

# Edgartown Planning Board - Meeting Minutes

Tuesday, November 9, 2021, 5:30 PM

The Edgartown Planning Board scheduled a meeting for Tuesday, November 9, 2021, 5:30 PM.

*The meeting was audio and video recorded. Attendees participated by video conference, in accordance with Chapter 20 of the Acts of 2021. All supporting materials were provided to the members of this body and made available on a publicly accessible internet website. Members of the public were able to access the site, using the instructions included in the Meeting Agenda. The public was encouraged to follow along using the posted agenda. Deviations from the agenda, if any, were noted.*

## **SITE VISITS**

No site visits were scheduled.

## **CALL TO ORDER / ROLL CALL**

Ms. Morrison called the meeting to order at 5:32 PM, and called the roll:

MASCOLO: Present

MORRISON: Present

MORGAN: Present

SEARLE: Present

CISEK: Present

MCCOURT: Present

A quorum was declared.

The board reserved the right to address unscheduled agenda items out of order, for the convenience of the Board and applicants.

## **ADMINISTRATIVE**

### **Approval of Minutes – October 26, 2021**

Minutes from October 26, 2021 were presented for review.

## **SCHEDULED BUSINESS**

### **5:30 PM - PUBLIC HEARING - SP(Coastal District): Chappy House LLC, 39 Caleb Pond Road (30-53.11)**

The Edgartown Planning Board will scheduled a public hearing on Tuesday, November 9, 2021 at 5:30 PM, at the request of Reid G. Silva, PE/PLS, Vineyard Land Surveying & Engineering, on behalf of Chappy House LLC (Owner) To construct a guest house within the inland zone of the coastal district.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 39 Caleb Pond Road, Assr. Pcl. 30-53.11.

The public hearing was opened at 5:33 PM.

*Present for the Applicant: Reid G. Silva, Vineyard Land Surveying & Engineering*

### **Presentation / Findings**

The application requests construction of a guest house in the inland zone of the coastal district.

The structure would be located within 200 feet of the wetland.

The Conservation Commission is reviewing the project concurrently, pending a site visit. No decision or determination has yet been issued.

The Guest House as proposed is 900 square feet in size.

The location is the only one that is viable on the property.

The structure is a single-story, single bedroom structure, intended for the convenience of an elder parent.

The Structure at its closest is roughly 65 feet from the top of the coastal bank; however, the bank does not qualify under Section 5.1 as the 'edge' of the coastal district (less than 15 feet in height; top of bank is at 11', base is at about 3').

The Planning Board can issue a decision prior to a final determination by the Conservation Commission. The applicant agreed to a potential continuance until the Conservation Commission issued a decision.

The Conservation Commission will be taking the matter up on Wednesday, November 17.

**Continuance**

It was MOVED by Morgan, SECONDED by Searle

*To continue the public hearing to December 7 at 5:50 PM.*

|              |                        |
|--------------|------------------------|
|              | VOTED                  |
| MORGAN: YES  | SEARLE: YES            |
| MCCOURT: YES | MASCOLO: YES           |
| SEARLE: YES  | CISEK (ALTERNATE) YES. |
|              | APPROVED (5:45 PM)     |

**5:45 PM - PUBLIC HEARING - SP(Coastal District): Cow Bay Holdings, LLC, 26 Cow Bay Road (12-23)**

The Edgartown Planning Board will hold a public hearing on Tuesday, November 9, 2021 at 5:45 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Cow Bay Holdings, LLC (Owner) to construct a pool and spa on a conforming lot in the inland zone of the Coastal District.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 26 Cow Bay Road, Assr. Pcl. 12-23.

**5:45 PM - PUBLIC HEARING - SP(Coastal District): Cow Bay Holdings, LLC, 26 Cow Bay Road (12-23)**

The Edgartown Planning Board will hold a public hearing on Tuesday, November 9, 2021 at 5:45 PM, at the request of Doug Hoehn, SBH, Inc., on behalf of Cow Bay Holdings, LLC (Owner) to (1) remove a pre-existing non-conforming garage and replace it with a new garage with a 400 s.f. detached bedroom; and (2) construct a guest house, on a conforming lot in the inland zone of the Coastal District.

Application is made in accordance with Section 5.1 of the Edgartown Zoning Bylaw. The property is located at 26 Cow Bay Road, Assr. Pcl. 12-23.

*Present for the applicant: Doug Hoehn, Michael Burke (Owner), Peter Fletcher (Patrick Ahearn Architects)*

The public hearing was opened at 5:47 PM.

**Presentation / Findings**

**Pool**

Applicant has purchased property within the past year.

The swimming pool is proposed to be placed in what is now a lawn.

The field is permitted to be maintained (mowed, kept open).

The proposal is not within 200 feet of a wetland.

The pool requires a special permit (within 500 feet of a wetland).

The pool will be 18' x 42', with an 8' x 10' spa directly attached.

The equipment will be in the proposed guest house.

Pool water conditioning will be by "salt-treatment".

A privet hedge and fence will provide screening.

**Garage:**

A garage, existing on site, will be demolished and rebuilt in place.

The existing garage lies entire within the setback area; the new garage will be slightly bigger, but will be moved further into the property (away from the property lines). The proposed garage is still non-conforming (does not meet dimensional requirements for front-line setbacks).

The second floor will be a detached bedroom.

The garage will be 26' in height.

**Guest House:**

The Guest house will be a two story structure, 791 square feet.

The Guest house will be about 23 feet in height, and will serve as a pool cabana.

The septic system will be upgraded to provide the additional capacity necessary.

**Septic:**

Septic design is not complete, nor approved by Board of Health.

The previous septic needed multiple variances previously. The proposed septic will need a variance under local board of health regulations, but is more conforming to local regulations.

Advanced treatment is proposed, involving de-nitrification technologies.

The garage / detached bedroom will have an A/C; however, it will be on the north-east side of the garage, between the garage and the house.

A letter from Kipp De Veer, President of Cow Bay Corporation, dated September 28, 2021<sup>1</sup>, was reviewed, expressing general approval for the project.

A letter from Matt Poole, Agent for the Board of Health, confirms the septic details.

Mr. Hoehn confirmed that if any changes to the structures were required by the Board of Health, the applicant would return to the Planning Board for further review.

There was no public comment.

The public hearing was closed at 6:08 PM.

**Deliberation / Decision**

It was MOVED by Mascolo, SECONDED by Searle

*To approve both applications as presented, with Standard Conditions for construction, and Standard Conditions for Swimming Pools; further, there shall be a 'dry hydrant' connected to the central drain of the pool, capable of providing water in case of fire emergency; further, building permits for structures shall not be issued without an approved design for a septic system.*

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<sup>1</sup> Included in Project File.

VOTED

MORGAN: YES

SEARLE: YES

MCCOURT: YES

MASCOLO: YES

SEARLE: YES

CISEK (ALTERNATE) YES.

APPROVED (6:11 PM)

**6:00 PM - PUBLIC HEARING - SP: Martha's Vineyard Hospital, Inc., 490 Edgartown Vineyard Haven Road (11B-243)**

The Edgartown Planning Board will hold a public hearing on Tuesday, November 9, 2021 at 6:00 PM, at the request of Geoghan E. Coogan, Esq., Edmund G. Coogan Law Office, P.C., on behalf of Martha's Vineyard Hospital, Inc. (Owner) to construct and operate a Senior Residential Facility, comprised of a seventy (70) bedroom skilled nursing facility, to be contained within five (5) "houses", each of which will have fourteen (14) bedrooms; also to construct a seventy-six (76) bedroom Workforce Housing complex, consisting of seven (7) structures; also to conduct site activities including clearing of land, grubbing, grading, filling, trenching, installation of utilities, construction of support structures, roads and parking areas, construction of paths, lighting, and landscape elements, and all other work necessary thereto.

Application is made in accordance with Section 15 of the Edgartown Zoning Bylaw. The property is located at 490 Edgartown Vineyard Haven Road, Assr. Pcl. 11B-243.

*Present for the applicant: Geoghan E. Coogan, Esq.; Renee Lohman, President of Navigator Homes of Martha's Vineyard; Denise Schepici, President & CEO, MV Hospital; Ed Olivier, CFO, MV Hospital; Mr. Edward Pesce, President, Pesce Engineering & Associates;*

The public hearing was opened at 6:14 PM.

Mr. Coogan noted that he agreed to represent the project after the passing of Attorney Sean Murphy, and gratefully acknowledged Attorney Murphy's contributions to the project.

**Presentation / Findings**

- The project involves a skilled nursing home, and workforce housing on the same parcel.
- The senior housing involves five buildings, which will provide 70 beds.
- The workforce housing involves seven structures, and will provide 84 bedrooms.
- Ms. Lohman briefly described the "Green House Home" design. General exterior sites were reviewed; interior floorplans were reviewed. Ms. Lohman described the general intent of the building, and the uses proposed within each building. Renderings of the interior of a typical building were presented and described.
- Ms. Schepici described the need for housing, and the necessity of staff housing to provision of quality health care. Ms. Schepici noted that 31 persons (including physicals) either resigned from, or chose not to accept positions at the Hospital due to housing. 86 positions are currently open, waiting to be filled.
- The project proposes that most of the units proposed as workforce housing will be used for summer or seasonal help – at least initially. The duplex structures, proposed closer to Edg-WT Road, will house permanent employees, and longer-term rentals. Longer term, housing will be used for long-term employees.
- Housing will be available to employees of the facility on the site, but also to other employees of other health-care facilities on the island, including the hospital.
- Mr. Olivier noted the applicant's interest in working with the town to craft and modify the project in order to address any specific concerns, and invited comment.

Mr. Morgan: Will there be shuttle-bus service for hospital employees to go between the housing and the hospital? How much parking will be allocated on the site?

- Mr. Olivier: Many of the units will serve employees of the on-site facility; a shuttlebus has not been considered as of yet. Resident/clients will likely not be driving.
- A parking space plan was reviewed. Mr. Pesce noted that the bylaw requires that 99 parking spaces be provided. The plan proposes 121 parking spaces, with 12 reserved for ADA parking.
- Mr. Pesce noted that some of the proposed staff housing units will conform to "Universal Design" guidelines.
- There was some discussion relative to visiting hours for the facility (minimal restrictions as to visiting hours are anticipated).
- Mr. Pesce noted that a revised traffic-impact scope and assessment has been prepared; the analysis notes that the EDG-VH road sees about 8600 vehicles (11,700 peak) per day, and that the facility will add 30-60 vehicles to that per-day count. Mr. Pesce noted that he would be willing to make a more formal presentation as needed.
- Mr. Searle: Width of entrance? Mr. Pesce: The paved way is 24' in width, with the travel ways throughout the site at least 22' in width. The Board reviewed the "emergency access plan" as provided by the applicant, and the details of access to all faces of all buildings.

There was some discussion relative to the ability of low- or moderate-income individuals to access the services provided. There was some discussion relative to potential services for Medicare/Medicaid recipients.

- Mr. Cisek: Is there any option for preserving the existing topography on the site? What excavation will be done on site? Mr. Pesce: the plan is to do a series of 'cut and fills', taking from the high-areas, and filling in the lower areas. A flat final surface is proposed (45' – 47' elevation). There was some discussion about building on the natural topography, and the proposed excavation, site clearing, landscaping ,and preservation of natural habitat areas.
- Mr. Finn: The area of disturbance – the larger "oval" - will be cut, stripped, grubbed, excavated, and leveled? Mr. Pesce: Yes.
- Mr. Mascolo: is the project a non-profit development? Lohman: Yes. Is this a single-payer system (fixed prices for all services)? Lohman: No. Private pay is not controlled by the state? Lohman: Yes.
- Mr. Morgan: Trash disposal? Mr. Pesce noted the location for recycling / dumpster enclosures at each building, and for the site. Regular pickups are proposed.

There was some discussion relative to the quality of care, the ability of the facility to care for their residents, and the potential impact of diseases (like Covid-19) on such facilities. Ms. Lohan noted that, with private rooms and private bathrooms, enforcement of infection control policies are easier to implement and strengthen when needed.

- Mr. Mascolo: There are 350 Green House Homes throughout the country? Ms. Lohan: Yes. Do you have Average Daily Rates for these? Lohman: \$430 / day. Ms. Lohan suggested that a separate meeting to address the finances of the project.

**Public comment:**

Ms. Johanna Hynes spoke to the proposed clearing of the site, and the need to consider 'deforestation' on the island.

Mr. Devon Pope expressed concern to the size and scale of the facility, and concern about the impact of such a large development on the island; Mr. Pope suggested another location on the island might be appropriate.

Mr. Ben Hall noted that he represented the abutters to the south and east, that the zoning does not allow for workforce housing to be developed for outside workers. Mr. Hall also noted that the side setbacks (100') are not sufficient to protect against a 'relative loss of serenity' of adjacent properties. Finally, Mr. Hall recommended that the project's components be disbursed, with smaller separate facilities located throughout the island.

Ms. Patricia Turken expressed concern at the high density of development, and the impact on water, and wastewater, the need for management of trash, traffic, and other impacts. Ms. Turken noted that the development of this scale, and workforce housing, were 'untested models on Martha's Vineyard'.

Ms. Patty Moore expressed support for elder care services, and the need to expand, and provide additional services and facilities to meet that need.

Ms. Joy Brown also expressed her support for the facility, but noted that 30 additional beds would not make a dent in the anticipated need. Ms. Brown also expressed concern with the location.

Mr. Morgan: Is this the only location that is being considered? Mr. Coogan: This is the best site, and the best proposal to date.

Mr. Coogan reiterated that the bylaw permits staff housing to be reserved for employees of the on-site facility, or 'by another assisted living facility, medical services, or emergency services entity on Martha's Vineyard.

Mr. Coogan hoped to be able respond to other concerns at later meetings.

Ms. Morrison suggested that the public hearing might be taken up during 'off meeting' nights if required.

#### **Continuance**

It was MOVED by Morrison, SECONDED by Morgan

*To continue the public hearing to December 7, at 6 PM.*

MORGAN: YES  
MCCOURT: YES  
SEARLE: YES

VOTED  
SEARLE: YES  
MASCOLO: YES  
CISEK (ALTERNATE) YES.  
APPROVED (7:32 PM)

#### **ZONING BYLAW PUBLIC HEARING**

Mr. Finn requested that the board schedule the public hearing required prior to adoption of zoning bylaws, and suggested the regular meeting on December 21. Ms. Morrison suggested moving the regular meeting from the 21<sup>st</sup> to the 14<sup>th</sup>. Mr. Mascolo concurred. No objection.

#### **ADJOURN**

It was MOVED by Searle, SECONDED by Mascolo

*To Adjourn.*

APPROVED BY UNANIMOUS CONSENT.  
(7:35 PM)

Respectfully Submitted,  
Douglas Finn, Planning Board Assistant

MEETING PARTICIPANTS: *Name (Original Name)*

|  |  |
|--|--|
| Adam Turner (Martha's Vineyard Commission MVC) | Johanna Hynes (Johanna's iPhone)                             |
| Ann Floyd (chappylady@aol.com)                 | Joy Brown (12035359403)                                      |
| Ben Hall (B Hall)                              | Kipp deVeer  |
| Cait Cantella                                  | Kris Horiuchi  |
| Chris Alley (SBH, Inc.)                        | Larry DeFeo  |
| Dan Sladkus                                    | Lawrence Passmore  |
| David Dekker                                   | Lucy Morrison  |
| David McDonough                                | Marie Araujo   |
| Denise Schepici                                | Marie Zadeh  |
| Devin Fitzgerald Reston                        | Mark Nicotera  |
| Devon Pope                                     | Michael Berk   |
| Doug Finn (Assistant) (Town of Edgartown)      | Mike McCourt   |
| Doug Hoehn, SBH, Inc. (Doug)                   | Paddy Moore  |
| Doug West                                      | Patricia Turken  |
| Ed Pesce                                       | Penn Edmonds Litchfield Rd. Neighbor (Penn Edmonds (he/him)) |
| Edward Olivier                                 | Peter Fletcher   |
| EFD Chief Alex Schaeffer (Edgartown Fire)      | Phil Wallis (16102463488)                                    |
| Ellen Berk                                     | Reade Milne  |
| EPD Chief Bruce McNamee (bmcnamee)             | Reid Silva   |
| Eric Peters                                    | Renee Lohman   |
| Evelyn MacComber (15086278030)                 | Richard Peter Wharton  |
| Fred Mascolo (iPhone)                          | Rob Ianelli  |
| Geoghan Coogan                                 | Robbie Robinson  |
| Glen Searle (Glen 's iPad)                     | Ruth Neeman  |
| Herb Hooper                                    | Scott Morgan (Scott)   |
| James Cisek                                    | Susan Gomez  |
| James Hagerty                                  | Thomas Levi  |
| Jean Cook (jeancook)                           |  |
| Jennifer Blum                                  |  |