

Edgartown Planning Board
Tuesday, May 21, 2013 at 5:30 PM
Selectmen's Meeting Room
Minutes

Members in attendance: Robert Sparks, Chairman, Robert Cavallo, Fred Mascolo, Michael McCourt, and Alan Wilson.

Staff in attendance: Georgiana Greenough

Form A. Turner, Patrick S., 27 Slough Cove Rd (44-12.4) (Agent: Reid Silva) *Fran Agnoli, realtor, was in attendance.*

Reid Silva, Vineyard Land Surveying & Engineering, Inc. presented the Form A plan to divide parcel 44-12.4 into two lots in R-60 residential zoning. It is Land Court Plan 19652. Lot 34 has 1.5 acres and Lot 33 has 4.57 acres. Lot 34 is undeveloped and lot 33 has been developed with a single family home and three sheds. Both parcels have adequate frontage on Slough Cove Rd. Mr. Cavallo made a motion to endorse the Form A as presented. Mr. Wilson seconded the motion and it was unanimously passed.

Public Hearing: Bryan, Jay, 93 Pocha Rd (48-43.2) SP: Coastal District. Construct 640 ft. elevated walkway over a marsh to Pocha Pond. (Agent Richard Barbini) **WITHDRAWN**

Richard Barbini, Schofield Barbini & Hoehn, Inc. sent an email requesting a withdrawal, without prejudice, of the above references application for an elevated walkway. The assistant said the application was denied at the Conservation Commission. Mr. McCourt made a motion to accept the withdrawal of the Bryan application without prejudice. Mr. Mascolo seconded the motion and it was unanimously passed.

Jobs Neck Farm Realty Trust/Peter L. Puciloski, 60 Pohogonot Rd (42-1.103 & 1.104)
Coastal & Ponds Districts.

Joanne Gosser, architect and Tom Wallace, agent for the applicant requested relief from restriction of 18' high flat roof with a pitch of 1 in 4 or less (Zoning bylaw 14.1.e.1.) to construct a 24' high flat roof above grade. Much of the discussion was focused on the fact that the parcels were not reflected in the assessors' maps. The board sorted through deeds and various plans (signed and unsigned) and listened to an explanation from Tom Wallace that Pohogonot Trust is not a subdivision – they sell off parcels as they choose. Many of the parcels were created as far back as 1841 which is before zoning was established in Edgartown. Often the assessors' do not delineate undeveloped parcels, abutting each other that are held under the same name, for tax purposes.

The board reviewed the elevations and very unusual design of the footprint for the proposed single family dwelling. Joanne Gosser said the flat roof will be so located that it cannot be viewed from Pohogonot Road or from the ground. The only way to see the flat roof would be from an aerial position. The flat roof shall not be accessible. It is merely to increase headroom from the interior of the structure.

Mr. Cavallo made a motion to determine the project was de minimis, and to approve the 24' high flat roof as presented with the condition that the flat roof would not be accessible. Mr. McCourt seconded the motion and it was unanimously passed.

Form A. Scout Harbor View Property 2, LLC (HarborView Hotel – tennis courts), Fuller St. (20B-708) (Agent, Doug Hoehn) *Leslie C. Floyd, HarborView employee, was in attendance.*

Mr. Hoehn presented the Form A to divide a 27, 671 s.f. lot into two lots. The property has a permanent 25' wide easement with existing parking on either side. R-5 requires minimum lot coverage of 10,000 s.f. Lot 1 is 10,026 s.f. and Lot 2 (including the easement) is 17,545 s.f. Both lots have adequate frontage onto Fuller St. Ms. Floyd said the HarborView wants to sell the lots.

Mr. Mascolo made a motion to endorse the Scout Harbor View Property 2, LLC Form A to divide parcel 20B-708 into two lots. Mr. Cavallo seconded the motion and it was unanimously passed.

Old Business:

- **Upper Main St. Park & Ride:** Mike McCourt recounted a brief discussion between he and Pam Dolby, Town Administrator regarding the Upper Main St. Park & Ride in a casual gathering in Town Hall. Ms. Dolby said (at a meeting held on April 29) the Selectmen discussed cleaning it up, designating the perimeter to commercial vehicles and possibly permitting them. Mr. McCourt said he was interested in increasing visitor traffic to the area to free up some downtown spaces. Ms. Dolby said it was not developed for that purpose; it was developed for the employees of town businesses to park there. At the Mr. McCourt suggested increased signage should be posted to encourage parking and using the shuttle to downtown. Mr. Mascolo said the shuttle runs every 15 minutes. Mr. Mascolo also said when he was the chairman of the Board of Trade, they encouraged employee parking at the park & ride. At that time, he also suggested changing the name from “Dark Woods Parking Lot”.
- **Medical Marijuana regulations:** Mr. Mascolo left the room because he said he may consider opening a medical marijuana treatment facility. The assistant reminded the board they needed to consider drafting the regulations in time for next Annual Meeting. She said the earliest they can hold public hearings on the regulations would be around October 15, 2013 which leaves four to six months to work on it. Mr. Cavallo asked other than the location of the facility, what the regulations need to cover. The assistant responded that all phases of the operation. She said she would draft an outline of the regulation for the board to discuss. The Town needs to wait to see what the county and other island towns will do.
- **Cape Pogue District Advisory Committee amendment:** The brief amendment to the Cape Pogue Advisory Committee must go to the Martha’s Vineyard Commission before it can be adopted by the Planning Board and at Town Meeting.
- **Subdivision Rules & Regulations amendments:** The assistant announced the last time the Subdivision Rules and Regulations were updated was in 1999. They are not on-line because they are almost unreadable and the updates that were adopted were in handwritten notes on the margins. Further the current regulations consist of some areas that need to be updated, including fees, the format, and the incorporation of all previous amendments into the master document. Town Counsel recommended that the phrase “If

the Planning Board fails to act upon a plan submitted under this section within fourteen (14) days after its submission, it shall be deemed to have determined that approval under the Subdivision Control Law is not required.” should be modified to say “...within twenty-one (21) days...” The assistant shall prepare copies of both the current Subdivision rules and regulations and the proposed (revised) Subdivision Rules and Regulations for the board to review.

The meeting was adjourned at 6:44 p.m.

Respectfully submitted,

Georgiana Greenough, Assistant

Robert Sparks, Chairman

Robert Cavallo

Fred Mascolo

Michael McCourt

Alan O. Wilson

Edgartown Planning Board