

Edgartown Planning Board  
Tuesday, July 23, 2012 – 11 a.m.  
2<sup>nd</sup> Floor – Town Hall  
Minutes

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

*Staff in attendance: Georgiana Greenough*

**Form A – Chappaquiddick Realty Trust/Olsson, Chappaquiddick & Chapel Aves (31-166)**

*Those in attendance: Rob McCarron, legal counsel for applicant, Doug Hoehn, Schofield Barbini & Hoehn, Inc.; David & Sally Ames, abutters to the applicant.*

Chairman Cavallo re-opened the meeting for the aforementioned applicant, and asked if Mr. McCarron had any new comments regarding the application.

Mr. McCarron responded that he would like to know if Town Counsel weighed in, and he hoped the Board was not considering the controversy surrounding the applicant. Mr. Hoehn added that at the last meeting there were two questions about the plan having technical deficiencies. He spoke with Land Court and explained that the endorsement the Planning Board gives for an ANR, is not the same plan as the one submitted and recorded in Land Court. Land Court reviews the plans to see if they meet technical regulations. They redraw it and determine what goes on the plan in terms of easements. He said he spoke with Steve Kearns at Land Court who said in terms of a telephone easement, purportedly along the westerly bound lot of 3A, it probably would not be included on their (Land Bank) plan as it has no width restriction.

Mr. Wilson asked if telephone lines had been installed. The response was no.

Mr. Hoehn continued answering the plan's technical questions from the first meeting. He referenced the "Public Way" which showed up on a previous plan recorded in Land Court. It also has no identification of width, and no information regarding a taking or why it appeared on a plan. He said Land Court might not accept the Public Way, but the files are old, and they need to take time to get it (out of the archives).


David Ames said his family gave a section of their property to the Dukes County Historical Society to commemorate Sampson's Hill, a monument located on his parents' property.

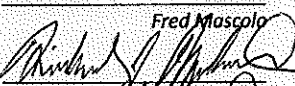
Mr. McCarron said he did not believe Town Counsel rendered an opinion. Mr. Cavallo handed Mr. McCarron a copy of a draft decision prepared by Town Counsel.


Mr. Mascolo said it was the first time he has ever seen an opinion written as a decision for the Planning Board.

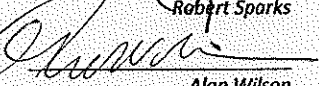
Mr. Wilson made a motion to deny the endorsement of the Form A plan presented on behalf of Chappaquiddick Realty Trust, for the reasons stated in paragraphs 3, 4, and 5 of the draft decision. Mr. McCourt seconded the motion and Mr. Sparks and Mr. Cavallo voted to deny the Form A. Mr. Mascolo said he was not ready to vote. Mr. Mascolo subsequently voted no after considering abstaining.


The meeting adjourned at 11:31 a.m.

  
Robert M. Cavallo, Chairman

  
Fred Mascolo

  
Michael McCourt

  
Robert Sparks

  
Alan Wilson

Edgartown Planning Board

Date signed: \_\_\_\_\_

Respectfully submitted,  
Georgiana Greenough, Assistant