

Edgartown Planning Board – Meeting Minutes

Tuesday, January 16, 2024, 2024, 5:30 pm

The Edgartown Planning Board scheduled a meeting for Tuesday, January 16, 2024

Board Present: Lucy Morrison, Doug Finn, Scott Morgan, Glen Searle, James Cisek, and Alt: Michael Shalett.

Guests/Participants: Jane Varkonda, Kara Shemeth, Reade Milne, Building Inspector, David Smith – (Fullers Energy) TTOR Darci Schofield and Attorney for TTOR Dylan Sanders and many members of the public.

Call to Order: 5:30 PM

Scheduled Business

5:30 PM – SITE PLAN REVIEW – GROUND MOUNT SOLAR ARRAY 15.4 Kwh solar photovoltaic array with 40 panels.

Assessors Pcl# 28-235 - 24 Louis Field Road, Matthew and Gretchen Regan

Discussion: The Louis Field Road -Home Owners Association, approval was given to Applicant from the letter dated October, 2023. Located in both digital and paper file.

David Smith outlined the project and noted that the panels will be only 2 ft. above existing grade with 2 feet buried. A 48” fence that matches the existing garden fence will be installed surrounding the array, blocking visual disturbance. The site is not within the 10 foot setback, Site Map reviewed by Planning Board.

Scott Morgan noted that the area chosen for the Array placement is well hidden from both road and neighbors with existing under growth to shield it.

Vote: Motion made by Glen Searle, Seconded by James Cisek 5, 1, 0

Passed unanimously by show of hands vote.

Michael Shallet is an abutter and abstained from the vote.

5:35 PM – 20C – 141.1 and 20C-137.2 Boys and Girls Club, Inc. Form a – Vineyard Land Surveyors –Reid Silva.

No one present from VLS to represent the application to PB – Continued.

5:40 PM – PRESENTATION/DISCUSSION - THE TRUSTEES OF RESERVATIONS – (TTOR)

The purpose is to review the history of the activities of the Trustees of Reservations

The history of the permitting of activities as previously approved by the Planning Board.

RELEVANT ZONING BYLAW REGULATIONS:

Section 2.4 – R-120 – Residential District

Section 5.1 – Coastal District

Section 5.4 – Cape Pogue District

Section 8 – Beach area and Wetlands regulations.

Discussion: The most recent action was prompted from a letter received 11/29/23 by the Planning Board from Reade Milne, Building Department.

The goal was to discuss and determine that the operations of the TTOR is it ok under the Special Permit issued in 1990. The actual document cannot be found to be reviewed. The TTOR was given a Temporary Order of Conditions with the understanding that the TTOR would come back in the fall of 2023 with specific applications. They filed a new application on 12/28/23 and another on January 8, 2024.

Scott Morgan reviewed all the material from 1990 and attended the DCPC's most recent meeting, he reports that he did not find that the TTOR annual reviews have been done since 1990. Town Counsel, Ron Rappaport is aware of the concerns.

TTOR has submitted to Conservation Commission two applications, dated 12/28/2023 and January 8, 2024 for special permits and they (TTOR) will provide copies and all related information to the Planning Board in a timely manner.

Jane Varkonda, Conservation Commission Chairperson pointed out that there are items that have not yet been received to make the application complete. A letter and ruling from the Massachusetts Natural Heritage and Endangered Species Program and ConCom is taking public testimony regarding their decision. The Conservation Commission compiled a 22 question document that was given to TTOR and they are due to return it by January 17, 2024.

It was noted that no new stairs, boardwalks, or trails have been initiated by TTOR since the approval was received. – Except an aluminum staircase was placed with only Conservation Commission approval, they stated this was an error and all future additions will be permitted correctly. There have been several Special Permits issued to TTOR since 1990 and the information regarding those decisions will be forwarded to the Planning Board.

Chris Kennedy spoke as he was the Regional Director of TTOR in 1990 – history discussed. It was noted that the annual reviews were not completed as directed since 1990 and to move forward the Planning Board would have to make this a condition that they begin.

It was mentioned that a set of aluminum stairs were installed since 1990 with only Conservation Committees approval, not planning or building departments. The OSV access and management has not changed since the original permit 1990.

Dylan Sanders, Esquire for TTOR – Reported that a failure to record a Special Permit does not void said Special Permit. He reports that there have been several Special Permits issued since 1990 and he will provide a list prior to next meeting. He also agreed that the Planning Board would be provided with both the 2023 and 2024 Applications with all supporting materials, to be received prior to the Planning Board's February 13, 2024 meeting. This will be opened at that meeting for discussion.

Lucy Morrison asked all of the participants at the meeting for TTOR to please send in their opinions via email to the Planning Board. By 2/13/24. The TTOR will be heard at this meeting and may have to be continued due to the time constraint of the meeting and may need to be heard in March, 2024.

Darci Schofield from the Trustees noted that a Temporary Order of Conditions was sent in the fall of 2023. She reported that the TTOR meets monthly to continue to discuss access with public feedback taken into consideration. She is looking forward to working with the Planning Board.

APPROVAL of MEETING MINUTES: Will be done at next Planning Board meeting 2/6/24

FUTURE MEETING SCHEDULE: Next Edgartown Planning Board Meeting will be February 6, 2024 at 5:30 pm in the Fred B Morgan Room and via Zoom

**OTHER BUSINESS NOT ANTICIPATED – None mentioned or discussed
ADJOURN: 6:34 PM**