

Edgartown Planning Board Meeting
January 29, 2015 at 12 Noon
Selectmen's Meeting Room – 1st Floor
Minutes

Members in Attendance: Chairman Fred Mascolo, Robert Cavallo, Michael McCourt and Robert Sparks.

Members Absent: Alan Wilson

Staff in Attendance: Georgiana Greenough, Assistant

MRK Mullen Realty LLC, 19 Mullen Way (29A-97) Subdivision

Mr. Cavallo made a motion to re-open the public hearing; take testimony from the public and applicants; and read a letter from Town Counsel advising the Planning Board to forward the above referenced project to the Martha's Vineyard Commission. Mr. McCourt seconded and it was approved 4-0.

Mr. Mascolo read the public notice of the meeting. Mr. Mascolo said we are here to discuss the vote to approve the Mullen Way 9-lot subdivision with an open space lot, and according to Mark London's letter have to refer it to the Martha's Vineyard Commission. He said it was irritating for us to have other towns review our town's projects. However, he said, our Town Counsel said we made a mistake and we will do what it takes to correct it. They are the experts. He said the process will be as follows: The assistant will read a letter dated 1/21/2015 from Mark London, MVC and Town Counsel to the Planning Board, and then Mr. Tomassian can speak for the applicants.

Mr. Tomassian said Mr. Kidder was sorry he was not here. He asked if the assistant received the request for a modification to take the open space and comingle it with two of the existing lots. She said yes, she received an email, but did not act on it as the matter had been referred to Town Counsel. He said it was always our intent to have 9 buildable lots. We need to get the statutory definition of buildable lot or parcel. The MVC has new rules as of 2012. He suggested that if the board voted to send it to the MVC, which starts at the LUPC (Land Use Planning Committee), he does not believe the MVC would get any more out of the applicant.

Mr. Rob Coad, resident of Mullen Way, said the issue is "contiguous related ownership" which includes the two new lots created by a Form A. It, in fact, is a subdivision of 11 buildable lots.

Mr. Mascolo disagrees as it was not part of the application the board received. Mr. Cavallo said we are rescinding the decision and forwarding the application to the Commission. He said it's the only thing we can do. Mr. Sparks said the board needs to rescind the decision. Mr. McCourt said he believed the applicant provided a generous plan, met all the board's conditions, and believes the process has created unnecessary hurdles for the applicant. We are in a unique situation by dealing with undefined language in the DRI checklist. Had he known about the interpretations, he would not have approved it and would have sent it to the MVC.

Mr. Sparks made a motion to rescind the January 13, 2015 decision approving the MRK Mullen Realty LLC subdivision and send the application to the Martha's Vineyard Commission. Mr. Mc Court seconded the motion and it was unanimously approved 4-0.

Mr. Mascolo asked the assistant to include the town department approval letters along with the referral. Mr. Sparks read aloud a draft letter addressed to the MVC . Mr. Mascolo asked for a vote to include the letter in the referral. It was unanimously approved.

The meeting was adjourned at 12:28 p.m.

Respectfully Submitted,
Georgiana Greenough
Assistant

Fred Mascolo, Chairman

Robert Cavallo

Michael McCourt

Robert Sparks

Alan O. Wilson

Edgartown Planning Board
Date signed: