine Advisory Committee. Mr. Morgan noted that a recommendation from the Marine Advisory Committee was

forthcoming.

There was some discussion as to the likelihood of approval of the Conservation Commission and Marine Advisory Committee.

It was MOVED by Morrison SECONDED by Searle

To close the public hearing.

VOTED: 5, 0, 0. (6:28 PM)

Deliberation

It was MOVED by Morrison SECONDED by Searle

To approve the application as presented, with the following Standard Conditions for Piers, Docks, and Floats, as follows:

1. *Applicant must receive approval from the Conservation Commission prior to beginning construction.*
2. *Applicant must receive recommendation from the Marine Advisory Committee, and approval from the Edgartown Board of Selectmen, prior to beginning construction.*
3. *All construction of the pier must comply with plan as submitted with the application (see plan details)*
4. *All marine related activities shall comply with the Edgartown Harbor Plan Pier Permitting Guidelines.*
5. *No dredging is permitted without prior approval of the Conservation Commission.*
6. *Pier is for private, recreational use. No commercial activities are permitted.*
7. *Appropriate lateral access stairs shall be provided.*
8. *Lighting on any stairs shall be limited to the minimum required by regulation or code and shall be downward lit.*
9. *No white caps shall be placed on the piles.*
10. *Rafting of boats off the pier or floats is not permitted.*
11. *The applicant, owner, and contractor are responsible for compliance with all conditions of this special permit.*
12. *The project engineer and contractors are to be provided with a copy of this permit and plans prior to commencement of construction.*
13. *The Planning Board, its agents and employees have the right of entry upon the property to inspect for compliance with this Special Permit.*
14. *All removable floats must be removed prior to November 1 through April 1.*
15. *If a pier or floats are damaged by natural causes or otherwise, they must be repaired or removed within 6 months.*
16. *A life ring and line shall be placed at the harbor/bay end of the pier.*
17. *No lighting is permitted except where required by code or regulation, or where permitted by recommendation of the Marine Advisory Committee.*

VOTED: 5, 0, 0.

DISCUSSION AND REVIEW – EDGARTOWN / VINEYARD HAVEN ROAD REDESIGN

Mr. Finn distributed copies of plans for a redesign of a portion of Edgartown / Vineyard Haven Road, as

proposed by the MV Commission.

Mr. Bill Veno (MV Commission) was present and discussed the plans.

Mr Veno: The project is a 'pilot' project to explore widening of buffers between Shared Use Paths and vehicle travel lanes. The plan is to move the roadway in order to make room for the buffers.

Mr. Veno described proposals for relocation of bus stops. There was some discussion related to location of crosswalks, and the potential for a new segment of a 'shared use path' along a 30-foot easement between West Tisbury Road and Beach Road.

The matter of the construction of the existing Shared Use Path was discussed, along with the discussion related to the potential of trees along the buffer between the SUP and the street.

A request from the highway department for granite curbing for some of the project was discussed. Mr. Morgan suggested that granite curbing would be safer for pedestrians, as it discourages cars from crossing off of the road onto the SUP. There was some discussion related to the curbing as shown on the plan.

The suggestion was made for a member of the Planning Board to work with the Commission on the project; Mr. Mascolo suggested that the Beautification Committee should also participate.

The timing was discussed: Mr. Veno: The design is at a '25%' stage; in-depth engineering would proceed once this preliminary design is in place. Mr. Veno stated that, normally at this stage, a public hearing would be held.

Mr. Cisek: It would make sense for the Planning board to host the public hearing. Mr. Veno agreed.

There was some discussion related to the advantage of creating a buffer between the road and the SUP, and the placement of dividing structures between the two, and placement of trees along the buffer area. Placement and improvement of the bus stops was also discussed.

Mr. Cisek: Is the goal to continue to Vineyard Haven with this type of design? Mr. Veno: Partially, but not all the way through.

The goal of improving drainage was also discussed.

Mr. McCourt: It's essential that Edgartown has a voice in this process – this is a very busy part of town.

Mr. Veno: The commission would not want to move forward without input and support from the Town.

Mr. Finn was directed to place the item on an agenda for November, and invite the Highway Superintendent and Beautification Committee to the meeting to receive input and discuss the proposal.

Mr. Morgan spoke to an unrelated matter regarding the proposed placement of VTA charging stations on Church Street. There was considerable discussion related to the role of the Planning Board in the planning phases of that proposal.

DISCUSSION: LOCAL CPTC TRAINING

Mr. Bill Veno also spoke about the MV Commission's proposal to provide CPTC training on island, the history of the program, and the opportunity to provide training to Planning Board members. He distributed descriptions of the various course options, and requested feedback from board members as to which courses might be most valuable to them.

ADMINISTRATIVE

DISTRIBUTION OF MINUTES

Minutes for the Meeting from August 20, September 3, and October, 1, 2019 were distributed. Mr. Finn requested that the board review the minutes prior to the next meeting.

REVIEW AND SIGN PAYROLL

Payroll sheets for the week of October 15, 2019, and October 29, 2019 were reviewed and signed.

OTHER CRITICAL BUSINESS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE

No other business was presented.

SCHEDULE OF UPCOMING MEETINGS

Meetings were tentatively scheduled for October 22, October 29, November 12; December 3, and December 17.

ADJOURN

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

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:22 PM.

Respectfully submitted,

Douglas Finn, Administrative Assistant

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

10/29/19
(Date of vote)

[Signature]
Mascolo

[Signature]
McCourt

Lucy L. Morrison
Morrison

[Signature]
Morgan

Alan Searle
Searle

Cisek (alternate)

PLANNING BOARD PUBLIC MEETING SIGN-IN SHEET

MEETING DATE:

10/15/2019

Name (Please print legibly!)

Street Address

Agenda Item

Name (Please print legibly!)	Street Address	Agenda Item
JAMES MOFFATT	58 LAKE VT	13 BOLD WATER.
ROUS HOEHNS	SBH	
SILV VENO	MVC	