

# Edgartown Planning Board Minutes

Tuesday, January 16, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, January 16, 2018 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: James Cisek (Chair), Fred Mascolo, Michael McCourt, Sam Sherman, Lucy Morrison.*

### **Also Present:**

*Georgiana Greenough, Planning Board Administrative Assistant.*

*Douglas Finn (Planning Board clerk)*

A quorum was declared.

## SITE VISITS

There were no site visits scheduled.

## BOARD BUSINESS

### **5:30 PM Athearn Acquisitions LLC, 1 PLANTINGFIELD LANE (13-15) SP**

A public hearing was held to consider comment on an application for replacement of an existing pool, and to relocate a pre-existing non-conforming four bay garage/guest house in Coastal District.

The public notice was read. Present for the applicant: Richard Barbini (Schofield, Barbini and Hoehn, Inc.) The public hearing was opened at 5:31 PM.

Mr. Barbini distributed a new plan, dated 1/12/2018. He described the proposal; the property has an existing pool, and existing garage. The house has been sold, with an addition to the house planned. To do that, the existing non-conforming garage will be moved to a slightly different location on the property, in order to make room for the addition, and to attach the garage and the house. The pool will be removed and rebuilt.

The pool support equipment will be enclosed in sound-proofing, and all work is anticipated to be above ground-water levels.

The project has conservation commission approval. The applicant has completed and submitted the 'pool' checklist.

No public feedback was received by mail. No public comment was presented in person.

The public hearing was closed at 5:37 PM, and the board commenced deliberation.

The board had no comments.

It was MOVED by McCourt, SECONDED by Mascolo

*To approve the project, with standard pool conditions, it meeting requirements outlined by the Zoning Bylaw.*

VOTED: 5, 0, 0.

**5:40 PM Catalina Island Nominee Trust, 24 Ocean View Ave, (29-149) SP:**

A public hearing was held to consider comment on an application by Catalina Island Nominee Trust, to replace an existing licensed residential pier with a new pier consisting of a 10x19 platform, 90 x 4' pier, 20' x 4' L, 60' x 4' Tee; 5' x 20' float and three tie piles in Surface Water District.

Present for the Applicant, Richard Barbini, (SBH, Inc.)

The public notice was read. The public hearing was opened at 5:41 PM.

Ms. Greenough described the property as 'the old Wrigley property'.

Mr. Barbini described previous contention related to the lot; the dock to be built is the same design as the one previously approved by all parties for a 'second' dock on the property.

The pier will be the only pier on the property. The proposal has been reviewed and approved by Marine Advisory Committee and the Conservation Commission.

No public comment was received. No letters were received.

The public hearing was closed at 5:44 PM.

Sherman: The 10' x 19' pier being added is to access the existing shed? Answer: Yes.

Morrison: Were there issues raised to the stairs? Answer: Only when a second dock had been proposed.

McCourt: Are there floats at the end of the pier? Answer: on the south side only; the north side is a pile.

McCourt: Lighting? Answer: Downward facing lighting, if any. (McCourt asked to add that as a condition of the decision.)

Morrison: Life saving devices? Answer: Yes, per the standard conditions.

It was MOVED by Mascolo, SECONDED by McCourt

*To approve, with standard pier conditions, including downward facing lighting, life saving devices, and others.*

VOTED: 5, 0, 0.

Mr. Barbini also reminded the board that he would be retiring, and that this would be his last appearance before the board. He thanked the board for the cooperative and productive relationship over the years.

**5:50 PM AT&T/Fynbo - Cell Tower Special Permit - Deliberation**

The Planning Board continued deliberation on an application for a cellular tower, to be constructed at 14 Samson Avenue, Chappaquiddick.

The public hearing was previously closed on December 19, 2017.

Ms. Greenough reported that the final report anticipated from the Martha's Vineyard Commission had not yet been received.

However, Ms. Greenough distributed a draft copy of the as-yet-uncompleted decision from the MV Commission in regard to the application, as well as a staff advisory regarding the project.

Ms. Greenough suggested that the board take some time to digest the materials presented to them, and to wait until the 30<sup>th</sup> to take the matter up and conclude.

Sherman: would AT&T be available at a later date to answer clarifying questions? Answer: yes.

It was MOVED by Mascolo, SECONDED by Sherman

*To table the matter until the 30<sup>th</sup> of January, 2017.*

VOTED: 5, 0, 0.

**6:20 PM Continuation of Public Hearing: Proposed Amendments to Zoning Bylaw:  
Definitions, zoning amendments & recodification of Zoning Bylaw.**

The Planning Board continued deliberation on proposed changes to the Zoning Bylaw.

Definitions:

Mr. Sherman raised concerns about **"Gross Floor Area"**, and recommended clarification of 'porches' to be included or excluded. Should a porch be included if it is simply covered by an overhang?

Staff was requested to inquire with the building inspector in regard to what types of porches should be included.

**"Livable Floor Space"**. Sherman: request that the definition be better clarified, and include more parameters than HVAC – standards for headroom, or dimensional requirements. Mr. Sherman and staff would work to clarify that definition.

**"Marina and "Vessel Service Facility"** were moved to the general 'Definitions' section from the Surface Water District, in order to apply the definitions to the entire bylaw.

**"Mean Natural Grade"** – accepted without comment.

**"Renovation"** – Ms. Greenough described the term. There were some concerns related to the notation requiring no change in bedrooms. Recommended change: *"Work to be performed on an existing structure where at least twenty-five percent of all exterior walls of the original unit remain; any change in number of bedrooms must be approved by the Board of Health."*

**“Tear Down”** – Work to be performed on an existing structure, where less than twenty-five percent of all exterior walls of the original unit remain.”

Section 9.6 – B-1 District Business Moratorium

Ms. Greenough described the reasons for striking the section.

Section 10: B-II Upper Main Street.

This would require buildings to be set back from the sidewalk or property line, whichever is furthest from the street. This would help to protect the public areas, and allow for a greater setback for new construction. This has been a concern with previous projects.

Mr. Sherman expressed concerns with using ‘sidewalks’ as a measuring benchmark, and recommended that it be removed.

Mr. Ben Hall spoke about the use of property lines, stating that, in some cases, private property boundaries lie at the center of the public way, and in other cases, the boundary is on the edge of the public way.

There was some discussion related to whether sidewalks, or bicycle paths are located on public or private property.

The board considered potential options for improving the section, include referring to a ‘lot line’ instead of a property line; the subject will be researched with recommendations forwarded at the next meeting.

Section 10A: B-III District

The proposed changes were reviewed and explained.

Public Comment: Julia Celeste, owner of Rosewater, spoke against the proposal, stating that the B-III district should be for service industries, but not for retail or foodservice. Ms. Celeste submitted her comments in writing (included herein by reference).

There was some discussion in relation to the purpose of the district, and whether full retail sales should be allowed. There was discussion about the impact of changing the regulations mid-stream, particularly in light of the recent approval of a new convenience store by the MV Commission.

Broadly speaking, the board expressed disapproval for changing the bylaw, and concern with a recent approval of a 2,000+ sq.ft. convenience store (the Town’s Bylaw defines a convenience store as not to exceed 501 square feet).

There was some discussion related to the Special Permit Granting Authority for the B-III district, as well as the B-I district, and some concern expressed as to whether the Planning Board should be the B-III SPGA.

Section 11.4: Cape Pogue District

Ms. Greenough described the proposal as originating largely from the Conservation Commission, and encouraged the board to review the changes in advance of the next meeting.

Section XX: Surface Water District

Ms. Greenough described the changes as just the removal of the definitions, which had previously been added to the main 'definitions' section of the bylaw.

Section VI (R-5), Section X (B-II), Section XI (General Regulations): Curb Cuts

Ms. Greenough described some previous cases that represented an abuse related to curb-cuts, and the purpose for the change.

Other notes:

Mr. Sherman questioned the definition of "Catering Kitchen" being included. It was recommended that the definition be struck entirely.

Ms. Greenough reminded that board that there is no bylaw related to ground-mounted solar developments. The board suggested that staff look at West Tisbury's language in regard to ground-mounted solar, in order to see if it could be adapted for use. All agreed that no change to the bylaw including ground-mounted solar development would be ready prior to the 2018 Annual Town Meeting.

Recodification:

Ms. Greenough described the proposal to recodify and reorganize the bylaw.

Mr. Ben hall offered suggestions; he was recommended that general regulations be moved toward the front of the bylaw, allowing individuals access to general information first and more easily. Staff agreed to implement recommendations, and provide an updated version for the board to consider at the next meeting.

There were recommendations submitted related to other minor typographical issues.

Staff were directed to integrate changes, and provide an updated version prior the next meeting.

It was MOVED by Mascolo, SECONDED by Morrison

*To continue the public hearing to January 23, 2018, at a specific time to be determined.*

VOTED: 5, 0, 0.

**OLD BUSINESS**

No old business was addressed.

**NEXT MEETING**

The next regular meeting was scheduled for Tuesday, January 16 at 5:30 PM.

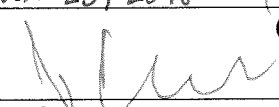

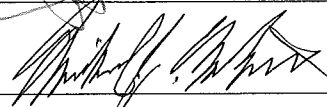
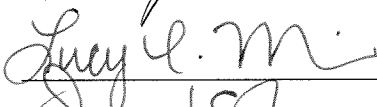
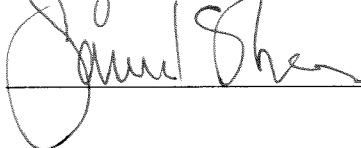
**ADJOURN**

There being no further business, it was MOVED by Mascolo, SECONDED by Sherman  
*To Adjourn.*

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:11 PM.

Respectfully Submitted,  
Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on <u>Jan 23, 2018</u> (Date of vote)
 Cisek
 Mascolo
 McCourt
 Morrison
 Sherman

