

Edgartown Planning Board
October 15, 2013 at 5:30 PM
Town Hall - Selectmen's Meeting Room

Minutes

*Members in attendance: Michael McCourt, Acting Chairman, Robert Cavallo, Fred Mascolo, Alan Wilson, and alternate, James Cisek. Absent: Robert Sparks.
Staff in attendance: Georgiana Greenough, Assistant; Lucy Morrison, Part-Time Clerk*

Public in attendance: Ina Andre, Michael Kidder, Michele Casarante, Joe Barkett (Abutter to an abutter, MS. Bare) Roger Beach (Abutter, Ms. Bare), Peyton Wallace, Rob McCarron (Atty, Ms. Bare), Adam Moran (Builder, Ms. Bare) and Doug Hoehn (Agent, Ms. Bare).

Tara Hills Trusts, et al. (Houlahan/"Bayside"), Bayside Dr off Katama Rd (36-159.11 - 159.15) Form C Subdivision. The plan proposes to create a 9-parcel residential subdivision on 53.89 acres.

Doug Hoehn - continued from Martha's Vineyard Commission ("MVC"). Received approval. Will sign a real subdivision plan when and if approved. National Heritage. Dark green and dark blue will not be touched. 73% of the total. Calculation without the wetlands. 69% exceeds what Nat Her. & MVC. Offers of conditions to the MVC. get it back in the control of the local boards. New set of conditions. No contribution was necessary for affordable housing by the MVC because not 10 or more lots. Goes back to the MVC for written decision.

McCourt asked if any major changes in the conditions. How much of the building envelope (Met all open space requirements) Many commissioners said met the regulations.

The members were given a copy of the final draft of the decision, along with staff notes and minutes of the MVC's meeting. Some said there should be more how much of the developed envelope can be cleared before going back to the MVC. 2/3 of the envelope can be developed. Part of the envelope is in the Conservation Commission's jurisdiction. Offers they came up with - became conditions. Successful in the removal of the original approval - number of walkways in the marshes. The MVC can not approve piers. Most likely they are going to ask for a pier. One of the reasons to not overdevelop is to allow more piers. Asking for three additional piers. Some lots are going to his family. McCourt wanted to know if any of the piers are shared? Yes a few. Maximum distance for the pier is way out and length is cut short.

Wilson said they (Green) allow 12 boats per pier but they use moorings, and the pier is for dinghy use.

Sean Murphy gave the Form F covenant to the assistant - when new lots are created, one year waiting period once it is done. They will draft a road maintenance agreement.

No local boards here. No one from audience. has any comments. John Keene rapped surface, wants to continue the same - one is only for a driveway. Lot 9 Close public hearing. Could be a lot more lots.

In the future the applicants will propose three new piers. plan to be signed will not include

One is there without a pier. Two is ----- distance apart (McCourt) from each other. Hoehn shared walkways keep Will piers be constructed before the lots are sold? McCourt.

The board voted unanimously to continue the hearing to October 29, 2013. The Planning Board may not vote on any application that does not have a signed written decision by the MVC. The Commission proposes to do so on Thursday, October 17, 2013.

Ms. Bare Realty LLC, 5 Briggs Rd (27-9.22) SP: Ponds, Coastal Districts. Construct a 15' x 30' swimming pool and related landscaping.

In attendance for the applicant: Rob McCarron, attorney, Doug Hoehn, agent, and Adam Moran, builder.

Mr. Mascolo recused himself from this hearing, as some of his employees may have dealings with this property. This leaves the applicant with only 4 members to vote on the application. The applicant agreed to have the hearing heard with only 4 members.

The Planning Board conducted a posted site visit in the morning.

Copy of site plan & landscaping. 9-acre piece of property. Moran the builder. The application is only for the swimming pool. It is on the pond side of the house quite well setback from the pond. There is a slow rise from the pond to the house. Con Com approved the application and issued an order of conditions. Mr. Hoehn handed the assistant a completed Swimming Pool Checklist required for all swimming pool applications. salt filtration system. pool equipment will be in a separate shed.

This is another property subject to National Heritage & Endangered Species. Had to propose a limit of work on the site plan including the septic. 2.5 acres is all that is allowed to be developed out of the 9 acres. Pool cross section - worked depth of pool from ground water up - used specs from (elev. 5) Con Com. maximum height ground. 5 foot deep pool. patio will be around 12 foot elevation. No pool house. Lighting on list downward lit and required by building code. Red line around will be a black mesh

wire fence. Propane heated pool shall be in the shed. The septic system on this lot will be in compliance with the BOH separation from the neighbor's proposed swimming pool.

Mr. McCourt asked if there were comments from other board members. There were none. He then asked if anyone in the audience would like to speak in favor of the project.

Joe Barkett represent the abutter to an abutter. He did not know it was about the pool only. Moth - re lighting. Pumping the pool. chlorine. Landsaping of 2500 sq. ft. He wanted to remind the board that it's very old part of the town. Not in keeping with the neighborhood. Mr. Beach says he agrees about the noise, and is worried about his fishing. quiet and dark now. can hear on the west tisbury road. Doug Hoehn. McCourt said the conditions that we put on .

Barkett says that salt water systems are not as efficient as chlorinated systems. Gave the board members a copy of chlorinated systems over salt systems.

Mr. McCourt closed the hearing to the public. The board deliberated. Cavallo has no issue. Wilson said any sound would come from the garage side, don't think they will hear any noise. Noise in the pool by law - says it is required to be inside an insulated shed. Outside lighting is that only required by code and is downward lit.

The assistant was asked to read aloud all the standard swimming pool conditions.

Mr. Cavallo made a motion to approve the swimming pool application and said the project was tucked away. Mr. Cisek seconded the motion and said he believed it met all the requirements. The motion was passed unanimously with standard swimming pool conditions.

New Part-Time Planning Board Clerk

Lucy C. Morrison was introduced to the Planning Board as the candidate that was recommended by the assistant. The Board voted unanimously to hire her and welcomed her to the position.

Discussion: Michael Kidder re: Land on Mullen Way (Lots 57 & 97) Alternative access to 19 Mullen Way (7.2 acres), parcel 29A-97 abutting American Tower property.

In attendance: Mike Kidder, owner, Ina Andre, assistant to Mike Kidder, Michele Casavante, Doug Hoehn, agent.

Kidder owns both lots 97 & 57 on Mullen Way. Mike has been speaking with American Tower for an alternate access to his ___ acre property on Mullen Way. A secondary way to the use of the property. Before he gets into it, he wants to tell you what he is thinking about. Sketch preliminary for discussions with American Tower. This is only an idea.... neighbors to deal with..... prior to coming in officially. Mascolo said the neighbors actually encroached on the way thereby making it smaller. It was

for a previous application that has nothing to do with this one. Kidder wants to put it in their back pocket. to get input and will have to go to Jack Norton. may never use it. totally preliminary. Mascolo said if you put pine trees or something to screen the road. Larry Mercier and Ted Morgan. should be low impact. McCourt is concerned with the abutters. Mascolo said people who own property has rights. Hoehn said American Tower would be conveying the land. Would be doing a division of land to be conveyed to Kidder. Back piece did not go to land bank. should be ok. maybe do a swap. The AMTower do not want to be liable for the road. MCCourt wanted to know if there were any setback issues with the tower. James said it is a good alternative or secondary . Kiidder said it should be low impact. Will not give up the right to use Mullen Way. The board has no problem with this project.

Discussion - Subdivision Rules and Regulations: Re-coded, can be posted online/ emailed. Public hearing set to review. Form As modified to not exclusive to cloth, now includes Mylar. McCourt questions changes vs. formatting. Georgie spots incorrect info on page 6. SP residential fee increased from \$150 to \$175; Site review from \$50 to \$75. Subdivisions cannot be released until approved from listed of separate departments. Mascolo says he owns a lot, raw land, within subdivision that has not been approved (in Oak Bluffs). Impact Statement on 5 acres or larger: 13 impacts including population changes, peak seasonal population, estimated educational requirement; can waive statement, and pick and choose impacts (eg. could have asked from Houlahan). Wilson recommends we add a (q.) Supply locus on definitive plan 4"x4" added to Definitive Plan list of necessities for approval. Mascolo wants definitions of Form As, Cs, SPs, etc (pages 5 and 6). Georgie suggests assigning a board member to go through the Design Standards with each subdivision. Expand time from when Form A application received to decision, from 14 days to 21 days.

Discussion - Medical Marijuana zoning bylaw: Mascolo suggests waiting for Oak Bluffs to publish bylaws and then using it for the entire county. Dispensary location difficult to find in B2, residential abutters. Wilson recommended B2 because of the pharmacy. Aboveground Records? B3- Airport? Most of our bylaws adapted from Dennis, MA.

Capital Programs Committee - need to elect a representative from Planning Board
Cavallo willing to serve Capital Programs Committee if elected. Wilson made motion, Mascolo seconded. Unanimously approved by the board.

7:33 PM motion to adjourn made by McCourt, seconded by Cavallo. Unanimously approved.