

Edgartown Planning Board  
Tuesday, April 2, 2013 at 5:30 PM  
Selectmen's Meeting Room

Minutes

*Members in attendance: Robert Cavallo, Chairman, Fred Mascolo, Michael McCourt, Robert Sparks, Alan Wilson and James Cisek, alternate (sat in for Fred Mascolo on the continued Medical Marijuana hearing).*

*Staff in attendance: Georgiana Greenough, assistant.*

**Form A – Norton Family, West Tisbury Rd (part of assessors' parcel 20C-134.1)**

*Those in attendance: Doug Hoehn, Schofield Barbini & Hoehn Inc., agent for the applicant.* Me. Hoehn presented the site plan to create two new lots. The assessors' map does not show the parcel that is being divided because the previous assessor merged them into one parcel as they were owned by the same family. Mr. Hoehn said the family wants to create two lots for the children dividing one of two pieces of abutting properties. The Board noted they had conducted a site visit in the morning.

There is 50 ft of frontage on a public way called West Tisbury Rd. with a pre-existing driveway which shall be shared by both proposed Lots 1 & 2.

Mr. Mascolo made a motion to endorse the Norton Family Form A as presented. Mr. McCourt seconded the motion and it was unanimously passed.

**DISCUSSION: Edgartown Harbor LLC/McGoldrick, 177 Katama Rd (29B-74) IRD**

Doug Hoehn, Schofield Barbini & Hoehn, Inc., engineer and agent, showed the Planning Board a site plan for the proposed relocation of a driveway curb cut on Katama Rd. The building inspector told Mr. Hoehn that it doesn't matter if you are on an "Island Road District" road, you are allowed one curb cut to your property. Mr. Hoehn presented an overlay created on his computer that shows the Island Roads District just touches the proposed driveway. Chairman Cavallo asked if they would get rid of the other driveway and haul away the debris. Mr. Hoehn said yes, and added that Stuart Fuller, Highway Superintendent, inspected the curb cut relocation and does not have a problem with it. The assistant remarked that the proposed driveway is safer as it shall be further away from the Katama General Store, which is extremely busy in the summer. The board noted they had conducted a site visit in the morning.

Fred Mascolo made a motion to approve the curb cut relocation and to designate it as a de minimis project (no public hearing is necessary). Mike McCourt seconded the motion and it was unanimously passed.

**DISCUSSION: Pioggi Pool, 117 Herring Creek Rd, (36-149.2) Katama DCPC: Swimming pool.**

Brooks Billingham, engineer and agent for the applicant, presented the drawings, site plan and photographs of the proposed swimming pool in the Katama DCPC. The board noted they

conducted a site visit in the morning. Mr. Billingham continued his presentation saying the pool shall be placed in the back yard. Only one outside light is proposed. A fence shall be constructed around the whole front yard that will also enclose the pool and the rest of the back yard. A shed is proposed on the left side. He presented photographs of the proposed pool site. The fence shall be located along the tree line. The ground water is 15' down, and the pool shall be 6 feet deep.

Alan Wilson noted the driveway right next door has two separate driveways within 3 feet of each other. He added that normally if the driveways were that close, they be shared so as to limit the number of egresses onto an Island Road District road.

It was noted that Jane Varkonda, Conservation agent, signed the Conservation Commission Statement stating she did not believe the proposed project would create any adverse impacts on the ecological interests that the Katama DCPC zoning bylaws protect.

Robert Sparks made a motion to approve the swimming pool as presented as it met the zoning regulations for the Katama DCPC. Alan Wilson seconded the motion and it was unanimously passed.

**Public Hearing: Interim Regulations for Medical Marijuana Uses (continuation)**

*Those in attendance: Paul Jackson, Sr., Edgartown, Beverly Bergeron, West Tisbury, Jordan Wallace, Oak Bluffs, Nicholas Doir, West Tisbury, Kirsten Scott, West Tisbury, Kym Scott, West Tisbury, John Wojtiecek, Oak Bluffs, Keith Bassett, Edgartown, Jeff Rose, (West Tisbury)*

The Chairman opened the continuation of the public hearing by stating the board will take a vote to approve the interim regulations as written. If approved, it will be voted at town meeting next week. The Chairman asked the audience to only discuss new information regarding the proposed moratorium, and asked the assistant to read the minutes of the previous meeting, to remind the audience of previous discussion points. The assistant read the minutes. The Chairman said the board was just handed the new state regulations from the DPH this afternoon, and have not yet had a chance to review them.

Jordan Wallace began his discussion by responding to Chairman Cavallo's question of whether or not he was a voting member of the town. Jordan Wallace said he was not. He urged the board to read the draft regulations and then decide whether or not there should be a moratorium. He said there is a group on the island who are organizing the MMTC effort. Chairman Cavallo said he understands, but stated it is the board's purview to figure out what is in the best interest for the town. He added the board needs to have an opportunity to review the commonwealth's regulations and take their time to develop local regulations.

Jordan Wallace then compared a package store to an MMTC (Medical Marijuana Treatment Center).

Chairman Cavallo said this board only speaks for Edgartown. The state mandates that there can be up to 5 MMTCs per county, or one per town.

Jordan Wallace said now that the draft regulations are available, why do you still need a year to develop local regulations? Chairman Cavallo said the townspeople of Edgartown will have an opportunity to discuss it at the Town's Annual Meeting next week. He reminded the audience that the Selectmen submitted the moratorium to the Planning Board as it is a proposed zoning bylaw.

Jordan Wallace said he wants the board to modify the moratorium to 6 months (not 12 months). He urgently wants to convince the board to consider it as an option. He also said he is offering the services of his group, saying it (medical marijuana) is our business. The assistant asked the name of the group, and was told it was named the Kingsbury Group Incorporated.

Keith Bassett said in light of the regulations, the moratorium is cruel. It inhibits the caregiver model. The dispensary model is better. It is not sensible – it is cruel. He also said the Mass regulations are different from any other state. You have to be a millionaire to apply for an MMTC license. The hardship cultivation registration will be hard to get. The state is trying to limit home growing.

Jeff Rose said he is not an Edgartown resident, but points out that a moratorium will delay a patient from receiving it. He said if you read the regulations, local towns have clear authority how a dispensary can be regulated.

Bob Sparks said although there are positive reasons for medical marijuana, there are also a lot of risks to the public. He also said they need make a careful study so it works in Edgartown – the board is not going to rush into it. Even those of you in the audience disagree among yourselves as to what should be done.

Edgartown needs to have public hearings and speak with other towns. They need to make the right decision the first time.

Jordan Wallace said 74% of the people on the island approved it in November, 2012.

Mike McCourt said the 12-month moratorium doesn't mean that we can't finish them sooner.

Keith Bassett said some states have been dragging their feet for years - check Rhode Island.

Mr. Sparks said marijuana can help but it can also hurt.

Paul Jackson made the statement that “not one person is against it”.

Mike McCourt said the board is making a decision for the entire community. We are not trying to stop anything. They just want some time to take a look at everything.

Chairman Cavallo closed the public hearing and the Board deliberated. James Cisek said we have to accept the reality that this is going to happen. Now that we have the state regulations we need to get a group together to come up with the local regulations. Chairman Cavallo said do we amend the article on the warrant for town meeting if we think a year is too long. Mr. Sparks

agrees a year is a long time, but what if it's not long enough.

Mr. Cisek made a motion to amend the 12-month moratorium to 6-months. Mr. Sparks seconded the motion. Chairman Cavallo voted yes. Mr. McCourt voted no. Mr. Wilson voted no. The vote was 3-yes and 2-no. The amendment did not pass. Subsequently the board voted unanimously to approve the 12-month moratorium, and to forward it to Town Meeting.

**Donalbin Close.**

Mr. Paul S. Bangs, 23 Donaldbin Clos (21-133.11) asked the Planning Board for help in finalizing the correct spelling for his private road which has been referred to, and spelled as: Donalbain Clos (Cartographic Mapping for the Town) and Donaldbin Clos (Edgartown assessors), Donalbin Close (Island Book), Donaldbin Close (police dept) and Donaldbain (UPS). He believes the record shows the name to be \_\_\_\_\_ .

Mr. Sparks made a motion to correct the spelling of a street in Edgartown Meadows to \_\_\_\_\_ for the record. Mr. McCourt seconded the motion and it was unanimously passed. The assistant shall inform the appropriate town officials.

**Old Business**

**Signage to direct drivers to the Upper Main Street park & ride.**

Mike McCourt asked to set up agenda item to improve downtown parking. Signage is the first step in a number of phases. Mascolo said take it a step further. Offer free shuttle (VTA) from the Triangle parking lot to downtown.

McCourt asked about the trucks in the parking lot that park for long periods of time. Why can't those spots be permitted? We can make some money and improve the parking lot. Wilson said offer a card with 10% discount. Mascolo said they tried it and did not work. McCourt said to just get the signage up and then eventually get a trolley in the next phase. Mascolo had previously suggested a dedicated lane for a shuttle. He said check out the Newport RI outside parking incentives that were offered to drivers and had no impact. Employees are the issue. McCourt said enforcement is not the way to go. If we get even 20% of the parking lot used it would help. Mascolo said use the grammar school in summer. McCourt said that's part of the phases. Wilson said they talked about using it for the chappy ferry. McCourt said the current signs are awful and need to be changed.

The meeting was adjourned at 7:13 pm.

Respectfully submitted,

Georgiana Greenough, Assistant

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*Robert Cavallo, Chairman*

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*Fred Mascolo*

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*Michael McCourt*

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*Robert Sparks*

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*Alan O. Wilson*

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