

Edgartown Planning Board Minutes

Tuesday, May 21, 2019

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, May 21, 2019, at 5:30 PM at the Edgartown Town Hall, 70 Main Street, Edgartown, Massachusetts.

PRESENT: Fred Mascolo (Chair); Michael McCourt, Scott Morgan, Lucy Morrison, James Cisek (Alternate).

ABSENT: Glen Searle.

The meeting was called to order at 5:30 PM, and a quorum was declared.

SITE VISITS

The following site visits were conducted:

- 9:20 AM: 198, 204, 210 Chappaquiddick Road

No public deliberation was conducted.

Mr. Mascolo was pleased to call the meeting to order with the Robert "Coo" Cavallo gavel, and asked for a moment of silence in respect for his memory.

SCHEDULED BUSINESS

5:30 PM PUBLIC HEARING: SPECIAL PERMIT – Cluster Development; Martha’s Vineyard Land Bank Commission, 198, 204, 210 Chappaquiddick Road (31-32.2, 31-32.3, 31-32.4)

5:30 PM PUBLIC HEARING: SUBDIVISION; Martha’s Vineyard Land Bank Commission, 198, 204, 210 Chappaquiddick Road (31-32.2, 31-32.3, 31-32.4)

On Tuesday, May 21, 2019 at 5:30 PM, the Edgartown Planning Board scheduled a public hearing in the Town Hall, Main Street, on the request of Martha's Vineyard Land Bank Commission, represented by SBH, Inc., on behalf of Judith Howe-Tucker, Owner, for approval of a definitive subdivision plan that proposes to combine three parcels (19.74 acres +/-), then to divide the area into two parcels of about 1.58 acres +/- and 18.16 acres +/-, in accordance with a plan prepared by Schofield Barbini and Hoehn Inc. for the Martha's Vineyard Land Bank Commission, scale 1" = 60', dated April 15, 2019, and a request for a special permit for a cluster development at the same locus to be considered concurrently.

This application was made in accordance with the Rules and Regulations Governing the Subdivision of Land in Edgartown, Sections 81K-81GG of Chapter 41 of the General Laws and Section IX ("Cluster Developments") of the Edgartown Zoning Bylaw. The property is located at 198, 204 and 210 Chappaquiddick Road, Assr. Pcls. 31-32.2, 31-32.3, and 31-32.4. Copies of the application were made available in the Planning Office for public review.

Present for the applicant: Agent, Doug Hoehn, SBH, Inc.

The chair opened the public hearing at 5:31 PM.

Presentation

Mr. Hoehn distributed 11x17 copies of a locus map, the subdivision plan as proposed, and a copy of a previous subdivision plan, prepared for Tucker, dated February 4, 1999 (attached as Addendum to these minutes).

Mr. Hoehn explained that the Land Bank owns abutting property; the larger lot is intended to be transferred to the Land Bank. The Cluster Subdivision proposal is being used to allow for a smaller 'homestead' lot (about 1.5 acres), in exchange for a larger amount of land that will be preserved.

Mr. Hoehn stated that the structures to remain on the 'homestead' lot meet zoning restrictions related to setbacks. The well and septic systems also meet regulations.

The buyer is a local individual, Zach Pinerio, 209A Chappaquiddick Road (present). A deed restriction will limit development on the 'homestead' lot to one habitable structure (the main house).

Mr. Hoehn reviewed the various private ways and easement areas as shown on the plan, described them as pre-existing, and stated that they will remain in place and in force.

There was some discussion related to the means by which the existing lots, and the abutting lots are and will be accessed. There was some discussion related to the history of the various easements, and who would continue to enjoy access along it.

Mr. Dick Knight, an abutter, spoke in favor of the proposal.

Mr. Knight; this is a win-win – it's better than the much more expansive development that could have legally been proposed for the three lots.

Mr. Knight did suggest that the Planning Board expressly state in its decision that the lot is governed by existing zoning regulations which would permit a detached bedroom and/or a guest house, notwithstanding a land-bank proposal to apply a deed restriction prohibiting more than one habitable building. There was some discussion related to the matter.

There being no further presentation or commentary, it was MOVED by Morrison SECONDED by Morgan

To close the public hearing.

VOTED: 5, 0, 0.

Deliberation

The board discussed the various requirements, and generally agreed that the proposal meets or exceeds the minimum requirements for approval.

Ms. Morrison: I am in favor of the proposal, and would recommend that a condition prohibiting further subdivision be imposed. The board generally agreed with the recommendation.

Mr. Morgan, Mr. Cisek and Mr. McCourt also spoke in favor of the proposal.

Mr. Finn suggested that the board not comment in their decision about the proposed deed restriction. The board agreed, citing that Zoning Bylaw speaks for itself, and the Land Bank was free to impose more restrictive covenants on the 'homestead' lot as they see fit.

It was MOVED by Morrison SECONDED by Morgan

To approve the application for a cluster subdivision as proposed, the application meeting the requirements outlined in the Zoning Bylaw; conditions imposed: no further subdivision shall be permitted, and

standard zoning regulations for the district shall apply.

VOTED: 5, 0, 0.

It was MOVED by Morgan SECONDED by McCourt

To approve the Form C Subdivision plan as proposed, the plan meeting the requirements outlined in the Zoning Bylaw and the Edgartown Subdivision Regulations.

VOTED: 5, 0, 0.

Mr. Finn will prepare the Decision for the Cluster Subdivision special permit, and the certificate of approval for the Subdivision. Both will be presented to the Planning Board for review and signature.

5:50 PM CHANGE OF ADDRESS – Site Plan Review – 552 Edgartown VH Road (11B-148.1)

Applicant: John Basile

Mr. Finn presented the proposal on behalf of Mr. Basile. The lot has frontage on both Edg/VH road and 10th Street. A proposed dwelling, currently under construction, has been designed to face Tenth Street South, with a driveway at the south-east corner of the lot. Mr. Finn suggested that the proposal was sensible, in that a curb-cut along Edgartown Vineyard Haven road would introduce more traffic into that way, would cross a bicycle/pedestrian shared-use path, and would require referral to the MV Commission (Island Roads DCPC).

The board generally agreed that a curb-cut on Tenth Street South was sensible and beneficial to the town.

There being no further discussion it was MOVED by McCourt SECONDED by Morgan

To approve the Change of Address application as presented.

VOTED: 5, 0, 0.

6:00 PM Edgartown Byways Committee – Meeting with Planning Board

(refer to “Addendum A”, attached to these minutes)

Mr. Doug Jones, Mr. Robert Green, and Ms. Polly Bassett were present to discuss the work of the Edgartown Byways Committee.

Mr. Jones described the work of the committee – to research and promote the use of the various ancient and special ways, and other trails, for pedestrian, bicycle and horse riding use.

Mr. Jones: Ancient ways may not necessarily be open to the public; however, special ways are protected for public use.

The committee is currently working to secure a management contract for maintenance of the trails. Current use is only by those who know the trails exist. The goal of the mission is to try to look at various trails, and to promote their use.

Morgan: How long does a trail have to have existed in order to qualify as a “special” way?

Mr. Green usually a history of fifty years or more. Some of the trails date back to colonial days, and are still in use.

Morgan: that’s some serious homework – to trace the history of a trail.

McCourt: How is enforcement done?

Mr. Green that's always a problem – how to keep the trails open; how to keep access; enforcement is also a concern.

Mr. Jones: There are ways to help to address problems of encroachment.

Mr. Cisek: Has the meetinghouse way subdivision affected ancient ways access?

Mr. Jones: There are three paths in the meetinghouse way subdivision are that we are looking at.

There was some discussion related to various ancient ways that have been obliterated by development.

Mr. Jones: Some work has been focused on Quenomica path – ways to keep the path in place, but to restrict it from vehicular traffic. The Committee is also looking at way to maintain the path.

Mr. Morgan: How often are trails checked?

Mr. Jones: We go out on a group regularly. We haven't seen any serious problems in the past couple of years.

Mr. Morgan: Is there a map? Mr. Jones: We are working on a better mapping system.

Mr. Jones: The laying out of the various new developments that have encroached on the ways, but we have been able to make corrections. We continue to alert the highway department when we find that folks have dumped garbage or trash.

Mr. Jones: We continue to work with the Selectmen to create additional special ways, and make them available to the public. We have added markers to various paths, letting folks know where they start and end.

Mascolo: It would be nice to have the map incorporated with the Land Bank maps, in order to get the word out.

Jones: There's some concern about whether we would want certain ways to be publicized, based on ownership, and access concerns.

There was some discussion related to the walking path at the end of North Water Street, and the historic use of same.

There was some discussion related to the process by the adoption of ancient ways, creating public access along the paths, and using them to divert pedestrian and bicycle traffic away from the more heavily travelled roads.

The Planning Board generally encouraged the committee to continue their good work, and asked them to support the Planning Board as they consider divisions of land.

ADMINISTRATIVE BUSINESS

Administrator's Update

Mr. Finn provided an update on a number of Edgartown Projects that are before the MV Commission, including the Meetinghouse Way Subdivision proposal, the MVRRRD transfer station project, and the Edgartown / Vineyard Haven Road improvement proposal (from Hamblin Way to Dark Woods Road).

Mr. Finn stated that he was participating in the Bicycle / Pedestrian Advisory Committee on behalf of West Tisbury; however, along with Sara Piazza, he would be keeping Edgartown's interests in mind, and would work to provide regular updates to the Planning Board.

Mr. Finn stated that a meeting of the All Island Planning Board had been scheduled for Wednesday, June 19, 6 PM. Mr. Finn stated that he planned to attend and requested input and direction from board members.

Mr. Finn reminded the board that monies for a survey of the Mill Hill Road public way / easement had been approved by town meeting. While no further action had been taken, he expected the survey to be completed by mid-fall.

Review of Meeting Minutes

The minutes of April 2 and April 16, along with the minutes of May 7, 2019 were presented for review.

It was MOVED by Morrison SECONDED by McCourt

To approve the minutes of April 2, April 16, and May 7, as amended.

VOTED: 5, 0, 0.

Review and Sign Payroll

Payroll for the period ending May 28, 2019 was reviewed and approved.

Review and Sign Decisions

The Decision for Mr. Joe Giacalone’s request for a modification to a Special Permit was reviewed and signed.

Review schedule of meetings

Upcoming Meetings were scheduled for June 11, June 18, July 9, July 16, August 6 and August 20.

OTHER BUSINESS

No other business was presented.

ADJOURN



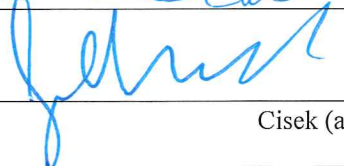
There being no further business, it was MOVED by Morgan, SECONDED by McCourt

To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 6:30 PM.

Respectfully submitted,
Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
September 3, 2019	(Date of vote)
	Mascolo
	McCourt
Lucy L. Morrison	Morrison
	Morgan
Alan Searle	Searle
	Cisek (alternate)

ADDENDUM A
Presentation by Edgartown Byways Committee

Edgartown Byways Committee

Defining and providing management for
a network of public trails and private
special ways

Why Trails?

“What did you do last week?”

	Year-Round	Seasonal	Visitor
Beach / Swim	55%	87%	64%
Walking/Hike	41%	70%	60%
Bicycling	24%	43%	26%

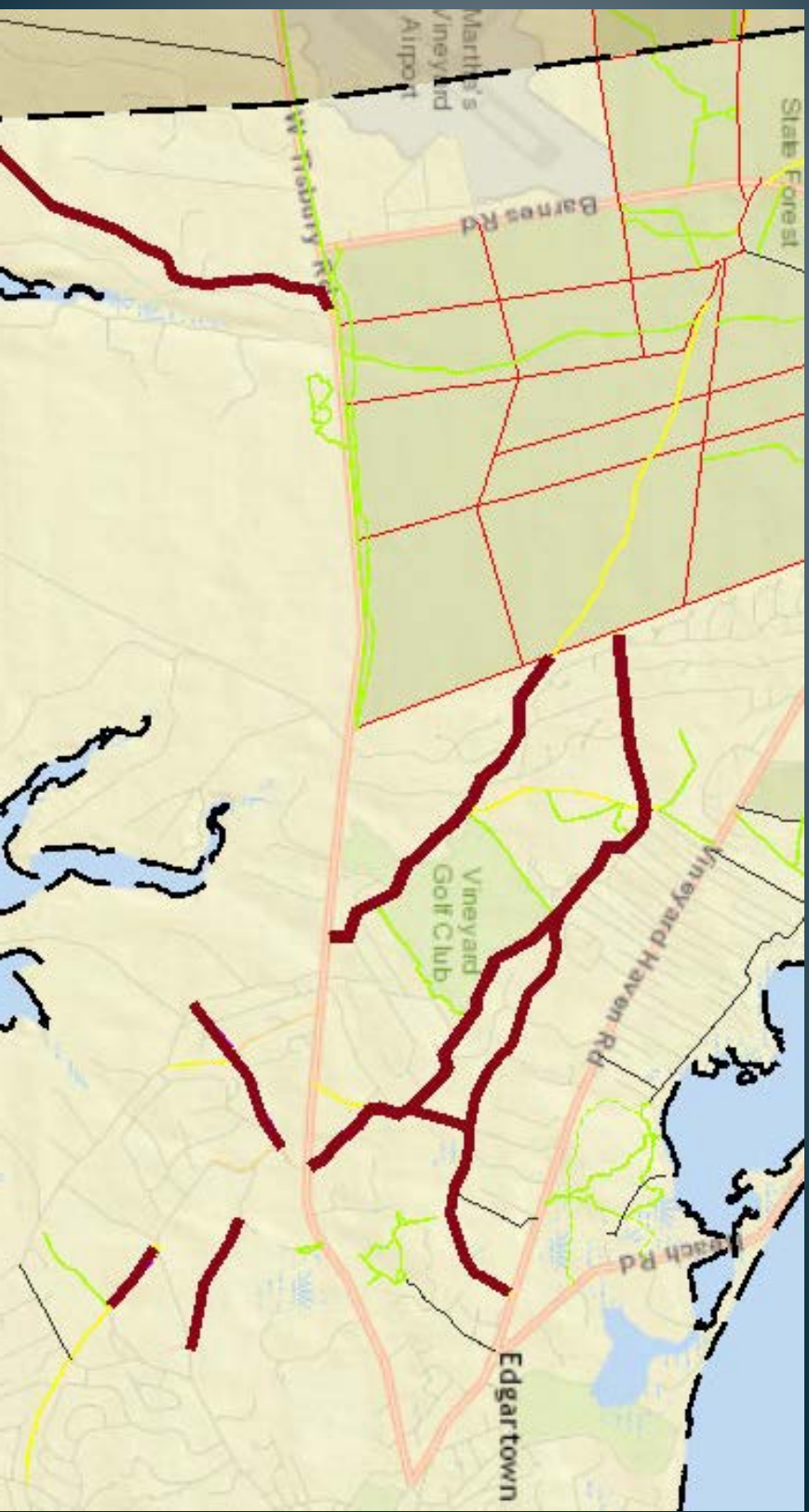
- Trails enjoyed by walkers, horseback riders, cyclists of all ages.
- Healthy exercise and appreciation of outdoors

History of Byways Committee

- Established by Board of Selectmen in 1989
- Worked with Land Bank to periodically clear several ancient ways in the 1990s
- Work with Highway Superintendent as needed to clear trash from trails
- Prepared name signs for trails
- First Special Way (Dr. Fisher) designated in 2000
- 8 more since



Special Ways



Going Forward

- Maintenance of trails
- Possible additional Special Ways
- Entirely new links to the trail network

PUBLIC MEETING SIGN-IN SHEET

MEETING DATE:

5/21/2019

Name (Please print legibly!)

Street Address

Agenda Item

Name (Please print legibly!)	Street Address	Agenda Item
Lache Darcabue	3017th Meader Lane	Cherry Road
Zach Fineri	209 th Cherry Rd	
Ricardo Kullgett	209 Cherry Rd	Whole Saw Farm
Tolly Bossett	# 19 7th St.	Byways Comm