

EDGARTOWN PLANNING BOARD
Tuesday, November 5, 2013 – 5:30 PM
Town Hall – 2nd Floor Break Room
Minutes

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

Staff in attendance: Georgiana Greenough, Assistant.

Chairman Sparks called the meeting to order at 5:30 PM.

NPN Trust, Wilsons Lane (37-49.1-.4) Form C to be redrawn to Land Court standards for a new registration.

Doug Hoehn, agent said this subdivision was approved in 1989. The road is built. The utilities are in. The title on the land is in question. In order to square it away, the attorneys recommended they file a new plan exactly as the same as the original plan but using the requirements of Land Court for a new registration. There are currently four names on the plan dated November 5, 2013: Chester M. Howe, Floyd C. Norton, S. Bailey Norton, Jr., and Nancy N. Monahan. which are different from the original subdivision plan. They believed that a Form A plan would suffice to file as there is no difference in the plan, and would not require the public hearing process. Chairman Sparks asked if they needed to sign off on the existing road. Mr. Hoehn said the road is already in place, but may be a bit overgrown.

Mr. Mascolo made a motion to endorse the Form A (a revision of the original Form C) as there was no change to the original subdivision. Mr. Wilson seconded the motion and it was unanimously passed.

Public Hearing: Form C: TCI Martha's Vineyard Trust/Israel, Thomas & Barbara, 9 Starbuck Neck Rd (19A-10) Subdivision to allow additional bedrooms on property.

Members of the board conducted a site visit in the morning. Doug Hoehn, agent, and Andrew Flake, builder were representing the applicant. Mr. Hoehn said that there were many projects going on at the property. The existing primary dwelling has six (6) bedrooms. The guesthouse over the garage has one (1) bedroom. The reason for the application for a Form C is that the applicants wanted to exceed the 7-bedroom count for the lot as regulated by the Wastewater Department, and they believed that by dividing the parcel into two buildable parcels, they could achieve their goal.

Mr. Hoehn's partner, Mr. Barbini went to the Wastewater Commission and asked for an exemption to the bedroom rule as the lot was oversized. The

Wastewater Commission refused to sign an exemption. The current plan is to divide the guesthouse away from the primary dwelling, and the newly created 16,991 square foot lot will allow 5 bedrooms. The plan is to rebuild the garage. They are not adding bedrooms to the main house at this time. They would be allowed to add one more bedroom to the primary structure if they chose to do so.

The assistant asked about the road association, and Mr. Hoehn replied they will have to draft a maintenance agreement. They will meet all current setbacks (20' front and 5' side and rear setbacks.) They are not located in the Coastal District. They did not meet the frontage requirements, therefore the application was submitted as a Form C showing a hammerhead (of 50 feet of frontage for each lot) which straddles the existing parking lot. Once the division of the lot has been signed off, they shall install a separate hook-up for the new lot. They will tear down the existing garage and rebuild. The road is already constructed and the utilities have been installed.

Mr. Mascolo made a motion to approve the Form C application as presented. Mr. McCourt seconded the motion and it was unanimously passed. After the decision is signed, the Board can then sign the Form C plan.

Tara Hills Trust/Houlahan Subdivision- Public Hearing Continuation

The Board is still waiting for the Martha's Vineyard Commission's signed decision which was due on October 10, 2013. There have been no letters or comments from other boards, abutters or members of the public regarding this subdivision.

As the board had already discussed the project in detail with the applicants, read the draft MVC decision, and determined they would proceed with a decision. The applicant's agents, Sean Murphy and Doug Hoehn, were present and agreed to proceed to a vote. A quick review ensued emphasizing that all the procedures of a Form C were still required, including the completion of the roads, and the installation of utilities. Mr. Murphy gave a revised copy of the Form F agreement. The assistant asked if there was a road maintenance agreement. Mr. Murphy said one is referred to in the Form F agreement, but they would draft a formal paragraph for it. It was noted that the piers were not included in this application. Mr. Hoehn said that all 9 building parcels (a total of 78 bedrooms) would require enhanced septic systems. There has been no letter from the Board of Health, but they have been presented with the latest plans. The Planning Board asked about the MVC's conditions. Mr. Murphy and Mr. Hoehn said the MVC's conditions were ones that they had offered, including a voluntary donation to the Affordable Housing Committee of \$300,000, which would be paid upon the sale of the first buildable parcel. The National Heritage & Endangered Species organization imposed the primary

condition that of the 52+ acres, only ____ acres could be developed. It was discussed that the time limit to construct the roads and install utilities was two years from the date of the Town's Clerk stamp.

Mr. Mascolo made a motion to approve the Tara Hills Trusts/Houlahan subdivision as presented with all of the MVC's conditions and board's standard conditions. Mr. Cavallo seconded the motion and it was unanimously passed.

Continued: Public Hearing, Giordano, 44 Caleb Pond Rd (30-53.211):
Request to license and maintain an existing 143' pier constructed in 1983.

Members of the board conducted a site visit on October 29, 2013. Reid Silva, agent, apologized for not being at the meeting last week. He said he is here to license and maintain an existing pier built in 1982. The applicants are looking to sell the property and want to cross their "t's" and dot their "i's". They are finalizing the details on title issues. The pier has an order of conditions issued by the Conservation Commission back in 1982, but the applicants never applied to the state. He believes the contractor dropped the ball, and built it.

Mr. McCourt asked if modifications had been made since it was built – it was in very good shape for being that old. The pier is 143 in length, and does not exceed past the faired pier line. There were no letters from other boards, abutters, or the general public.

Mr. Mascolo made a motion to approve the pre-existing pier for licensing. Mr. McCourt seconded the motion and it was unanimously passed with standard pier conditions.

Discussion (Continued) – Solar Project Aero Av. Landscape Plan

The assistant explained to the board that Ms. Towns came before the Selectmen when she received a copy of the NSTAR public hearing notice regarding the proposed solar array, saying she never received the public notice. The assistant attended the Selectmen's meeting. The Selectmen referred Mrs. Towns back to the Planning Board. The Selectmen asked if the abutters' notices were mailed. The assistant showed documentation that the notices were mailed and asked Ms. Towns if the address was correct. She confirmed that it was correct. She said she is the primary abutter to the solar array. It will be 10 feet away from her property, and she wished she had had the opportunity to discuss it with the applicants. The assistant spent an hour or so after the Selectmen's meeting with the abutters to the solar project explaining how the board may be able to help her with the proposed screening. The solar applicants were conditioned to return to the board with a landscape plan approved by the Conservation Commission.

The Board voted to have the American Capital Energy applicants return to the board with a detailed landscape plan of the proposed plantings that include trees of at least 20' or so in height. Ms. Towns said she would not mind if they could relocate some of her own larger trees to block the view of the solar panels from her second story view.

Mr. Mascolo offered to provide trees of 20' or higher to plant on the abutters property if American Capital Energy would provide the tree spade equipment and personnel to move the trees. Mr. Mascolo will provide photographs of the proposed trees that would be provided.

The assistant will follow up with both the Conservation Commission and American Capital Energy.

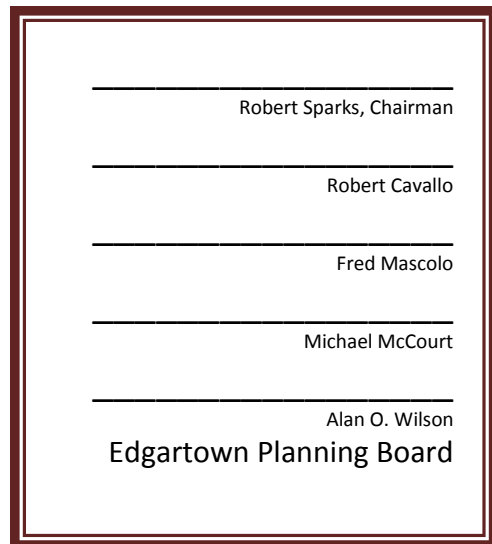
Old Business/New Business:

1. The assistant asked if the board had discussed a possible location for the medical marijuana facility in Edgartown. The board said they would continue the discussion.
2. Chairman Sparks said he will not be available on the November 19th meeting, and asked that Mike McCourt sit in as Chairman, and that James Cisek be asked to sit in on the meeting.

The meeting was adjourned at 6:44 PM.

Respectfully submitted,

Georgiana Greenough



Date Signed: _____