

**Edgartown Planning Board Meeting Minutes**  
**Tuesday, January 5, 2016 at 5:30 PM**  
**Town Hall – 1<sup>st</sup> Floor Selectmen’s Meeting Room**

*Members in Attendance: Chairman Michael McCourt, Robert Cavallo, Fred Mascolo, Robert Sparks and Alan Wilson*

*Staff in Attendance: Georgiana Greenough, Assistant; and Lucy Morrison, Clerk*

Chairman Michael McCourt called the meeting to order at 5:30 PM.

**5:30 PM: Discussion: 139 Meetinghouse Way (37-47) 52-acre development**

*In Attendance: Doug Hoehn, Gerald Jackson and Michele Cassavant*

Mr. Hoehn approached the Board to introduce Gerald Jackson, the prospective purchaser of the property, and Michele Cassavant, his legal counsel. The Board is familiar with the property after a five lot division of land into ten-acre parcels in September 2014 under Red Archer, LLC. This was done in order to preserve the value of property for the pending purchase; however, it was never intended to be the end of the division of land. Mr. Hoehn noted that this plan was never recorded. The property is located in the R-20 District with ½-acre zoning, and the land has clear title. Mr. Hoehn stated that the Planning Board will be a large part of the development process, and that the purpose of this discussion was to get initial thoughts and feedback.

Mr. Hoehn stated that there are not many zoning regulations for the area. The property is not located in protected habitat, as was determined by the National Heritage Endangered Species Program (NHESP), even though the abutting properties do fall within the protected habitat. Mr. Hoehn stated that he has confirmed the lack of priority habitat with NHESP twice. There are no wetlands on the property, and the land is fairly flat. The proposed development would need to tie into town sewer; otherwise the development would be very limited in terms of bedroom count. Mr. Hoehn stated that the project is in the due diligence phase, and that the applicants have spoken to the Sewer Department and the Water Department to discuss options to tie into town water and sewer. Mr. McCourt asked if the applicants would pay for the cost to hook into those resources. Mr. Hoehn stated that they would. Mr. Hoehn stated that the proposed development would be much less dense than what is allowable by zoning, with probably only 30 lots or so. Mr. Hoehn compared this to Island Grove, a development down the street, with 150 lots on 110 acres.

Mr. Wilson requested clarification on the previously endorsed ANR. Mr. Hoehn stated that the land was divided in 2014 so that the buyer coming forward would know that some sort of subdivision was in effect. Mr. Wilson asked if the applicants will be re-doing that existing subdivision. Mr. Hoehn encouraged the Board to ignore the previous Form A since it was not recorded.

Mr. McCourt asked if the Planning Board was the first board approached with this project. Mr. Hoehn confirmed. Mr. McCourt asked if the wastewater treatment plant would be able to handle the added capacity. Mr. Hoehn stated that Mr. Barbini has discussed the proposal with Mr. Thompson at the Sewer Department, and was told that 30 lots should not be a problem.

Mr. Mascolo encouraged the applicants to develop the land in such a way to benefit the neighboring lot owned by the Affordable Housing Committee, in order to satisfy their needs, and to be a good neighbor. Ms. Cassavant stated that Mr. Jackson is interested in trying to do something creative and beneficial with affordable housing, that will go above and beyond the requirements mandated by the MVC.

Mr. Wilson commented that it seemed strange that there was no protected habitat on the property, and Mr. Cavallo agreed. Mr. McCourt stated that there is a severe lack of low and middle income housing on the island, which could be a good selling point for this project.

Ms. Cassavant stated that the vision for this subdivision could be likened to Sweetened Water Farm, with community gardens, paths, open space and buffer areas around the perimeter. It was added that the MVC will also impose open space policies and regulations. Mr. Hoehn stated that the building envelopes will be clearly marked within the lots, plus other open spaces throughout the subdivision. He stated that there would be no real difference if the property were located in priority habitat, and that there will be covenants within the subdivision with restrictions.

Mr. Jackson introduced himself to the Board. He stated that he has lived in Utah for over 20 years, after growing up in Boston. He developed North Tabor Farm in Chilmark, and has served as an expert witness for Land Bank in Chilmark and West Tisbury. Mr. Jackson stated that he is an experienced developer, and has produced close to 1,000 units. His partner is a vertical builder who has developed about 600 units.

Mr. McCourt mentioned that the neighbors in the area have complained about traffic issues. Mr. Hoehn stated that the applicants are aware of the issues. He stated that some of the traffic issues will hopefully be worked out with Patricia Leclerc at the MVC.

The Board stated that the most appealing parts of this proposal are the low density, the open space plans and the options for affordable housing incentives.

Ms. Greenough noted that there is an ancient way that wraps almost around the entire perimeter of the property, and asked if it would be preserved. Ms. Cassavant stated that walking paths will be important to the design, and that the subdivision will attempt to incorporate all of the existing paths into its future layout.

Ms. Greenough asked if the applicants had determined a bedroom count. Mr. Hoehn stated that no specific numbers had been calculated yet. Mr. Thompson had stated that 30 lots should be manageable if the property can be tied into town sewer. If not, the water quality policy dictates that the 52-acre parcel could only accommodate 60 bedrooms without advanced treatment.

Mr. McCourt asked about a construction plan. Mr. Jackson stated that stringent architectural controls will be imposed. Mr. Jackson stated that he is familiar with lot use diagrams, and knows how to design

the project tightly so no individual owner does anything detrimental to the overall plan. Mr. Hoehn added that many of these issues will be addressed by the MVC.

Mr. Mascolo asked if Mr. Jackson had ever considered using MURIS panels, since they are efficient and create air-tight houses. Mr. Jackson was not familiar with MURIS panels.

Ms. Greenough asked if the applicants will be allowing for different types of housing. Mr. Jackson said that many of the details have yet to be worked out, but that there will be restrictions on the design guidelines. Mr. Hoehn clarified that Ms. Greenough was suggesting that design flexibility may be a good thing.

The applicants will arrange a meeting with MVC, and then return to the Planning Board with a preliminary plan and schematics.

Mr. Jackson stated that he would like for the plans to be transparent, and to work closely with the local Boards in order to develop the best possible plan for the land. He stated that he welcomes any input.

The Board thanked Mr. Hoehn, Mr. Jackson and Ms. Cassavant for attending the meeting.

**5:50 PM: Site Review: Twanette Tharp, 77 Fuller St (19A-5) Change of Address to 18 Starbuck Neck Rd**

*In Attendance: Twanette Tharp*

Ms. Tharp approached the Board to request a change of address on a parcel in the R-5 District. The property was before the Board on January 15, 2015 for an application for two curb cuts. The driveway traffic flows in on Starbuck Neck Rd, and flows out on Fuller St. Ms. Tharp stated that it would make more sense to have the official address be the entrance to the driveway, instead of the exit. The house is oriented on the lot so that it faces Starbuck Neck Rd.

Mr. Mascolo moved to approve the change of address to 18 Starbuck Neck Rd. Mr. Sparks seconded, and the motion passed unanimously, 5-0.

**6:06 PM: Letter to State Representative from All Island Planning Board vote for the proposed Legislation S.122**

*In Attendance: Adam Turner*

Mr. Turner was present at the meeting to discuss the letter from the All-Island Planning Board to the State in support of Senate Bill S.122. The bill has proposed changes to numerous sections of the zoning enabling act, which has not been changed in about 25 years. Ms. Greenough read the draft of the letter to the State.

Mr. Wilson moved to accept the letter as written and that the Chairman sign a copy to be sent to the other town Planning Boards. Mr. Mascolo seconded, and the motion passed unanimously. Mr. McCourt signed a copy of the letter.

Mr. McCourt asked about the effectiveness of the All-Island Planning Board. He was of the opinion that the Board was redundant, since the MVC exists. Mr. Sparks clarified that the All-Island Planning Board is not a permit granting authority, but rather, an opportunity for town boards to discuss common problems, and give updates to the other towns.

Ms. Greenough stated that the All-Island Planning Board will be especially helpful if the towns ever decide to develop a large piece of land together. She mentioned the housing work group that has recommended that each town develop a Housing Production Plan. Ms. Greenough recommended that the Board follow through with it.

**6:29 PM: Review Planning Board Annual Report 2015 (Due January 6)**

The Board read and reviewed the draft of the Annual Report, and approved some minor changes.

**6:30 PM: Draft of Warrant for ATM 2016**

The updated Flood Plain Zone bylaw was approved by the Board on December 18<sup>th</sup>.

Mr. Turner gave an update on projects that have come before the MVC. The Refuse District is not nearly complete. The applicants presented a concept, but no decisions could be made due to the lack of details. Mr. Cavallo asked if the neighbors were outspoken about the application. Mr. Turner replied that there were some outspoken neighbors, and noted that there are new housing developments and buildings in the area, and that the vegetation has not grown in yet. He stated that once an application has been put together that meets all of the covenants, and environmental and water quality tests, it should be an easy approval.

The DRI Checklist review has fallen behind, but that a draft of the changes will be presented soon. Mr. Turner stated that it is very important to him that he receive comments from the town boards before presenting to the MVC. He stated that the Stop & Shop application will be a good example of how the towns and the MVC can work together.

Mr. Turner focused on the Stop & Shop application and encouraged the Board to focus on what improvements the members would like to see done throughout town. He stated that large applications should be reflective of the values that the Board wants. He added that the applicants need to be respectful of Edgartown, and to make sure that their product represents and respects where they are. Mr. Cavallo asked about the conceptual plan, and whether or not it would pass as is. Mr. Turner replied that it would not. Mr. Turner suggested that the Edgartown Planning Board go through the full hearing process before referring the project to the MVC. He said that it will be important for the MVC to understand that the majority of the impact will be in Edgartown, and it is appropriate that the Edgartown board fully vet the project before having it sent to be analyzed for regional impact.

Mr. Turner also suggested that the Board focus on the zoning bylaw definitions as a warrant article for next year's Annual Town Meeting.

**Other Business:**

Mr. Sparks mentioned that he will not be able to attend the next meeting on January 19<sup>th</sup>.

Ms. Greenough mentioned that the Beach St application has been continued at the applicant's request. Since they have requested the continuance, the 65 day approval limit is not applicable. The Board asked if any progress had been made between the applicants and the neighbors. Ms. Greenough stated that it did not seem as though any progress had been made, but that she would follow up with both parties.

Mr. Wilson mentioned that when he noticed a large solar farm on private property when he went to a site visit for the Spiro property on Chappaquiddick. He stated that the solar panels were not screened, and insisted that a bylaw be created to regulate private solar farms. The Board agreed that the Town should have an approval process in place regarding private solar panel farms. Ms. Greenough stated that she will work with the Building Inspector to incorporate the Planning Board into the permitting process.

Mr. McCourt inquired about the scheduling of meetings for February, and mentioned that he would be gone for the entire month. He encouraged Ms. Greenough to reach out to the applicants for Stop & Shop and alert them that there may be scheduling conflicts for that month. Ms. Greenough agreed, and stated that she will insist that everyone be present, including alternate member James Cisek, to be sure that there are five votes when it comes time to make a decision for Stop & Shop.

The Board discussed options for the upcoming Wrigley application.

Mr. Sparks moved to adjourn. Mr. Cavallo seconded, and the motion passed unanimously, 5-0. The meeting was adjourned at 7:10 PM.

Respectfully Submitted,

Lucy Morrison

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<i>Michael McCourt, Chairman</i>
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<i>Robert Cavallo</i>
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<i>Fred Mascolo</i>
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<i>Robert Sparks</i>
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<i>Alan O. Wilson</i>
Edgartown Planning Board
Date signed: _____