

EDGARTOWN PLANNING BOARD
Tuesday, November 19, 2013 – 5:30 PM
Town Hall – 2nd Floor Conference
Minutes

*Members in attendance: Michael McCourt, Chairman, Robert Cavallo, Fred Mascolo, Alan Wilson and James Cisek, alternate. Robert Sparks was absent.
Staff in attendance: Georgiana Greenough, Assistant.*

5:30 PM Old Business/New Business

The assistant discussed the correspondence received as noted on the agenda. Anderson & Kreiger, attorneys for AT&T in the lawsuit by the Javares Family against the Planning Board and AT&T, forwarded a letter to the board announcing the dismissal of the lawsuit with prejudice.

The assistant asked if the board wants to respond to the 65+/- letters from abutters and neighbors, sent both to the Planning Board and Selectmen, asking to consider DAS for the Katama area. The board voted that the requests from abutters and neighbors were a non-issue as a special permit had already been granted to AT&T to install the wireless equipment in the Silo at the Katama Farm, and therefore no response to their requests was necessary. Tee Board stated that they cannot rescind an approval for a special permit. Now that the lawsuit has been settled, AT&T can proceed to apply for a Building Permit to complete the installation. (Old Business /New Business letters continued after other business.)

5:35 p.m. Schifter, Richard P & Jennifer, 33-35 Pocha Rd Ext (48-1.6) SP: Swimming Pool, Spa, Equipment Shed, Associated Utilities, Hardscapes and landscapes.

George Sourati, Sourati Engineering Group, LLC & Kris Horiuchi, Horiuchi & Solien Landscape Architects, presented the application to construct a swimming pool in the Coastal district off Pocha Rd. This project is the final phase in the relocation of the Schifter residence, guesthouse, garage, and swimming pool in an effort to prevent these structures from falling into the ocean.

The proposed 22' x 44' pool will be located directly south of the recently relocated 8,815 sq. ft. residence. It is 57 feet away from the corner of the property lines. They will be constructing a new pool equipment shed which is 47 feet away from the property line. The proposed pool is larger than the recently demolished pool. A new 8' x 10' spa will also be constructed next to the pool.

The swimming pool is located outside the Conservation Commission's jurisdiction. They are, however, reviewing the entire landscaping plan, and continued their public hearing to November 20, 2013.

James Cisek said he wants to make sure the new compacted area is stable. George Sourati said GeoTech will be issuing a report shortly which will be forwarded to the Con Com and the Planning Board.

The public hearing was closed. The Chairman asked for a motion to approve the concrete swimming pool and spa including the surrounding hardscapes. The landscaping shall not be included in this decision, as the Conservation Commission shall be providing their recommendations upon completion of their public hearings.

Ms. Horiuchi said they included the swimming pool checklist in the application. She wanted to make sure the board was comfortable with the answers. The assistant said the swimming pool checklist information will be included as conditions to the special permit.

Mr. Wilson made a motion to approve the swimming pool and hardscapes, but not the landscaping. Mr. Mascolo seconded the motion and added that the track record of the project has been impeccable. Mr. Cisek, Mr. McCourt, and Mr. Cavallo voted yes. It was unanimously approved 5-0.

Subdivision Rules and Regulations public hearing (continuation)

The Board reviewed the revised document and summary of changes. A copy of the Subdivision Rules and Regulations adopted in 1999 was provided for comparison purposes. The amendments included, but are not limited to, were:

1. Transcription of entire "typed" document into digital Microsoft Word format
2. Revised Title Page
3. Added a Table of Contents
4. Recoded the entire document
5. Included Appendices as follows:
 - a. Forms: (Appendix A-E)
 - b. Road Cross Sections (Appendix F-1 through F-2)
 - c. Zoning Maps (Appendix G-1 through G5)
6. Revised schematic for unpaved road requirements
7. Added schematic for paved road requirements
8. Incorporated previously handwritten ratified amendments (1996 & 1999) into the revised document. (Annotated in footnotes throughout the document.)
9. Increased the filing fees:
 - a. for a Special Permit, Residential from \$150 to \$175; (Section 1.06)
 - b. for a Site Review from \$50 to \$75. (Section 1.06)
10. Increased the number of days for the Planning Board to act on a Form A (ANR) application from 14 days to 21 days. (Section 1.04)

Fred Mascolo made a motion to approve the amended Subdivision Rules and Regulations for the Town of Edgartown along with all the appendices. Robert Cavallo seconded the motion and it was unanimously passed. The board thanked the assistant and all five board members said it was a great job and well done.

Solar Array in Katama – American Capital Energy, Inc.

Planning Board asked assistant to set up a site visit at the Towns house (an abutter to the project) to view the array from their front yard and second floor, along with the Conservation Agent who offered to attend the site visit as well. A tentative date for the site visit is Tuesday, December 3, 2013.

Medical Marijuana Dispensary: Discussion re: zoning bylaw

The board asked the assistant to provide copies of the West Tisbury and Oak Bluffs zoning bylaws for medical marijuana dispensary. The assistant also suggested looking at the bylaws from Dennis, MA, as well as other towns in Massachusetts in order to see how it appears in a zoning bylaw.

The board also asked for a town bylaw for not smoking in public similar to the alcohol law.

In terms of locations for the dispensary, Mr. Cisek said he like the area between MorningGlory Farm and the Wastewater Plant. Additional recommendations were a) next to the Police Department, b) the old dump site and 3) land owned by Mr. Mascolo at the Triangle.

Mr. Cisek said it was his understanding that in the year 2016 that marijuana for recreational use would be submitted to the state for approval.

It was noted that no one had applied to the state to open a dispensary in the town of Edgartown.

The board agreed to review the options and come up with specific locations that they could recommend for locating a lot for the use of a dispensary. The Board asked for the public hearing to be set for January 7, 2014 which will give them time for discussion in advance and come up with a clear but concise bylaw.

“Curb cuts” zoning bylaw amendment

The assistant suggested the following as a zoning bylaw:

“In R-5, B-I and B-II districts, there shall be only one 16-foot wide curb cut allowed per lot. Any modification to this bylaw shall require a special permit from the SPGA for that zoning district.” Other options were suggested but the Board agreed that the above suggestion, a simple and direct statement, was the

best option. They suggested January 7, 2014 as the date for the public hearing on curb cuts.

2015 Budget for the Planning Board

The Board voted to ask for an additional \$750-1,000 to the advertising budget as there are more public hearings for amendments that need to be advertised in order to amend the zoning bylaws.

Continued Old Business/New Business

- A letter from Chappaquiddick homeowner, Edward P. Trider against Ms. Kelly's East Cape Poge Avenue Landscaping Business Operation was referred to the Selectmen and the Zoning Board of Appeals.
- A letter from Timothy Culbert, Architect DESA re: unethical actions by former partner and wife, Celia Imrey re: the new Edgartown Library design. The Board referred it to the Library Trustees and Selectmen.
- The Schifter Progress Report #13 (10/24 – 11/13/2013) was read aloud.
- The Tara Hills/Houlahan Subdivision signed written decision by the Martha's Vineyard Commission was finally received on November 11, 2013, and was handed out to the Board.

The meeting was adjourned at 7:00 PM.

Respectfully submitted,

Georgiana Greenough

