

Edgartown Planning Board Minutes

Tuesday, October 29, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, October 29, 2019, at 5:30 PM at the Edgartown Town Hall, Main Street, Edgartown.

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

ABSENT:

CALL TO ORDER

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

SCHEDULED BUSINESS

5:30 PM: PUBLIC HEARING: SP (POOL) – 13 BOLDWATER RD (38-3.18)(CONTINUED FROM OCT. 15)

In accordance with MGL Chapter 40A, Section 10, the Edgartown Planning Board continued a public hearing from Tuesday, October 15, 2019, 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.

*Present for the Applicant: Mr. Reid Silva (Vineyard Land Surveying and Engineering),
Kristen Reimann (Landscape Architect)*

The public hearing was resumed at 5:31 PM.

Presentation

Mr. Finn read portions of a letter from Mr. Joe Bower, dated 10/19/2019, on behalf of the Boldwater Architectural Review Committee, citing their approval of the project with conditions.

Text read into the record is as follows:

The ARC of the Boldwater Resident's Association has reviewed the proposed plan for a swimming pool, pool house, fire pit and spa.

They are approved subject to the following conditions:

The construction at the east end of the pool where a retaining wall is needed should be managed so as to minimize the disturbance to the shrub oak thicket that runs down the slope. We propose a two foot zone to limit destruction of the trees.

The ConCom takes seriously the importance of vegetation in the view channel. In Jane Varkonda's words, "the channel must have vegetation in it to help diffuse the [structure] from the public vista."

The vegetation on the slope that is destroyed during construction should be restored.

And the oak thicket should be allowed to grow so that it is 18" above the pool so as to limit visibility from the pond.

The plan for landscaping and lighting should be submitted for separate review.

(Original Letter included in project file).

Mr. Silva: Previously, the public hearing was continued in order to receive approval from the ARC, which we have since received. The limit of work on the coastal district has already been restricted with ConComm.

Mr. McCourt: One of the issues was the pool equipment, and being placed in an open fenced area.

Mr. Mascolo: I'd like to have that equipment in a full enclosure.

Mr. Morgan: Is there a heat issue with equipment in a tight structure?

Ms. Reimann: On a previous project, we had to place a power vent and/or base and crown vents to allow for air circulation for the equipment. Ultimately, having a completely enclosed space can pose a difficulty for venting the heat from the equipment.

Mr. Mascolo: In eighteen years, I've not heard this complaint.

Mr. Morgan: Having base and top vents allows for passive ventilation. That should be sufficient, correct?

There was discussion related to the design of the pool house, and the need for passive vents.

It was MOVED by Morrison, SECONDED by Mascolo

To close the public hearing.

VOTED: 5, 0, 0.

The public hearing was closed at 5:38 PM.

Deliberation and Findings:

- 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.
- The project has been reviewed, approved, and given an Order of Conditions by the Conservation Commission.
- A dry well is included on the latest landscape plan.
- 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.
- The pool will be about 250 feet from the nearest neighbor.
- The pool equipment will be enclosed in a shed structure, which will be insulated to provide sound abatement.
- The Shed will be vented, either with a power vent (not preferred), or passive vents.

It was MOVED by McCourt, SECONDED by Searle

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

STANDARD CONDITIONS FOR CONSTRUCTION PROJECTS

1. *This special permit is not in effect until the applicant has filed a certified copy of the decision or certificate with the registry of deeds. A copy of same shall be provided to the Planning Board and Building Inspector.*
2. *The construction shall conform to the application considered and approved by the Planning Board, including all plans and documents submitted in support of same, and approved by the Planning Board.*
3. *This special permit shall run with the land.*
4. *Prior to issuance of a building permit, the above specified plans will be compared to the construction documents submitted to the Building Inspector for verification and correspondence. If the Building Inspector determines that there are significant differences, the applicant shall be required to apply for a Modification to this Special Permit.*
5. *Substantial construction activity must commence no later than one year from the date of final action by the Planning Board.*
6. *No construction activity will take place earlier than 7:30 AM or later than 7:30 PM, or on Sunday, or from June 15 through September 15.*

STANDARD CONDITIONS FOR SWIMMING POOLS

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.*

ADDITIONAL CONDITIONS

1. *There shall be no disturbance of soils or vegetation in the shore zone through the construction process.*
2. *Applicant shall submit as-built plans to the Planning Board, Conservation Commission and Building Inspector prior to issuance of a Certificate of Occupancy. As-Built Plans shall include detailed landscaping and lighting plans.*

VOTED: 5, 0, 0.

OTHER BUSINESS

DISCUSSION: FOLLOWUP FROM ALL ISLAND PLANNING BOARD MEETING

Mr. Mascolo discussed the events of the All Island Planning Board Meeting from last week, and cited his appreciation for those who attended. All island boards were represented. All members seemed to agree that there is a lack of clear communication between the MVC and the island planning boards. There was discussion related to the DRI checklist changes as proposed.

Ms. Morrison: it wasn't quite what I imagined it would be; the discussion was about conceptual discussion related to what the roles of each entity should be.

Mr. McCourt: After speaking with individuals after the meeting, it would be nice if the Commission came to Town Meetings more often, to provide information and suggestions. In that way, towns could adapt local bylaws to accommodate the changes or new information, instead of relying on the Commission for comprehensive review. I still think the threshold is too strict; to have them dictate on some topics seems like micromanaging. The communication needs to be improved, providing an 'open door' between the towns and the Commission. The Commission is a tool we can use to our advantage – and we pay significantly to support the MVC – we should be able to take advantage of their services.

There was some discussion related to a recent application that has been met with significant skepticism at the MVC.

Mr. McCourt: We know that things are changing, space is running out, and we need to make changes to how we do business.

There was some discussion related to what might qualify as a project of regional impact, and how that might drive the DRI process.

Mr. Mascolo suggested that the board could choose to proactively and respond and stay engaged.

There was discussion as to what motivated the changes to the DRI.

There was discussion related to the role of the Planning Board, and the responsibility that planning board has to residents of Edgartown.

There was some discussion related to potential strategies for improving the DRI Referral process.

Mr. Mascolo polled the board as to whether they would prefer the recommended changes, or to leave the checklist as it is. The overwhelming opinion was to request no changes to the DRI.

The Board agreed that a letter would be sent to the MV Commission requesting that no changes to the DRI Checklist be made at this time, and that more focus be made on improving Town / Commission communication, prior to any future modifications to the DRI Checklist.

The recent article in the MV Times¹ related to the recent meeting with other Island planning boards was reviewed.

DISCUSSION: CPTC TRAINING FOR BOARD

Mr. Finn reviewed the materials related to proposed CPTC Training, as presented by the MV Commission via mail. Mr. Mascolo suggested that board members quickly review, and provide their preferences.

After some discussion, the following consensus was reached:

- Roles and Responsibilities of Planning and Zoning Boards,
- Drafting Zoning Amendments

DISCUSSION: ESTABLISHMENT OF A MASTER PLAN STEERING COMMITTEE

Mr. Finn noted that the Edgartown Master Plan was thirty years old, and twenty years out of date. Mr. Finn reminded the board that a Master Plan provides essential long-term planning guidance to all town boards, committees, and departments. Further Mr. Finn noted that he had submitted a preliminary request for capital to fund a two-year master planning process, and requested direction in that regard.

Mr. Finn suggested the first step would be solicitation for volunteers from Town Committees and Boards to participate on a Master Plan Steering Committee.

Mr. Mascolo: I'd be interested in participating.

Mr. Morgan: How many members of the Steering Committee? Response: subject to review; 5, 7, 9?

Mr. McCourt: Could we have members of the community involved? Response: yes, absolutely.

After some discussion, Mr. Finn was directed to develop promotional materials for final review by the Board at its next regular meeting.

DISCUSSION: MINOR HABITABLE STRUCTURES – NEXT STEPS

Mr. Finn provided the board with an update to the discussions related to the ongoing review of the Zoning Bylaw, focusing on habitable accessory structures.

DISCUSSION: POSITION OF ADMINISTRATIVE CLERK

Mr. Finn noted that the position of Planning Board Administrative Clerk had been unfilled for more than 15 months; two postings resulted in no applicants. Mr. Finn noted, however, that there has been no detriment to the department. Mr. Finn therefore requested a vote to formally discontinue the position of Planning Board Administrative Clerk, in order to zero out the line-item in the budget on the FY2021 Budget.

It was MOVED by Morgan, SECONDED by McCOURT

To discontinue the position of Planning Board Clerk, and to direct the Planning Board Assistant to inform the Personnel Committee of said decision.

VOTED: 5, 0, 0.

¹ Thors, Lucas (October 23, 2019). Planners Discuss Relationship With Commission. *Martha's Vineyard Times*. Retrieved from <https://www.mvtimes.com/2019/10/23/planners-discuss-relationship-commission/>

ADMINISTRATIVE

REVIEW AND APPROVE MINUTES

Minutes from August 20, September 3, October 1, October 15, and October 22 were distributed for review.

It was MOVED by Morrison SECONDED by Morgan

To approve the minutes from August 20, September 3, October 1, October 15, and October 22 as presented.

VOTED: 5, 0, 0.

OTHER BUSINESS

There was some discussion related to the proposed VTA inductive charging station as proposed for Church Street. There was also discussion related to finding ways to better promote the public parking area at Dark Woods. Board members generally agreed that they would like to receive a presentation on the overall project, and have the opportunity to deliberate and provide comments to the Board of Selectmen for consideration.

Mr. Finn was directed to consult with Town Administrator to determine how best to make that happen.

MEETING SCHEDULE

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

ADJOURN

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

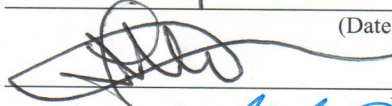
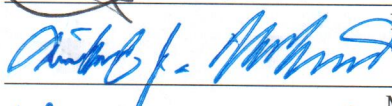
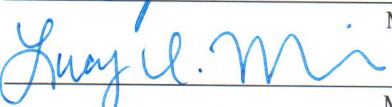
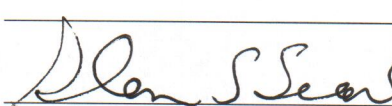
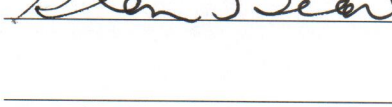
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:08 PM.

Respectfully Submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
11/12/19	(Date of vote)
	Mascolo
	McCourt
	Morrison
	Morgan
	Searle
_____	Cisek (alternate)