

Edgartown Planning Board Meeting
September 16, 2014 at 5:30 PM
Town Hall – 1st Floor – Selectmen’s Meeting Room
Minutes

Members in Attendance: Robert Cavallo, Michael McCourt, Robert Sparks, and Alan Wilson; Absent: Fred Mascolo

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

Mr. Cavallo acted as chairman in the absence of Mr. Mascolo. The meeting was called to order at 5:30 PM.

5:30 PM: Form B – Preliminary Plan for a Subdivision. Rogal, Keith & Anne, 80 Oyster Pond Rd (40-1.27) Divide one lot into two lots.

In Attendance: Reid Silva, Sharon Willoughby

Mr. Silva approached the Board to explain the situation. The property consists of about 7½ acres. A protective covenant allowing only one subdivision was placed on the property in 1973 by the then owner, Mr. Norton. The lot was divided once in 1996, as was allowed by the covenant. In 2009, the current owners, the Rogals, came before the Board to subdivide the property under a Form C. The application was denied due to the covenant on record prohibiting further subdivisions. This protective covenant expired on January 30, 2013. The applicants have returned to the Board with a Form B as a way to review the subdivision without submitting the official Form C. The Form B proposes the creation of two lots, one consisting of 3.78 acres and the other of 4.21 acres accessible by a 40 foot way.

Mr. McCourt asked for clarification of the covenant and when it expired. Mr. Silva explained and read the restriction from the deed. Mr. Cavallo stated that the application appeared to meet the requirements, and could be divided as presented.

The assistant read a letter from Christopher S. Pitt, an attorney who wrote on behalf of Keith Rogal on July 10, 2014 regarding the covenant. Mr. Pitt concluded that the restriction has expired and is no longer applicable.

The Board had no questions, and the applicant received verbal approval. The next step for the applicant is to file a Form C application, which will require a public hearing.

5:42 PM Form A – Land Bank re: Tom’s Neck Farm (Ann Floyd), Dyke Rd. In a pre-existing cluster subdivision, combine 4 buildable lots + open space lot “C” into one lot for sale to Land Bank. Modification to a Cluster Development

In Attendance: Doug Hoehn, Ann Floyd

This application does not require any signatures from the Board at this time, since it will be referred to the MVC as a Development of Regional Impact.

The Martha's Vineyard Land Bank is interested in purchasing a portion of a cluster subdivision on Chappaquiddick. Ms. Greenough explained that a cluster subdivision is a special permit that uses the amount of open space to calculate the size of the lots. There are complications that need to be addressed, since the open space is what allows the lots to be undersized, and it is not allowable to sell all of the open space while keeping the lots the same size. It may be possible to completely release the restrictions and then re-cluster. These issues will be worked out while the Commission conducts their public meetings and hearings.

5:55 PM Form A – Susan Clark, 139 Meetinghouse Way (37-47). Divide lot into 5 lots.

In Attendance: Doug Hoehn, Susan Clark, Joanie Brown

Red Archer Properties, LLC is the actual purchaser of the property.

Mr. Hoehn approached the Board and explained the Form A application. The 54 acre property will be divided into five lots of approximately 11 acres. These lots could be subdivided and developed further. In doing so, it will trigger other Boards and possibly the MVC. The applicants have not yet decided what to do with the property. The property is located in the R-20 district, which has ½ acre zoning requirements. There are a few restrictions on the property including no build zones. There is a 200 foot no cut buffer zone north of Meetinghouse Way. There is also an easement for the roadway that is unbuildable, which extends 40 feet from the middle of the roadway to the west. This may affect setbacks and conforming lots later in development.

There is also a covenant that applies to road maintenance. The Board is concerned about the condition of the road deteriorating over time, and would like to see a steadfast restriction for maintenance. The applicants assured the Board that they are invested in the land, and will want to make sure that the road is passable and useable. The Planning Board will also have other opportunities to examine the road and determine whether or not it is acceptable.

Mr. Sparks stated that this could end up being a very large development. Mr. Wilson asked if there are still people currently using the property, and if there use could be considered adverse possession. Mr. Hoehn replied that there would have to be some sort of lawsuit to determine adverse possession. Mr. Cavallo stated that he was in favor of the application, only because there will be other opportunities to place restrictions of the property and its uses, as will the MVC.

Mr. Sparks moved to endorse the Form A subdivision as presented. Mr. McCourt seconded, and the motion passed unanimously, 4-0.

Form A – Clifford Estrella, 40 Woodhaven Drive (11-1.127) & Robert Bruce, 36 Woodhaven Drive (23-1.129) No new lots created. Land conveyance to neighbor.

In Attendance: Doug Hoehn

Mr. Hoehn approached the Board and explained the Form A as a simple property line adjustment. Mr. Estrella will be giving Mr. Bruce a section of property. The assumption of where the property line lay was incorrect; this application will make it where both parties always assumed it was. The Board recognized this cooperative, neighborly act.

Mr. Sparks moved to endorse the Form A. Mr. McCourt seconded, and the Board unanimously approved the lot line adjustment, 4-0.

6:24 PM Discussion regarding the Community Development Strategy for 2015. Outlines the Town's goals and objectives for Economic Development, Affordable Housing, Transportation and Open Space

In Attendance: Christine Flynn, MVC Economic Development

Christine Flynn of the MVC approached the Board to give a quick overview of the Community Development Strategy as a requirement of the Block Grant, which gives federal funding for housing rehabilitation and childcare subsidies. The island submits two applications each year from Edgartown and Oak Bluffs as the lead communities. Oak Bluffs partners with Tisbury, and Edgartown partners with the other towns. The island has received over \$18 million in funding through DCHD. As a non-entitlement community, the island is required to apply once a year. The funds are highly competitive. This document updates the state on planning priorities of the town and the island. The Commission meets with the Affordable Housing Committees and the Town Administrators and other staff for comments and updates. Ms. Flynn is assisting Alice Boyd and has started the process of soliciting input and scheduling public hearings.

The Block Grants are an example of regional collaboration. In the past three years there have been over 70 island families participating in the TRI program run by Melissa Vincent. There have also been about 100 construction jobs created by the program. These programs understand the importance of hiring local people, and make every effort to keep these funds within the local economy as much as possible. The Block Grants fund the most effective programs on the island, and have tremendous value to the community. Mr. McCourt asked if the qualifications were setup on island. Ms. Flynn replied that all qualifications are determined by DCHD. Mr. Sparks asked if all of the money granted is spent and accounted for. Ms. Flynn replied that Alice Boyd can provide an itemized accounting of all of the funds. The money that isn't spent is returned to the state. In 2014, Edgartown received \$860,000 and Oak Bluffs received \$890,000.

The Board asked if there were other grants available. Ms. Flynn said that there is a list online through the DHCD, and possibly MHP.

Ms. Greenough mentioned that a bike path was approved to be added to Meshacket Road. The construction could begin once funding is received. Ms. Flynn stated that last year the CPA made changes to the open space and recreation sections to allow for CPA funds to be utilized for bike paths. Oak Bluffs is currently looking to redo some bike path connections along Beach Rd, and will be requesting CPA funds for engineering.

Ms. Flynn also asked for input on the Zoning Analysis and Housing Matrix recently completed by the MVC. The document outlines the affordable housing bylaws from each of the towns, and will serve as a resource for towns to see what is being done on a regional scale, and where the opportunities for Smart Growth are. Ms. Flynn left the meeting.

The Board discussed outstanding business: Morning Glory Farm has not properly signed the new exit. The assistant said that proper signage probably won't happen this year. There are signs, but they are small. Mr. Athearn wants to wait until the start of the next season before adding signage.

The NSTAR projects were approved by the Selectmen on the 15th.

The Building Inspector and Ms. Greenough are investigating violations of the Mill Hill subdivision agreement. A three page memo was given to Ron Rappaport. It was determined that it will be litigated. It was a clear violation, and there will be no representation.

The Gruner request for additional stop signs on Chappaquiddick is proceeding .

A letter from Ron Rappaport was received with regards to Santangelo.

Mr. Sparks moved to adjourn. Mr. Wilson seconded, and the meeting was adjourned at 6:48 PM.

Respectfully Submitted,

Lucy Morrison

Planning Board Clerk

<i>Fred Mascolo, Chairman</i>

<i>Robert Cavallo</i>

<i>Michael McCourt</i>

<i>Robert Sparks</i>

<i>Alan O. Wilson</i>
Edgartown Planning Board
Date signed: _____