

Edgartown Planning Board Minutes

Tuesday, November 28, 2017

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, November 28, 2017 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: Robert "Coo" Cavallo (Chair), Fred Mascolo, Michael McCourt, Lucy Morrison, Sam Sherman

Absent: James Cisek (Alternate)

Also Present:

*Georgiana Greenough, Planning Board Administrative Assistant;
Douglas Finn (Planning Board clerk)*

A quorum was declared.

BOARD BUSINESS

Public Hearing – Zoning Bylaw Recodification

Further, the board scheduled a public hearing on Tuesday, November 28, 2017 at 5:30 PM in the Town Hall, Selectmen's Meeting Room – 1st Floor, 70 Main St, to consider amending the Edgartown Zoning Bylaw codification, arrangement, sequence, and captions as set forth in the Final Draft dated November 7, 2017.

The public notice was read, and the chair declared the public hearing open at 5:31 PM.

Ms. Greenough explained the intent and scope of the proposal – to reorder the various sections of the Zoning Bylaw to allow for clearer understanding of the intention and details of the bylaw, and to allow the public faster and easier access to necessary information.

Ms. Greenough stated that the proposed changes to the order and arrangement of the bylaw are recommended by General Code, a company hired by the Town to assist with the project; General Code was described as having a great deal of experience in helping municipalities to revise and improve their own bylaws.

Mr. Finn stated that the proposed changes would result in reordering the articles and sections of the current bylaw, but would not make textual changes to the bylaw itself.

Ms. Greenough reviewed the proposed order and reorganization, and explained the rationale for the recodification.

Ms Morrison commented that many of the 'General Regulations' items apply to housing, and recommended that Section 10 be broken up into 'subsections'.

Ms. Greenough will bring the concern to General Code, and ask them to create ‘sub sections’ for all articles in “General Regulations”, adding “Development”, “Housing”, and other sections.

There was some discussion related to the use of Site Plan Review in considering public utilities (current bylaws, section 22.1-22.5).

The board reviewed other recommended changes to the codification.

There being no public comment, it was MOVED by Cavallo, SECONDED by Mascolo,

To continue the public hearing to January 16, 2017.

VOTED: 5, 0, 0.

The public hearing was closed at 6:08 PM.

Proposed Zoning Bylaw Amendments

The board scheduled a public hearing on Tuesday, November 28, 2017 at 5:30 PM in the Town Hall, Selectmen’s Meeting Room – 1st Floor, 70 Main St, to consider amending portions of the Edgartown Zoning Bylaw.

The public notice was read, and the chair declared the public hearing open at 6:09 PM.

Proposal to Amend Cape Pogue District – Article 14.4

Ms. Jane Varkonda (Agent for the Conservation Commission), addressed the Board, and provided context as to recommended changes to Article 14.4.

Ms. Varkonda stated that the regulations needed to be revised in order to provide for protection of vistas, and to provide necessary regulation for boardwalks in the coastal regulations.

The board reviewed the recommended changes, and broadly supported the recommendations.

There was some discussion about the request to remove ‘aquaculture’ from the regulation, and the intent behind the request. Mr. Mascolo provided historical context on local regulations, and the impact of aquaculture on more sensitive areas.

The board broadly supported Ms. Varkonda’s recommendations, and agreed to allow aquaculture as a conditionally permitted use.

Ms. Greenough reviewed other changes to the text. The changes were broadly approved.

Definitions

The following definitions were presented for consideration:

- “Bedroom”: Attached room which is intended, arranged, or designed to be occupied by one or more persons primarily for sleeping purposes and shall have an area of not less than 70 square feet or be less than 7 feet in any dimension with a closet opening on it or within it, with electrical service and ventilation and at least one window.
Title 5. 310 CMR 15.002.

Some concerns related to “Bedroom” were discussed; a revised definition was proposed: “An attached room, no less than 70 square feet in size, with at least one window, capable of

providing private accommodations for sleeping.” The matter was referred back to staff for further study and later recommendation.

- “Commercial and commissary kitchens”: Services that prepare food on the premises but serve the food elsewhere.

There was some discussion related to the validity and applicability of this definition, and the impact on current and future uses of the B-III district. The definition will be reviewed by staff.

- “Condominium”: A real estate development, situated on a parcel or parcels of land, comprised of separately owned units and jointly owned common areas, where the owner of the land, or the lessee of the land, has executed and recorded a master deed, containing a statement to the effect that the owner or lessee proposes to create a condominium to be governed by the provisions of Massachusetts General Laws, Chapter 183A.

Mr. Mascolo recommended that language be included that describes “unit deeds” be added. The staff will review the definition and revise.

- “Curb Cuts”

The board reviewed the proposed changes to the various sections of the bylaw, related to curb cuts. A draft definition was considered: “A path, road, or other private way provided access to the private lot from a public way, and designed for use regular use by motor vehicles.”

A final recommended definition will be drafted, and submitted to the board at a later date.

- “De Minimis”: minor works which may have little to no material effect on a given structure or development, and therefore would not require a special permit, but does require an application for an exemption. Such determination would not apply to application or permitting requirements established by other entities, such as the Conservation Commission, Historic District Commission, or the MV Commission.

The board agreed to strike the second sentence in the definition.

- “Fence”: A hedge, structure or partition, designed to be, or anticipated to be greater than six (6) feet in height, and erected for the purpose of monumenting the boundary of a piece of land, enclosing a piece of land, dividing a piece of land into distinct portions, separating two contiguous parcels or otherwise enclosing a field or other area of land or an object located on land, preventing intrusions from without the land enclosed or straying from within the land enclosed, or providing security or protection to persons, animals, objects or structures located on or occupying land, shielding land or the occupants thereof from noise or view, etc., including, but not limited to, structures or partitions made of wood, stone, metal or other materials, including trees and shrubs to be planted by an owner to act as a fence as defined herein.

The board removed the term “hedge” from the definition, replacing it with “non-living”. The board struck the phrase “, or anticipating to be”. The board struck “including trees and shrubs to be planted by an owner to act as a fence as defined herein.”

The staff will review the definition, and revise.

- "Fence" (Boundary Fence): Any fence or fence-like structure that is, or is intended to be, installed on or within five (5) feet of a real property boundary line as determined by the Board of Fence Viewers of the Town of Edgartown.
- "Floor Area Ratio (FAR)": The measurement of a building's floor area in relation to the size of the lot/parcel that the building is located on. FAR is expressed as a decimal number, and is derived by dividing the total area of the building by the total area of the parcel (building area ÷ lot area).
- "Livable Floor Space": Any square footage served or expected to be served by, heating or air-conditioning systems.

Mr. Sherman suggested amending the definition, adding ", and meeting legal requirements regarding dimension, natural light, smoke and CO2 alarms, and energy code."

The board struck the comma, after the word "by". Staff will review the definition, and provide revisions.

- "Mean Natural Grade": The natural grade, relative to a given structure. The mean natural grade shall be calculated by measuring the natural grade at the four (4) furthest corners of a structure to the height of the highest point of the structure, and dividing the aggregate number of these heights by four (4).

The board agreed with the recommendation.

- "Tear Down" vs. "Renovation": A renovation is when more than twenty-five (25) percent of all exterior walls of the original unit remain, and the number of bedrooms does not increase.

The board agreed with the definition, and expected that further regulations would be developed in order to treat 'tear-downs' differently from 'renovation'.

- "Total Floor Space": The sum, in square feet, of the horizontal areas of all stories of a building or several buildings on the same lot measured from the exterior face of exterior walls, or from the center line of a party wall separating two buildings. Gross floor area shall include basements, garages, sheds, gazebos, guest buildings and other accessory buildings, but shall exclude crawl spaces, attics, and decks.

Mr. Sherman recommended changing the term to "Total Floor Area". Mr. Sherman also expressed concerns with the definition as related to the Surface Water district, shore zones, and etc.

The staff will review the definition, and work with Mr. Sherman on revisions.

The chair stated that, given the hour, that he would prefer to address the remainder of the items at a later date. Therefore,

It was MOVED by Cavallo, SECONDED by Mascolo

To continue the public hearing to January 16, 2018.

VOTED: 5, 0, 0.

ITEMS REQUIRING SIGNATURES

Minutes

The board reviewed and approved the minutes from November 14, 2017.

Payroll

The board reviewed and approved payroll sheets, for the periods ending November 28, 2017.

Decisions

The board reviewed and approved decisions for Bayha and Chapman.

NEXT MEETING

The next regular meeting was scheduled for Tuesday, December 5, 2017 at 5:30 PM.

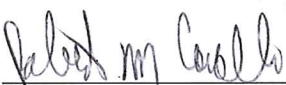


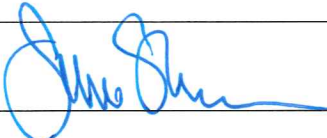
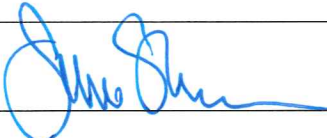
ADJOURN

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

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:20 PM.

Respectfully Submitted,
Douglas Finn, Clerk

APPROVED by vote of Planning Board at a regular meeting, held on	
	12/25/17 (Date of vote)
	Cavallo
	Mascolo
	McCourt
	Morrison
	Sherman

