

Edgartown Planning Board Minutes

Tuesday, November 13, 2018

A regular meeting of the Edgartown Planning Board was scheduled for Tuesday, November 13, 2018, 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: Sam Sherman, Michael McCourt, Fred Mascolo, Scott Morgan.

Absent: Lucy Morrison, James Cisek (Planning Board Alternate).

Also Present:

Douglas Finn, Planning Board Assistant

A quorum was declared.

The board reserved the right to address unscheduled agenda items out of order as needed, or for the convenience of the applicants.

SITE VISITS

A site visit was conducted on October 23, 2018, at 9 AM to 279 Chappaquiddick Road

SCHEDULED BUSINESS

5:30 PM Elyse and Bruce Balder, 24 Navy Way Realty Trust – SP – Swimming Pool (Coastal District); 24 Navy Way (52-26.64)

On Tuesday, November 13, 2018 at 5:30 PM, The Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of George Sourati, Sourati Engineering Group, on behalf of 24 Navy Way Realty Trust, Owner, for a special permit, under 14.1.d.2, 11.9.d, 14.5.4.b of the zoning bylaw to construct an in-ground swimming pool, a pool equipment shed, and associated utilities. The property is located at 24 Navy Way, Assr. Pcl. 52-26.64.

Present for the applicant: George Sourati.

The public notice was read. The public hearing was opened by the chair at 5:30 PM

Presentation

The applicant was informed that only four members were presented, and were offered the opportunity to continue to a date certain. Applicant's agent (Sourati) agreed to proceed with four members.

Mr. Sourati presented a locus map (in file) and provided a description. A previous application for a swimming pool was approved by the Planning Board in 2014, but was not constructed.

Sourati: The pool, as proposed, would be six foot in depth. Ground water is about 8.2 feet below grade.

Various items on the checklist were reviewed. Mr. Sourati stated that all requirements outlined in the checklist were satisfactorily met. There was some discussion about sound-proofing strategies for the pool equipment.

The Conservation Commission had previously approved the project. Comments from the Conservation Commission agent were read (in file).

There was some concern related to setbacks and placement of the equipment shed. There was some discussion as to the size of the pool when compared to the previous plan.

It was MOVED by Mascolo SECONDED by Morgan

To close the public hearing.

VOTED: 4, 0, 0.

The public hearing was closed at 5:41 PM.

Action

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

To approve the application with the following STANDARD CONDITIONS for a Swimming Pool Special Permit, provided that the equipment shed be located outside of the setback area

- 1. The pool, pool house, and fencing shall be constructed according to the plans presented at the hearing. Any modifications to the plan shall require approval from the SPGA.*
- 2. Only the residents of the dwelling and their guests shall use the pool.*
- 3. No portion of the pool shall be located closer than the standard setbacks of boundary line of said lot.*
- 4. The pool must be securely fenced and maintained with a child-proof fence, gates and doors to a height of not less than four feet. A 'life ring', shall be provided with a secured safety line of a length to reach all areas of the pool.*
- 5. The location of the pool shall not interfere with the enjoyment of the view of the natural surroundings from a way used by the public, public land, or abutting land.*
- 6. All pool equipment shall be located inside a pool house or enclosed structure for noise abatement to unless specifically waived by the SPGA.*
- 7. Pools supplied by well water shall be filled prior to June 15 or after September 15.*
- 8. Pool water shall be treated with a non-chlorinated treatment system only. Pools shall not be drained within 48 hours of any chemical treatment.*
- 9. Heated pools are permitted with the recommendation the heat*

source is solar, geothermal or other alternative energy source.

10. All water (treated or untreated) drained from the pool shall be trucked off-site to an appropriate approved location unless specifically waived by the SPGA.

11. Outdoor lighting is limited to that required by building code and shall be low wattage, fully shielded when viewed from the top and sides and directed downward. Mercury vapor lighting and bug zappers are prohibited.

12. The responses contained within the swimming pool special permit criteria checklist shall become a part of this decision.

13. Copies of this decision shall be provided to the construction crew prior to the construction of the project.

14. The project shall meet compliance with any Conservation Commission Order of Conditions.

15. The project shall meet compliance with any Massachusetts Department of Environmental Protection Wetlands Order of Conditions.

VOTED: 5, 0, 0.

5:45 PM Ruth W. Bellizzi and Michael J. Bellizzi, Trustees of the Bellizzi Family 1999 Realty Trust, and James F. Wilson, Trustee of the Wilson Revocable Living Trust, and Thomas R. Wilson and Allen W. Wilson, 30 Mill Hill Road (29-50.2); modification to subdivision approval

On Tuesday, November 13, 2018 at 5:45 PM, the Edgartown Planning Board held a public hearing in the Town Hall, Main Street, on the request of Doug Hoehn, Schofield Barbini and Hoehn, on behalf of Application of Ruth W. Bellizzi and Michael J. Bellizzi, Trustees of the Bellizzi Family 1999 Realty Trust, and James F. Wilson, Trustee of the Wilson Revocable Living Trust, and Thomas R. Wilson and Allen W. Wilson, Owners, to modify the prior Approval of the Definitive Plan of Mill Hill Farm dated May 30, 2006 and recorded with the Dukes County Registry of Deeds in Book 1085, Page 110 (i) to amend condition #4.b. thereof to eliminate a buffer zone between two lots owned by the Applicant and specifically being the "No Cut No Build Zone (40' Wide)" along the common boundary line between Lot 1 on the Plan of Mill Hill Farm (Plan Book 15, Page 102) and other land owned by the Applicants and shown on said Mill Hill Farm Plan as "29 - 50.2 Ruth W. Bellizzi Thomas R. Wilson, et al"; and (ii) to authorize boundary line adjustments with abutting non-Mill Hill Farm properties.

The property is located at 30 Mill Hill Road, and 5 - 11 Mill Hill Farms Road, Assr. Pcl. 29-50.11, 29-50.12, 29-50.13, 29-50.14, and 29-50.15.

Copies of the application are available in the Planning Office for public review.

The public notice was read. The public hearing was opened at 5:45 PM.

Mr. Hoehn presented a satellite overview of the subject property and described the intention. The intention is to rearrange ownership of the property to satisfy family inheritance.

A plot plan, with the no-cut buffer highlighted, was presented. A description of the intentions behind the modification was reviewed in some detail. The expectation is to be able to divide the northern property (Assessors Parcel 29-50.2) into two separate lots, but keeping the property in the

family.

Letters received from abutters were received, and read into the record.

Public Comment: David Burke, Mill Hill Road, a water commissioner, spoke about concerns related to access to the stand pipe on Mill Hill Road, and radio communication on the stand pipe.

Mr. Burke suggested that Mill Hill Road may not be suitable for access. Mr. Burke brought an incident in August, and submitted information related to the incident for the record.

Mr. Burke described concerns related to the width of the road; he also spoke about ongoing issues related to maintenance of the road. Mr. Burke stated that there is an issue with the traffic on Mill Hill Road, and maintenance of the road. The lower end of the road is a straightaway, with traffic on the road travelling at excessive speed.

Mr. Burke also mentioned that a lot that recently sold was granted access on Mill Hill Road, in spite of having deeded access along Mill Hill Road. Mr. Burke did not object necessarily to subdivision of the lot, but expressed concerns as to the capacity of the road to carry emergency vehicle traffic, particularly in the busy summer season.

Mr. Burke described the ongoing concerns related to access on the road, and there was some discussion related to previous efforts to upgrade Mill Hill Road.

Charlie Blair (Harbormaster) spoke about his concerns related to traffic on Mill Hill Road, related to the narrowness of the road, and the excessive amount of traffic; Mr. Blair stated that congestion on the road is significant in the summer, and must be addressed.

Mr. Blair suggested a traffic study on Mill Hill Road during the summer.

Mr. Sherman expressed his own concerns related to the amount of traffic on Mill Hill Road, and the condition of the road.

Ms. Donna Bettencourt spoke about her concerns related to the road; Ms. Bettencourt spoke previously about the condition of the road to the Planning Board last year, and expressed her concerns about the condition of the road, and ongoing maintenance on the road. Additionally, emergency equipment on the tower causes additional traffic needs, and the road doesn't have the capacity to handle the traffic.

Mr. Sherman expressed his own concerns as to the condition of the roadway, but his frustration in the scope of authority of the Planning Board to effect change.

There was ongoing discussion related to ways to improve the condition of the road.

Mr. Mascolo asked if a petition could be prepared, and returned to the Planning Board for the meeting on November 27. Mr. Mascolo requested that Highway Superintendent Stuart Fuller, Police Chief Bruce McNamee, Fire Chief Peter Shemeth, and Asst. Fire Chief / Ambulance Chief Andrew Kelly be invited to attend.

There was some discussion related to the history of the Town's acceptance of the road, and the means by which the road could be improved.

There was some discussion related to the manner by which improvements to the road could be facilitated – likely through a warrant article, and appropriation, through Town Meeting.

There was further discussion related to an agenda for the November 27, 2018 meeting.

Mr. Sherman suggested that preventing accesses along Mill Hill Road might be a strategy that the

Planning Board could pursue.

Mr. Jim Wilson Jr. stated his agreement with the concerns related to the road, and was supportive of efforts to improve Mill Hill Road.

Karen Zingg, 37 Mill Hill Road, spoke about an incident at her house, with a deck collapse; traffic was slow on that particular day and time, which was not usually the case, a situation which benefitted emergency services response times. Ms. Zingg also spoke about concerns related to an access from the south end of Mill Hill Road that seems to have been blocked by a landowner.

It was MOVED by by Mascolo, SECONDED by McCourt

To close the public hearing.

VOTED: 4, 0, 0. (PASSED)

The public hearing was closed at 6:30 PM.

It was MOVED by by Mascolo, SECONDED by McCourt

To approve the modification to the Subdivision Approval as requested.

VOTED: 4, 0, 0. (PASSED)

OTHER BUSINESS:

Followup - Flam, 18 Garden Cove Road (53-9)

Mr. Finn discussed a history of correspondence between agents for the Flam family (53-9) and an abutter, in regard to a proposed placement of air-conditioning condensers; the potential problem was resolved through correspondence between the agent for the applicant, and the building inspector's office. No Planning Board action was requested at this time.

ANR Doug Hoehn, SBH, Inc., 11 Muskoday Lane Realty Trust and Charles L. Glerum and Elizabeth B Burnett – (36-137.1, 36-143)

Mr. Doug Hoehn presented a plan not believed to require subdivision approval, on behalf of the 11 Muskoday Lane Realty Trust (36-143), and Charles L. Glerum and Elizabeth B. Burnett (36-137.1). The plan proposed a lot-line adjustment, with no new lots created. The proposal would result in a conveyance of two equal parcels of land (each about 506 square feet) that would be exchanged as part of a property line adjustment.

It was MOVED by Morgan SECONDED by Mascolo

To endorse the plan, as it the plan as presented, as it shows a proposed conveyance which adds to or takes away from the size and shape of lots in such a manner so that no lot affected is left without frontage as required by the Town of Edgartown zoning bylaw.

VOTED: 4, 0, 0.

Subdivision Doug Hoehn, SBH, Inc., re/ potential subdivision (Assr. Pcl. 20C-134.1 & 20C-135)

Mr Hoehn briefly outlined a potential proposal for a subdivision that might come before the planning board in the future. The property is currently owned by two brothers, and would like to split the property equally, and to create two additional lots.

There was some discussion related to the use of the driveway as a 'public way' for purposes of ANR

division.

The board scheduled a site visit to the property for the morning of November 27, 2018.

ANR Chris Alley, SBH, Inc., Louis E. Stephens Jr. et al, 15 & 19 Maqua Way (47-107.14, 47-107.15)

Mr. Chris Alley (SBH, Inc.) presented a plan not believed to require subdivision approval, on behalf of Louis E. Stephens Jr. et al, 15 & 19 Maqua Way (47-107.14, 47-107.15). The plan proposed a lot-line adjustment, with no new lots created.

Mr. Alley presented the plan, described as a simple lot line adjustment to satisfy a request by a potential buyer to one property.

It was MOVED by Morgan SECONDED by McCourt

To endorse the plan, as it the plan as presented, as it shows changes to the size and shape of lots in such a manner so that no lot affected is left without frontage.

VOTED: 4, 0, 0.

Discussion 279 Chappaquiddick Road

Mr. Chris Alley introduced a discussion related to ta proposal to divide Pimpneymouse Farm property into multiple separate lots to satisfy family inheritance concerns.

Mr. Alley spoke about the road as being capable of serving the existing dwellings on the property. Mr. Alley described the need to create a 'way' in order to 'create frontage' for the three lots at the back of the property.

Certain parts of the overall project could be divided using a Form A, as the lot has adequate frontage on Chappaquiddick Road.

Options for layout of the main road were reviewed, with the condition of the existing way considered.

The adequacy of access from Chappaquiddick Road to the various lots was considered.

Mr. Sherman stated his enthusiasm for the Proposal, as it would not result in commercial 'development' of the property. Mr. Sherman stated his preference that the proposal come before the board as a Form C (subdivision plan), and that said plan encompass the entire development of the property.

Mr. Alley: One advantage of a Form A is that there would be no public hearing needed. However, Mr. Alley recognized that, regardless of the method of division, the proposal would be subject to review, with public notice and public hearing, by the MV Commission.

There was some discussion related to the layout of the potential road to serve the separate lots.

The consensus of the board was to suggest that the project be proposed as a Form C (Definitive Subdivision), including all elements of the overall plan, and encouraged the applicant to return to the Planning Board with a definitive plan as soon as it was prepared.

Discussion: Zoning bylaw changes – ANR plans, Common Driveway regulations

Mr. Finn presented materials that proposed certain changes to the zoning bylaws, as follows:

Removal of Building Permit Limitation

Mr. Finn proposed that section 17.11 of the zoning bylaw be removed entirely. The section imposed a limit on the number of building permits for new construction that could be issued in any given year. However the section was enacted in 1988 (thirty years ago) and expired in 1990.

The board took the recommendation under advisement.

ANR Plans:

Mr. Finn proposed adding revised definitions for the terms “frontage” and “lot” to the zoning bylaws, as follows:

"FRONTAGE: The boundary between a plot of land or a building and a way laid out and accepted as a public way or a way shown on a definitive subdivision plan. Frontage also refers to the full length of this boundary."

"LOT: A parcel of land in one ownership, with definite boundaries **and frontage**, occupied or suitable to be occupied by a certain use. See also Lot Area."

Mr. Finn suggested that these two definitions would require that when created, new “lots” (a term used in the Bylaw) must have “Frontage” on a public way, or a way shown on a subdivision (form C) plan.

Mr. Finn further proposed changes to the Edgartown Zoning Bylaw, Section 10.1.A.3., "Frontage", as follows:

All lots created after ~~April 9, 1985~~ **April 9, 2019** will have a minimum frontage of 50 feet on a **street way laid out and accepted as a public way or a way shown on a definitive subdivision plan.**

The board took the recommendations under advisement.

Common Driveways

Mr. Finn also presented draft language for ‘common driveway’ regulations. The regulation would provide broad latitude to the Planning Board in overseeing residential driveways intended to serve 2 to 4 residential lots, and would help to insure that common driveways would be constructed to a standard of quality necessary for safe access by emergency responders and members of the public.

The board took the recommendation under advisement.

Fee Schedule

Mr. Finn also presented a proposed change in fee schedule. Mr. Finn suggested increases to fees in order to offset the cost of accepting and preparing applications for Planning Board review, and processing applications once Planning Board review was complete. Mr. Finn reported that some fees had been set in the late 1990s and had never changed, and that other fees had never been adjusted.

The board took the recommendation under advisement.

ITEMS FOR REVIEW / SIGNATURE

Minutes – Oct 2, Oct 16

Minutes from October 2, 2018, and October 16, 2018, were presented for review. No vote was

taken.

Payroll – November 13

Payroll for the pay-period ending November 13, 2018 was presented for review and signature.

Decisions

No decisions were presented for review.

Schedule of upcoming meetings:

Meetings were tentatively scheduled for the following dates: November 27; Dec 4, 18.

ADJOURN

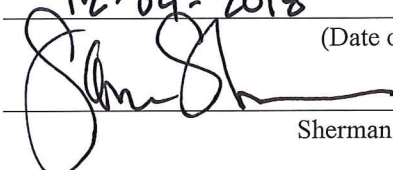
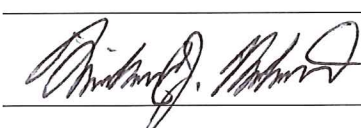



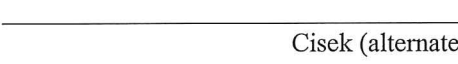
There being no further business, it was MOVED by McCourt, SECONDED by Mascolo
To Adjourn.

VOTED: 5, 0, 0.

The meeting was declared adjourned at 7:33 PM.

Respectfully submitted,

Douglas Finn,
Administrative Assistant

APPROVED by vote of Planning Board at a regular meeting, held on	
<u>12-04-2018</u>	(Date of vote)
	Sherman (chair)
	Mascolo
	McCourt
	<i>absent</i> Morrison
	Morgan
	Cisek (alternate)

Douglas Finn, Administrative Assistant
Edgartown Planning Board
70 Main Street, PO Box 1065
Edgartown, MA 02539

Re: Mill Hill Farms - Modification to Subdivision Agreement

Dear Mr. Finn,

Thank you for your explanation of the above referenced subdivision proposal; it is possible the newspaper notice could have been worded better. Since first approved, many abutters have remained concerned over the proper maintenance of the no-cut, no build buffer. We have repeatedly complained about deliberate and intentional violations of this provision, at least 4 times with one of those incidents resulting in an appearance before the Planning Board, so we and our neighbors remain sensitive to any effort to alter or amend. This recent notice caused significant concern among many of the abutters.

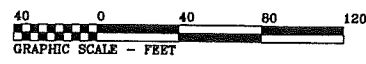
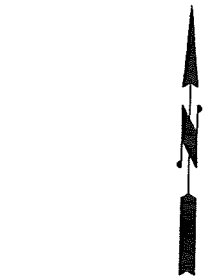
We now understand, pursuant to your 10/31/18 email to us, that the proposal seeks **“to remove the 'no-cut' buffer along the length of the Common Boundary ONLY”** and **“to allow a lot-line adjustment to the Common Boundary”** (where the “Common Boundary” is between lots 50.11 and 50.2). We cannot understate the value of the buffer zone. It helps shield us from the extensive lighting of buildings in the subdivision. It helps shield us from excessive noise from swimming pool use and amplified music, including the placement of stereo speakers in trees. When illegal cutting was last done in the buffer, we had vehicles driving essentially adjacent to our property line.

Further, you stated that the no-cut buffer around the east, south and west perimeter of the subdivision will not be removed or changed and that the no-cut buffer bounding 89 and 91 Schoolhouse Road will not be removed or changed. Although your clarification of the intent of this filing alleviates the concerns we had, we are certainly not speaking for nor intending to diminish any of the other abutters and those on Mill Hill Rd. who were concerned about increased traffic on that road during the initial subdivision hearing.

Any concerns we potentially had have been resolved based on your email but should the substance of this application be modified we would hope the Planning Board is sensitive to these concerns and causes the hearing to be rescheduled with additional notice to abutters.

Thank you again,

David Nash and Robin Bray
35 Deacon Vincent Way
Edgartown, MA 02539



Approval Under the Subdivision Control Law is Not Required Edgartown Planning Board

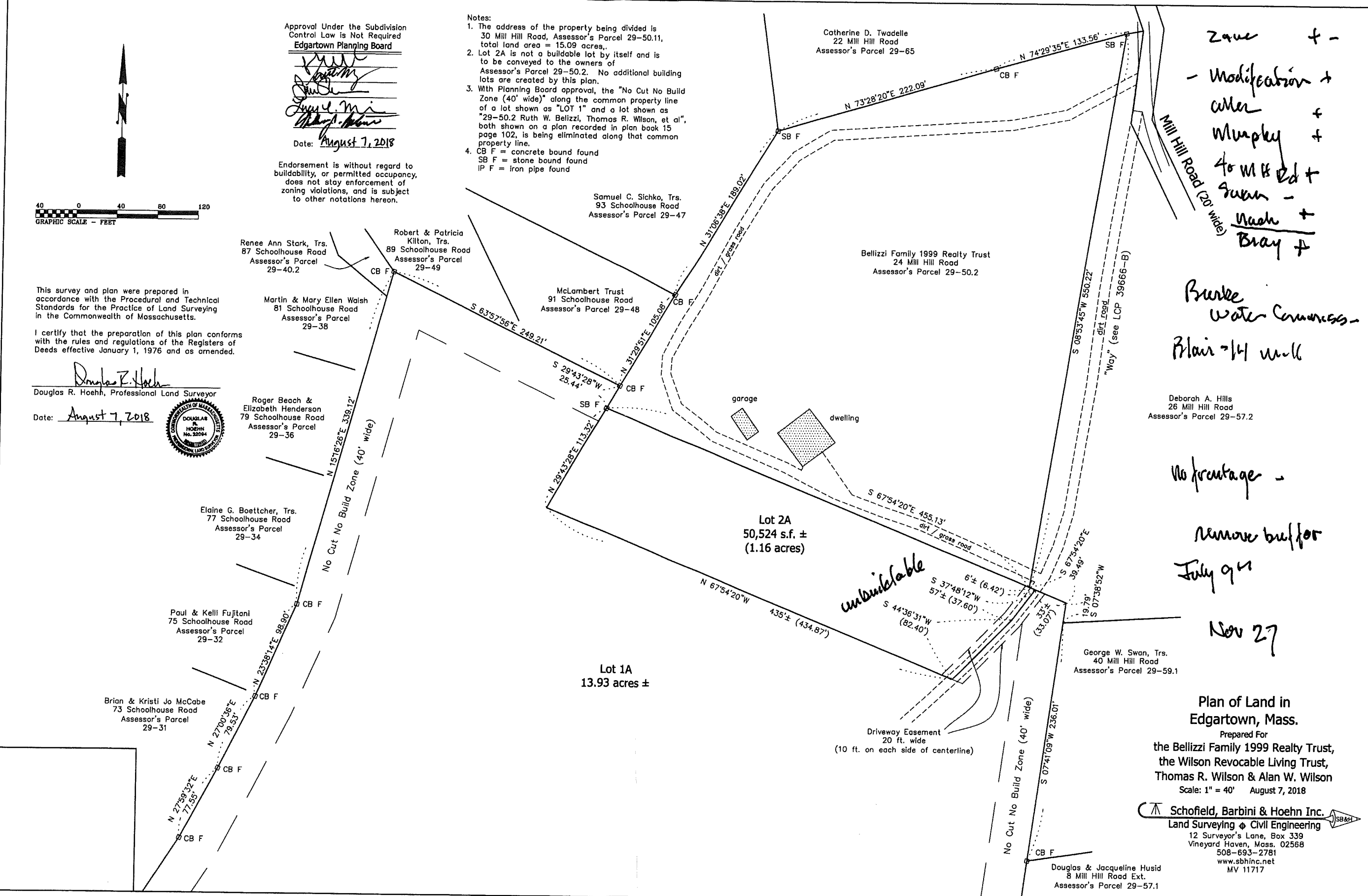
[Signatures]
Date: August 7, 2018

Endorsement is without regard to buildability, or permitted occupancy, does not stay enforcement of zoning violations, and is subject to other notations hereon.

- Notes:
1. The address of the property being divided is 30 Mill Hill Road, Assessor's Parcel 29-50.11, total land area = 15.09 acres.
 2. Lot 2A is not a buildable lot by itself and is to be conveyed to the owners of Assessor's Parcel 29-50.2. No additional building lots are created by this plan.
 3. With Planning Board approval, the "No Cut No Build Zone (40' wide)" along the common property line of a lot shown as "LOT 1" and a lot shown as "29-50.2 Ruth W. Belizzi, Thomas R. Wilson, et al", both shown on a plan recorded in plan book 15 page 102, is being eliminated along that common property line.
 4. CB F = concrete bound found
SB F = stone bound found
IP F = iron pipe found

This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.
I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds effective January 1, 1976 and as amended.

[Signature]
Douglas R. Hoehh, Professional Land Surveyor
Date: August 7, 2018



Zone + -
- Modification +
Allen +
Murphy +
40 Mill Hill Rd +
Swan -
Nash +
Bray +

Burke
Water Commission
Plain = 1/4 mile

Deborah A. Hills
26 Mill Hill Road
Assessor's Parcel 29-57.2

No frontage -

Remove buffer
July 9th

Nov 27

Plan of Land in Edgartown, Mass.

Prepared For
the Bellizzi Family 1999 Realty Trust,
the Wilson Revocable Living Trust,
Thomas R. Wilson & Alan W. Wilson
Scale: 1" = 40' August 7, 2018

Schofield, Barbini & Hoehn Inc.
Land Surveying & Civil Engineering
12 Surveyor's Lane, Box 339
Vineyard Haven, Mass. 02568
508-693-2781
www.sbhinc.net
MV 11717

Douglas & Jacqueline Husid
8 Mill Hill Road Ext.
Assessor's Parcel 29-57.1

TO: DOUG FINN

9 NOV 18

FROM: GUY ALAN

RE: BELLIZZI/WILSON (13 NOV)

HELLO,

AS AN ABUTTOR TO THE LARGE PARCEL (50.1 OR 50.2) BEING CONSIDERED FOR A ZONING SPECIAL PERMIT (NOV 13 HEARING) - I HAVE NO OBJECTION TO THE ALTERING OF THE 40 FOOT 'NO CUT' ZONE IN QUESTION, PROVIDED THAT ABUTTING PROPERTIES IN EDGARTOWN ESTATES ARE NOT IMPACTED BY THIS WORK SPECIFICALLY,

NOR BY ANY SUBSEQUENT FUTURE ATTEMPTS TO ALTER THE 2006 'MILL HILL ESTATES' PLAN WHICH HAD AN IMPORTANT 'NO CUT ZONE' AS AN ENFORCEABLE CONTINGENCY TO ITS ORIGINAL APPROVAL.

WE VALUE BOTH THE PRIVACY FACTOR AND THE DIVERSE INDIGENOUS FLORA AND FAUNA WHICH THRIVE IN THE 'WOOD LOT' UNBOtherED BY ADDITIONAL CUTTING + RESIDENTIAL DEVELOPMENT, NOW OR IN THE FUTURE.

GUY ALAN LOT 8
41 DEACON VINGENT WAY

Wilson/Bellizzi hearing

1 message

George Swan <gswan@aol.com>
To: dfinn@edgartown-ma.us

Mon, Nov 12, 2018 at 1:21 PM

Hello Mr Finn

I own the home located at [40 Mill Hill Road](#). I immediately abut the Wilson/ Bellizzi property and received the planning board notice concerning their request for a lot line adjustment and the elimination of a no cut /no build zone along that adjusted property line. I am fully supportive of approving their request as submitted.

Regards

George Swan

Statement of Support to Approve Mill Hill Farms - Modification to Subdivision Agreement

1 message

James Murphy <jamesemurphy@me.com>

Mon, Nov 12, 2018 at 11:04 AM

To: dfinn@edgartown-ma.us

Cc: Mohamed Toby Ali <millhillfarms@gmail.com>, David Aronoff <david@aronoffs.com>, Fred Krokenberger <Fred.Krokenberger@morganstanley.com>, Jim Murphy <jamesemurphy@me.com>

Douglas Finn, Administrative Assistant
Edgartown Planning Board
70 Main Street, PO Box 1065
Edgartown, MA 02539

Dear Mr. Finn,

I represent the Mill Hill Farms Homeowners Association. We have all received the notice related to the Subdivision Modification and after both individual and collective exchanges with the Wilson and Belizzi family, we understand the request and have no objection the changes requested. We support the approval of this request.

Regards,

Jim Murphy
President, MHF HOA
9 Mill Hill Farms Road, Box 1890
Edgartown, MA 02539
USA



+1 904.631.0855



jamesemurphy@me.com

Mill Hill plan

1 message

Karen Zingg <zingger@comcast.net>
To: dfinn@edgartown-ma.us

Tue, Nov 13, 2018 at 9:57 AM

I have been a resident of Mill Hill for over 30 years. We now live there full time.
I have known the Wilsons for most of that time and find them to be great neighbors. I have no problem with their future plans for their land and wish them well in their endeavors.

Sincerely,
Karen Zingg
37 Mill Hill Rd
Edgartown
Sent from my iPad

Mr. Hoehn introduced Mr. Jim Wilson (elder) and Mr. Jim Wilson (younger), and described the plan.

Mr. Hoehn described the plan as a 'property line adjustment', a first-step in a process intended to reconcile ownership amongst various family members.

The smaller parcel, about 3.7 acres (Parcel B), a larger parcel, roughly 15 acres (parcel A). The plan proposed to separate a small portion of the larger parcel, and add it to the smaller parcel, to create 4.7 acres.

Parcel B would then be divided into two, through a second ANR, to allow for transfer of ownership to separate family members.

Morrison; Why create a new lot, instead of simply moving the lot line? Answer: The two current lots are in slightly different ownership, and a lot-line change cannot be done in a single step.

The access into this property from Mill Hill Road travels only on the 15 acre parcel. The larger intention is to subdivide Parcel B into two lots, slightly more than two acres each.

Mr. Hoehn stated that the plan would indicate the lot to be created from Parcel A would be noted as 'not a buildable lot'.

Morrison: What about the 'no-cut buffer?' Hoehn: The no cut buffer along the property was to satisfy the concerns of the abutters to the subdivision when it was done in 2005. Mr. Hoehn stated that the intention was not necessarily to continue the no-cut buffer along the common boundary between the two parcels.

Mr. Hoehn stated that the no-cut buffer would be eliminated with the ANR.

Mr. Finn suggested that, as the Planning Board is the 'police authority' in regard to the Restrictive Covenant, the Planning Board has the authority to make changes thereto.

To do so, the Board must use the same process that created them in the first place -- specifically, a public hearing, with notification to abutters.

Once the Restrictive Covenant change is approved, the Form A as presented may be endorsed at the same time.

Once the covenant 'appeal period' is completed, both may be filed at the registry of deeds.

Mr. Cisek expressed some concern about the capability of the road to allow for emergency vehicle access if needed. Mr. Sherman suggested that the road would likely be suitable in those cases.

Mr. Wilson (younger) asked what the public hearing process would involve?

Mr. Sherman described the process as he understood it would follow.

There was some discussion related to the various steps to be taken, and the manner of approval for the goals that the applicant has stated. Mr. Sherman affirmed that the Board wished to conduct the process towards the best possible outcome for the applicant.

Morrison: Without clarification of the previous subdivision clause, the simple ANR could cause trouble later on. It's important that it be clarified.

It was MOVED by Morrison SECONDED by McCourt

<http://www.mvtimes.com/2016/07/05/edgartown-deck-collapse-sends-8-marthas-vineyard-hospital/>

Edgartown deck collapse sends eight to Martha's Vineyard Hospital

Edgartown building inspector Lenny Jason said the cause of the collapse appeared to be an overloaded deck.

July 5, 2016

Updated 3:12 pm, Tuesday

Approximately 20 people attending a Fourth of July party in Edgartown Monday night were standing on the second-story deck of an Edgartown house when it suddenly collapsed, injuring eight people and triggering an Island-wide call for medical assistance.

Edgartown was crowded with people, and the annual fireworks display had just kicked off, when police and emergency medical personnel received the call at 9:10 pm of a deck collapse at 37 Mill Hill Road with numerous injuries, some serious, Edgartown Police Sergeant Joel DeRoche said, triggering an Island-wide mass casualty incident.

Ambulances from Edgartown, Oak Bluffs, and Tisbury responded to the location. Tri-Town Ambulance staged at the Martha's Vineyard Airport in order to be ready to respond to any other emergencies.

Sergeant DeRoche said the timing of the call was fortuitous because the roads were relatively traffic-free. "It was a lot better than if the call had come in after the fireworks ended," he said. "We were able to get the ambulances that we needed in a relatively timely and orderly fashion."

The task of getting the injured to the hospital was complicated because a one-lane, narrow road with no turnoff shoulders leads to the house. "It was one ambulance in and one ambulance out," Sergeant DeRoche said. A portion of Clevelandtown Road was closed to traffic during the emergency.

It all went smoothly, Sergeant DeRoche said, a testament to the planning and training between the police, fire, and ambulance departments.

Seven patients were released from Martha's Vineyard Hospital, according to hospital spokesman Rachel Vanderhoop. One patient was transported via ambulance to Boston.

Ms. Vanderhoop said the hospital activated its trauma team and was well staffed for the emergency because of the holiday.

The Edgartown fire chief and building inspector were on scene Monday morning to examine the collapsed deck.

Edgartown building inspector Leonard Jason said that the homeowner was on the porch when it collapsed, and she described the incident as happening in slow motion. The porch did appear to be up to code, Mr. Jason said.

"I certainly think some of the nails were rusted," he said, "but none of the wood splintered. You just can't put that many people on there."

Mr. Jason estimated that the porch was approximately 8.5 feet off the ground, and he has heard that anywhere from 25 to 27 people were on it when it collapsed.

"I've been working here in Edgartown for 30 years, and it's the first time it's happened," he said.

Mr. Jason said people need to be aware of their surroundings and how much weight a structure might support.

“You can’t put 10 pounds of stuff in a 5-pound bag,” Mr. Jason said. “I asked the homeowner how everyone was doing, and she said they were fine. That’s the important thing.”

The 3,013-square-foot, four-bedroom house was built in 1998, and is owned by Karen E. Zingg, according to town records.



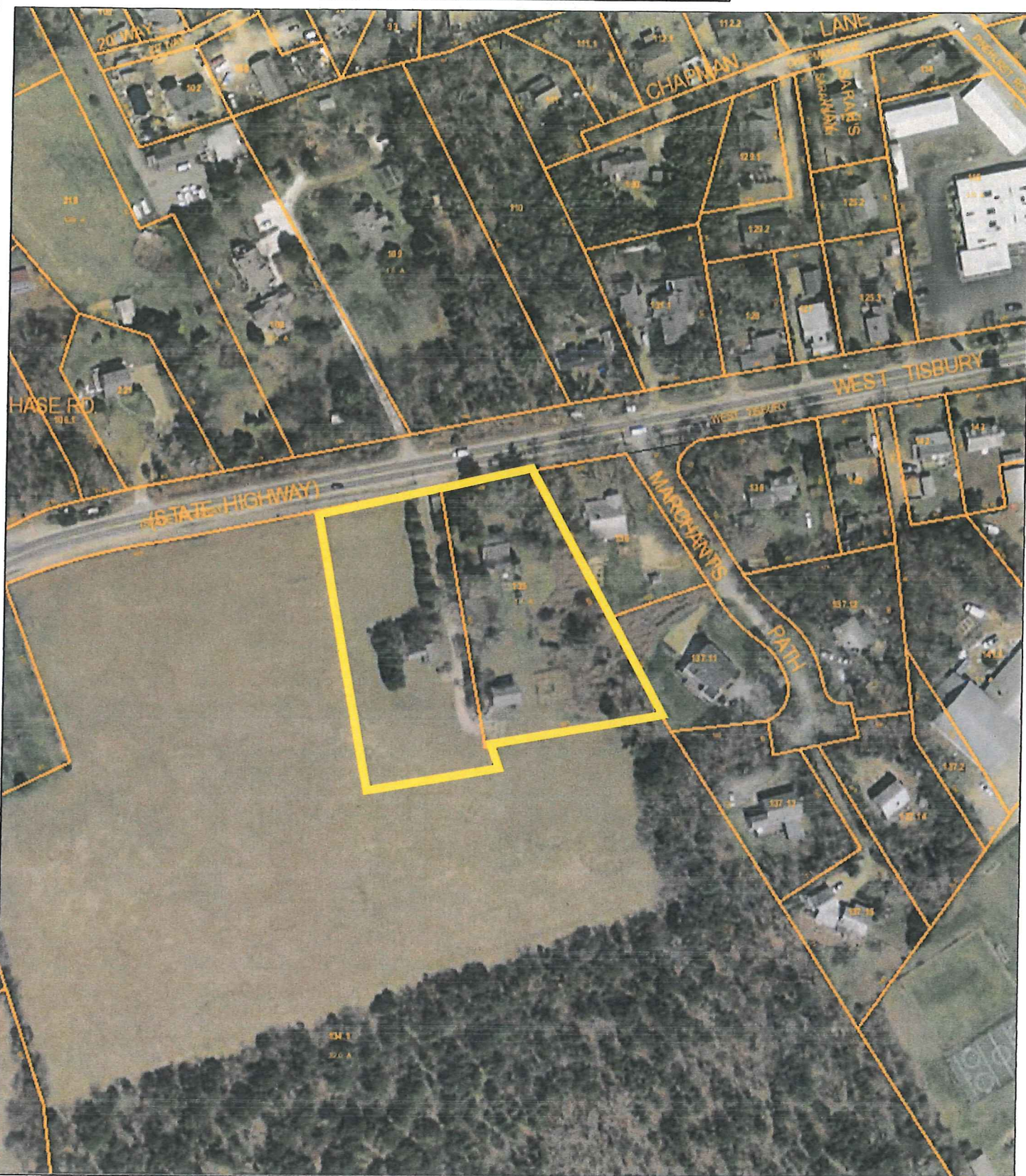
Edgartown, MA



November 13, 2018

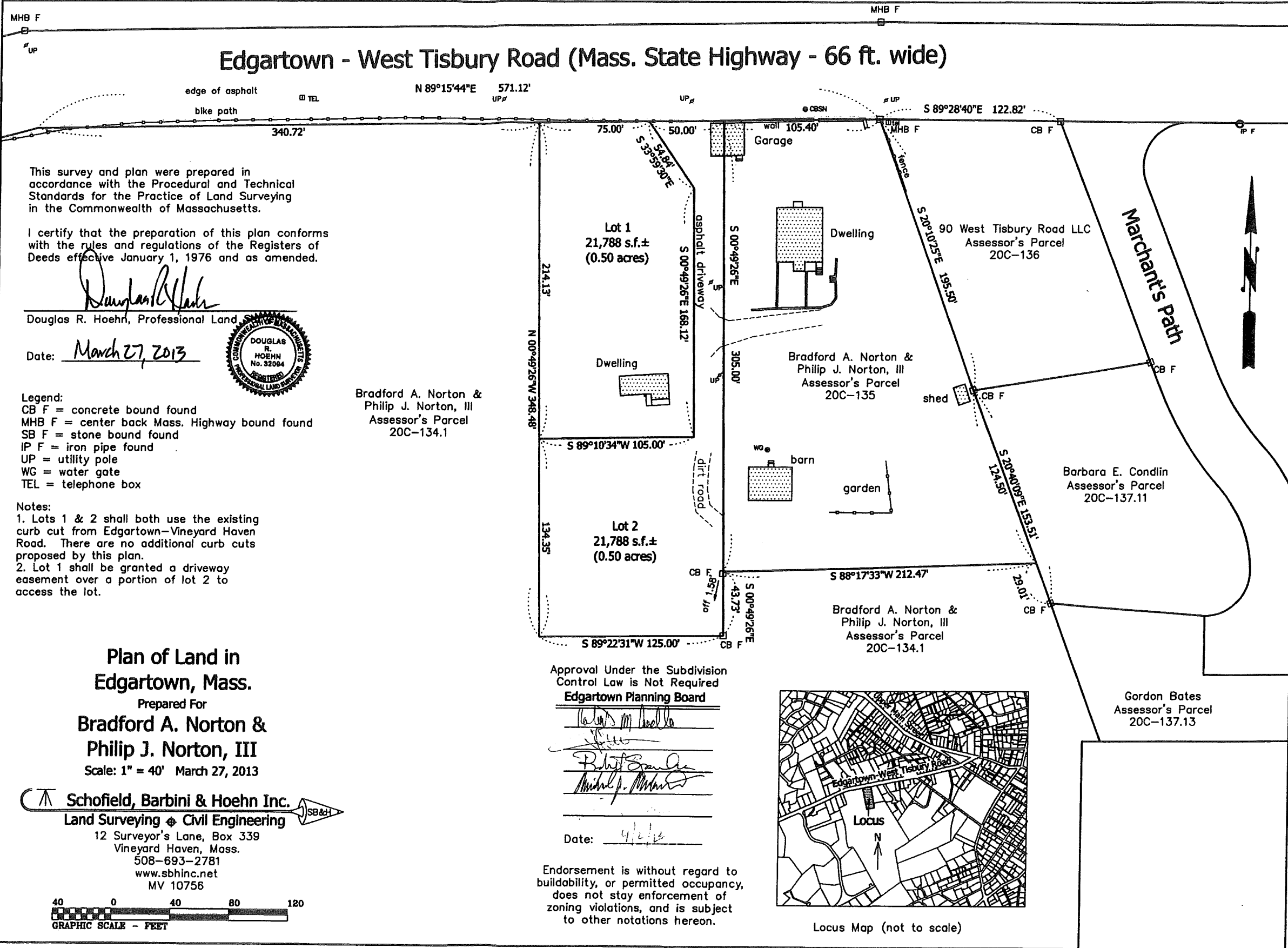
1 inch = 150 Feet

www.cai-tech.com



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Edgartown - West Tisbury Road (Mass. State Highway - 66 ft. wide)



This survey and plan were prepared in accordance with the Procedural and Technical Standards for the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds effective January 1, 1976 and as amended.

Douglas R. Hoehn
 Douglas R. Hoehn, Professional Land

Date: March 27, 2013



- Legend:
- CB F = concrete bound found
 - MHB F = center back Mass. Highway bound found
 - SB F = stone bound found
 - IP F = iron pipe found
 - UP = utility pole
 - WG = water gate
 - TEL = telephone box

- Notes:
1. Lots 1 & 2 shall both use the existing curb cut from Edgartown-Vineyard Haven Road. There are no additional curb cuts proposed by this plan.
 2. Lot 1 shall be granted a driveway easement over a portion of lot 2 to access the lot.

Plan of Land in Edgartown, Mass.
 Prepared For
Bradford A. Norton & Philip J. Norton, III
 Scale: 1" = 40' March 27, 2013

Schofield, Barbini & Hoehn Inc.
 Land Surveying & Civil Engineering
 12 Surveyor's Lane, Box 339
 Vineyard Haven, Mass.
 508-693-2781
 www.sbhinc.net
 MV 10756



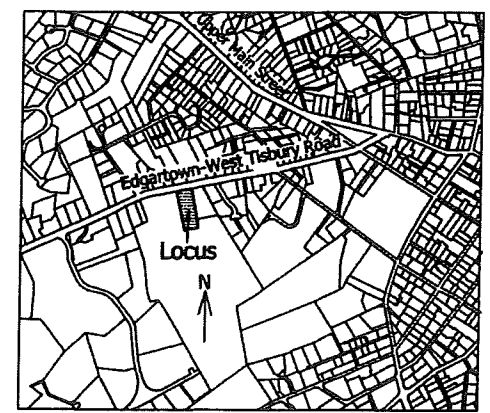
Bradford A. Norton & Philip J. Norton, III
 Assessor's Parcel 20C-134.1

Approval Under the Subdivision Control Law is Not Required
Edgartown Planning Board

Carol M. Lavelle
Robert J. ...
Michael J. ...

Date: 4/2/13

Endorsement is without regard to buildability, or permitted occupancy, does not stay enforcement of zoning violations, and is subject to other notations hereon.



Locus Map (not to scale)

copy

Edgartown - West Tisbury Road (Mass. State Highway - 66 ft. wide)

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Douglas R. Hoehn, Professional Land Surveyor

Date: _____

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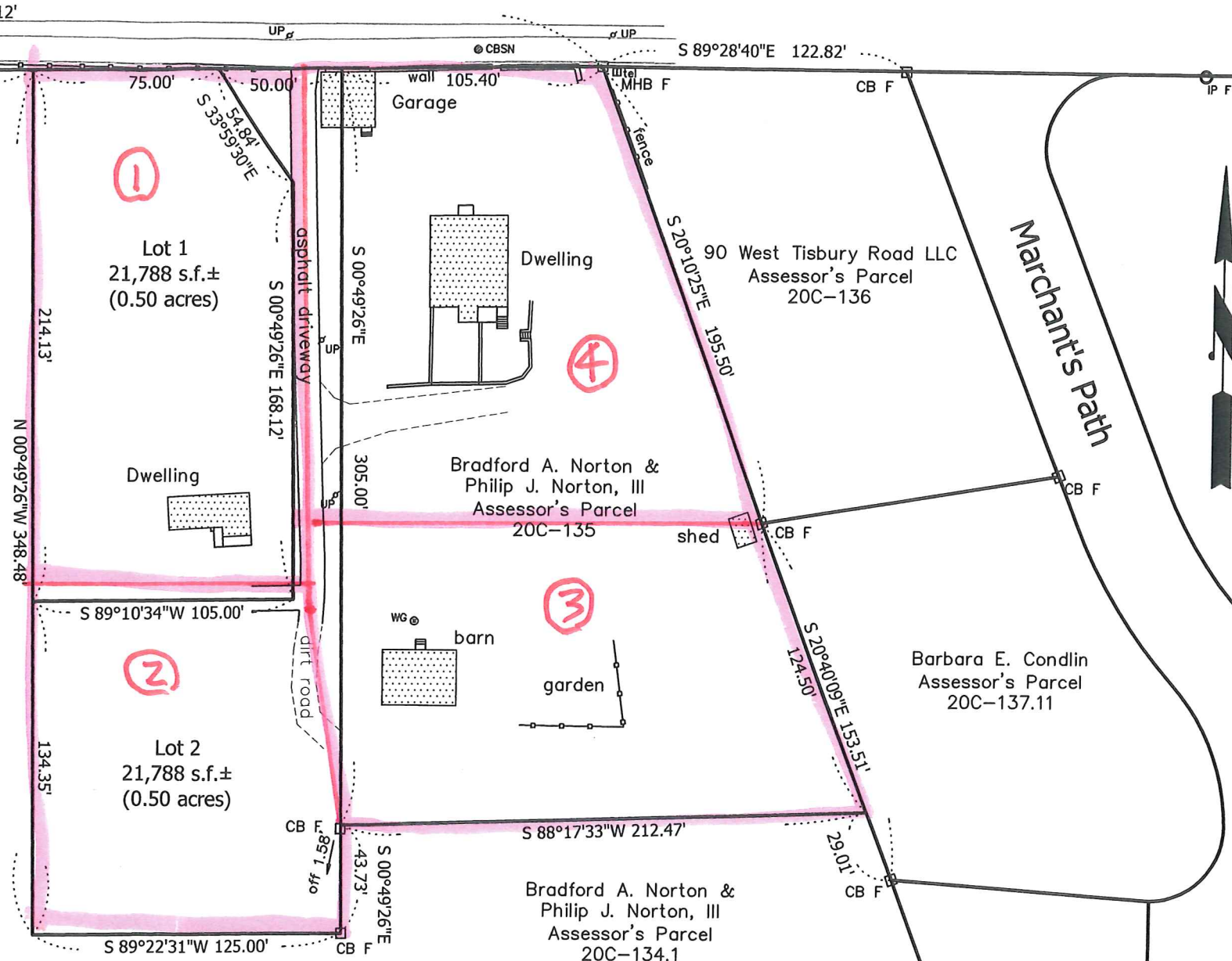
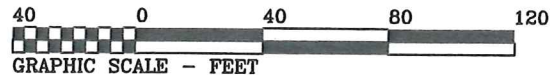
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Form A

Plan of Land in Edgartown, Mass.

Prepared For
Bradford A. Norton & Philip J. Norton, III
 Scale: 1" = 40' March 27, 2013

Schofield, Barbini & Hoehn Inc.
 Land Surveying & Civil Engineering
 12 Surveyor's Lane, Box 339
 Vineyard Haven, Mass.
 508-693-2781
 www.sbhinc.net
 MV 10756



Bradford A. Norton & Philip J. Norton, III
 Assessor's Parcel 20C-134.1

Bradford A. Norton & Philip J. Norton, III
 Assessor's Parcel 20C-135

Bradford A. Norton & Philip J. Norton, III
 Assessor's Parcel 20C-134.1

90 West Tisbury Road LLC
 Assessor's Parcel 20C-136

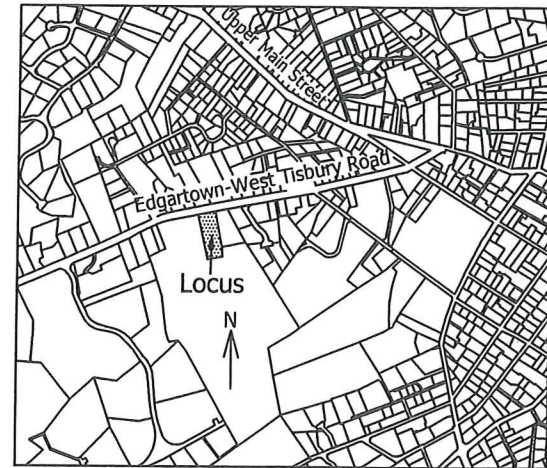
Barbara E. Condlin
 Assessor's Parcel 20C-137.11

Gordon Bates
 Assessor's Parcel 20C-137.13

Approval Under the Subdivision Control Law is Not Required
 Edgartown Planning Board

Date: _____

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Locus Map (not to scale)

Edgartown - West Tisbury Road (Mass. State Highway - 66 ft. wide)

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I certify that the preparation of this plan conforms with the rules and regulations of the Registers of Deeds effective January 1, 1976 and as amended.

Douglas R. Hoehn, Professional Land Surveyor

Date: _____

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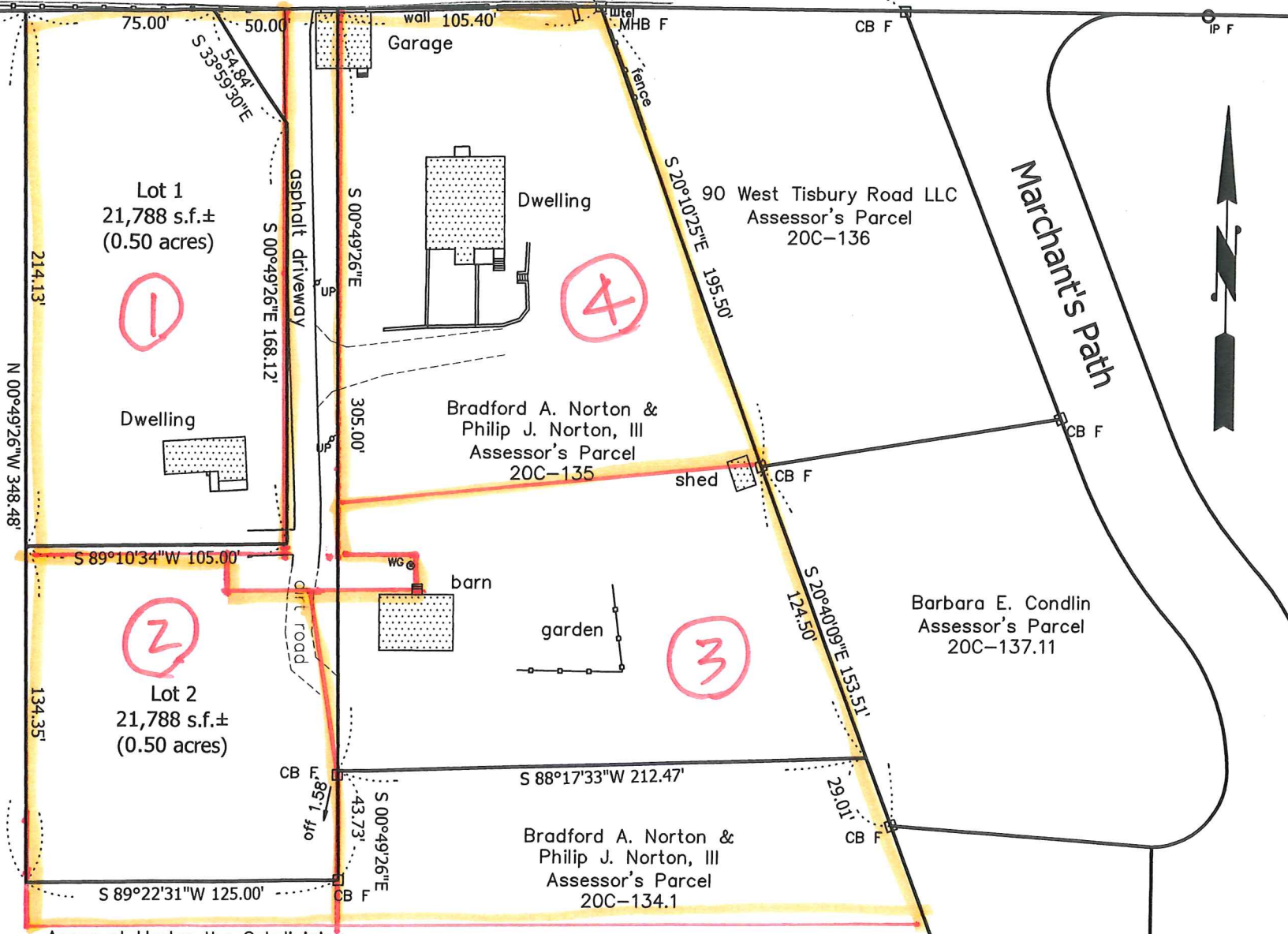
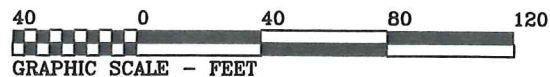
- Notes:
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Form C

Plan of Land in Edgartown, Mass.

Prepared For
Bradford A. Norton & Philip J. Norton, III
 Scale: 1" = 40' March 27, 2013

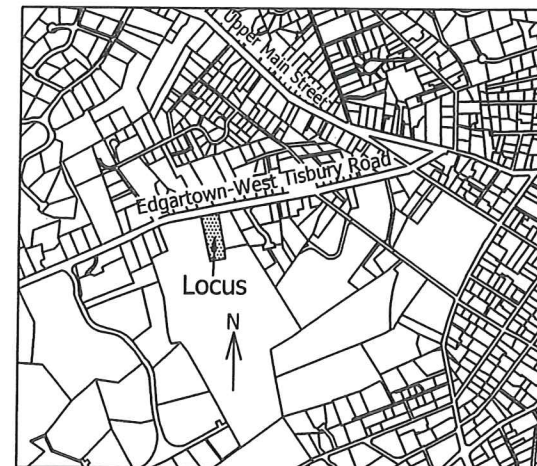
Schofield, Barbini & Hoehn Inc.
 Land Surveying & Civil Engineering
 12 Surveyor's Lane, Box 339
 Vineyard Haven, Mass.
 508-693-2781
 www.sbhinc.net
 MV 10756



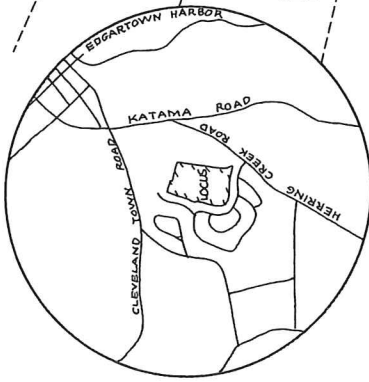
Approval Under the Subdivision Control Law is Not Required
 Edgartown Planning Board

Date: _____

Endorsement is without regard to buildability, or permitted occupancy, does not stay enforcement of zoning violations, and is subject to other notations hereon.



Locus Map (not to scale)



Locus Map 1:25,000

Plan Reference:

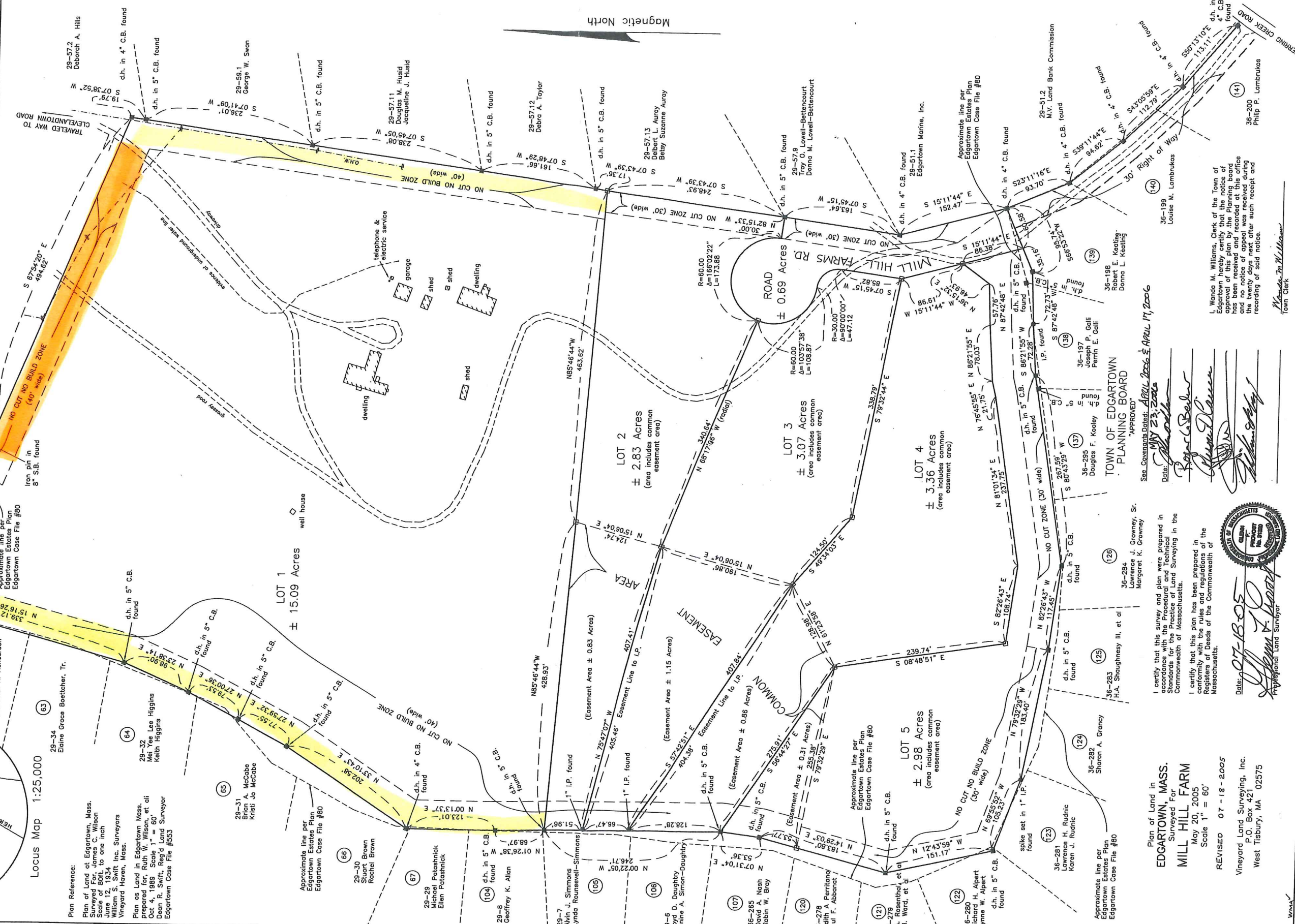
Plan of Land at Edgartown, Mass. Surveyed for James C. Wilson June 12, 1934, at one inch William S. Swift Inc. Surveyors Vineyard Haven, Mass.
 Plan of Land in Edgartown, Mass. prepared for Ruth W. Wilson, et al Oct 4, 1989, Scale 1" = 60' Dean R. Swift, Registered Land Surveyor Edgartown Case File #553

SEE MILL HILL FARMS DECLARATION OF RESTRICTIVE COVENANT DATED APRIL 2006 RECORDED HERewith. SEE FORM F COVENANT DATED APRIL 17, 2006 RECORDED HERewith.

□ Denotes Monument to be set

GRAPHIC SCALE: 1"=60'

Job No. 1286



Plan of Land in EDGARTOWN, MASS. Surveyed For MILL HILL FARM May 20, 2005 Scale 1" = 60'

REvised 01-18-2005

Vineyard Land Surveying, Inc. P.O. Box 421 West Tisbury, MA 02575

I certify that this survey and plan were prepared in accordance with the Procedural and Technical Standards of the Practice of Land Surveying in the Commonwealth of Massachusetts.

I certify that this plan has been prepared in conformity with the rules and regulations of the Registrars of Deeds of the Commonwealth of Massachusetts.



Date: 07-18-05
 William A. Loomis
 Professional Land Surveyor

TOWN OF EDGARTOWN PLANNING BOARD

APPROVED
 See Covenants Dated: APRIL 2006 & APRIL 17, 2006
 Date: MAY 23, 2006

Signatures of board members: Joseph P. Gagli, Douglas F. Keoley, Robert E. Keating, Donna L. Keating, Louise M. Lombrakes, Wanda M. Williams.

Wanda M. Williams, Clerk of the Town of Edgartown hereby certifies that this plan has been received and recorded at this office and no notice of appeal was received during the twenty days next after such receipt and recording of said notice.

Wanda M. Williams
 Town Clerk

