

MRK Mullen Realty LLC, Mullen Way

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**Town of Edgartown
The Planning Board
P.O. Box 1065
70 Main Street
Edgartown, MA 02539**

Tel: (508) 627-6170
Fax: (508) 627-6173

website: www.edgartown-ma.us
email: planningboard@edgartown-ma.us

February 11, 2015

CERTIFIED MAIL & EMAIL

Martha's Vineyard Commission
P.O. Box 1447
Oak Bluffs, MA 02557
Attention: Paul Foley, DRI Administrator

RE: DRI Referral
MRK Mullen Realty LLC (Kidder)
19 Mullen Way, Assessors' Parcel (29A-97), 7.1 acres
9-lot Subdivision Plan

At a public meeting held on Tuesday, February 10, 2015 the Edgartown Planning Board voted to accept the withdrawal of an application prepared by Schofield Barbini & Hoehn, Inc, on behalf of MRK Mullen Realty LLC for a subdivision plan for 9 lots and 1 open space lot. At the same meeting the Planning Board received a new application from MRK Mullen Realty LLC for a subdivision of 9 lots. We understand the referral requires the project be forwarded to the Commission under the following DRI checklist items:

- **2.5. (Division of Habitat):** *Any development which proposes the division or subdivision of land that includes more than two (2) acres of Significant Habitat – with MVC concurrence.*
- **8.4. (Significant Habitat):** *Any development which proposes site alterations or clearance of more than two (2) acres of Significant Habitat – including topographical alteration or clearing – with MVC concurrence.*

As you may know the applicant has received a letter of understanding by the NHESP which is attached to this letter of referral. Also attached are two site plans for the project: one for the standard definitive plan and the other prepared for NHESP. As both checklist items are "with MVC concurrence" the Planning Board hopes the MVC is able to complete this request prior to March 10, 2015 when a public hearing has been scheduled for this project.

Should you have any questions regarding this referral, please do not hesitate to contact the Planning Board office. Thank you.

Sincerely,

Fred Maseolo, Chairman

Attachments: subdivision plan, NHESP site plan; email from Jesse Leddick (NHESP 12-31554)

cc: Doug Hoehn, Schofield Barbini & Hoehn, Inc, PO Box 339, Vineyard Haven, MA 03568
Skip Tomassian, P.O. Box 5157, Edgartown, MA 02539
Michele Casavant, 3 Mariners Way, Edgartown, MA 02539



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, Director

March 2, 2015

MRK Mullen Realty, LLC
c/o Schofield, Barbini & Hoehn, Inc.
P.O. Box 339
Vineyard Haven, MA 02568

RE: Applicant: MRK Mullen Realty, LLC
 Project Location: 19 Mullen Way, Edgartown (Land Court Certificate #11901)
 23 Mullen Way, Edgartown (Dukes County Registry of Deeds,
 Book 1051, Page 839)
 Project Description: Construction of a Nine (9) Lot Residential Subdivision
 NHESP File No.: 12-31554

Dear Applicant:

The Massachusetts Division of Fisheries & Wildlife's Natural Heritage & Endangered Species Program (the "Division") received the MESA Project Review Checklist, site plans entitled "NHESP Site Plan Edgartown, Mass." (dated February 10, 2015; prepared by Schofield, Barbini & Hoehn, Inc.) and other required materials for review pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (321 CMR 10.00) (MESA).

The Division has determined that the proposed project is located within the mapped *Priority Habitat* of the Imperial Moth (*Eacles imperialis*), a species state-listed as "Threatened". This species and its habitats are protected pursuant to the MESA. A Fact Sheet for this species can be found on our website, www.mass.gov/nhesp.

As proposed, the project includes the construction of a nine (9) lot residential subdivision, access drive and associated site work (hereinafter, the "Work") on 19 and 23 Mullen Way, as shown on the site plan. The project also includes re-development of existing landscaped areas with limited, additional clearing on 23 Mullen Way, as shown on the site plan. Collectively, the project will result in ± 4.84 acres of disturbance on two parcels collectively totaling approximately 8.1 acres (hereinafter, the "Property"). The project also includes temporary disturbance associated with the installation of a water line, as shown on the site plan, which shall be restored to its natural, vegetated condition after installation is complete. The Division notes that, as part of the proposed development of the Property, the Applicant intends to preserve ± 2.51 acres in its natural, vegetated condition, as shown on the site plan. The Applicant also intends to restore a small portion of the ± 2.51 acres of land to be preserved, according to a restoration plan pre-approved by the Division.

Based on the information provided and the information contained in our database, the Division has determined that this project, as currently proposed, must be conditioned in order to avoid a prohibited "take" of state-listed species (321 CMR 10.18(2)(a)). The project must adhere to the following conditions:

www.mass.gov

Division of Fisheries and Wildlife
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890
An Agency of the Department of Fish and Game

3

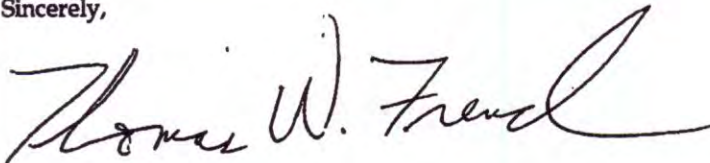
1. Prior to the start of Work, the Applicant i) shall submit a final, recordable site plan to the Division for review and approval, which shall incorporate the location and extent of disturbance associated with the proposed water line; ii) record this letter and the Division-approved site plan in the Dukes County Registry of Deeds so as to become a record part of the chain of title for the Property; and iii) provide the Division with proof of said recordation.
2. Prior to the start of Work or as otherwise approved by the Division, permanent monuments or signs shall be installed around the limit of Work, as shown on the site plan. The design of said monuments or signs shall be submitted to the Division for review and approval prior to installation.
3. Prior to the start of Work, symbolic fencing shall be erected around the limit of Work shown on the site plan and maintained throughout the construction period.
4. Prior to the start of Work, a Massachusetts Registered Land Surveyor shall certify to the Division, in writing, that i) symbolic fencing and permanent monuments have been installed at the limit of Work shown on the site plan; and ii) the total area within the limit of Work is no greater than ± 4.84 acres.
5. Prior to the start of Work, the Applicant shall submit a restoration plan to the Division for the "area of temporary disturbance" shown on the site plan, which shall be implemented as approved.

Provided the above-noted conditions are fully implemented and there are no changes to the site plan, this project will not result in a "take" of state-listed species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plan may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

The Division notes that any future projects or activities proposed on the Property which are i) located outside of the approved limit of Work shown on the site plan, ii) are not exempt pursuant to 321 CMR 10.14, and iii) are located within mapped *Priority Habitat* as indicated in the Massachusetts Natural Heritage Atlas, will require review by the Division pursuant to the MESA. The Division, at its discretion, may take into account the cumulative impacts that may be relevant to state-listed species, including but not limited to those associated with the current project.

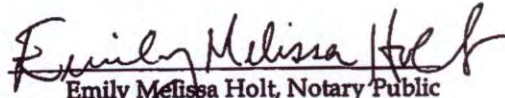
Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Jesse Leddick, Endangered Species Review Biologist, at (508) 389-6386 or jesse.leddick@state.ma.us.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

On this 2nd day of March, 2015, before me, the undersigned notary public, personally appeared Thomas W. French, Ph.D., Assistant Director, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.


Emily Melissa Holt, Notary Public
My Commission expires: July 28, 2017

cc: Douglas Hoehn, Schofield, Barbini & Hoehn, Inc.



FAVORABLE MUNICIPAL BOARDS / TOWN DEPARTMENTS

EDGARTOWN PLANNING BOARD

WATER DEPARTMENT

FIRE DEPARTMENT

POLICE DEPARTMENT

BOARD OF HEALTH

OTHER FAVORABLE AGENCIES

LANDBANK

Benefits to the town and neighborhood

- 1) **Better water quality for the neighborhood**
by extending a current dead end water main and creating a loop with the Mullen Way water main.
- 2) **Improved fire protection**
by installing an 8 inch water main for adequate water pressure
by installing 2 fire hydrants (currently no hydrants on Mullen Way)
- 3) **Improved traffic flow for emergency and utility / delivery vehicles**
by creating a cul de sac that will be open for public use including emergency vehicles
the new hydrants will no longer require that Pease's Point Way has to be closed down in case of fire on Mullen Way)
- 4) **Improving the walking trail system in the neighborhood**
by giving an easement over the property to the Landbank to connect 2 existing dormant trails

The width of Mullen Way is more narrow than a typical, conventional street found off-island. But, on island, narrow streets are a way of life. In fact, if you look at the streets surrounding Mullen Way, Mullen Way is wider than many of them.

The BENEFIT on Mullen Way is that TWO CARS CAN PASS at the SAME TIME, where only one car can pass on many of the surrounding streets.

For Instance:

NORTH ROAD is more narrow, where only one car can pass.

SOUTH ROAD is more narrow, where only one car can pass.

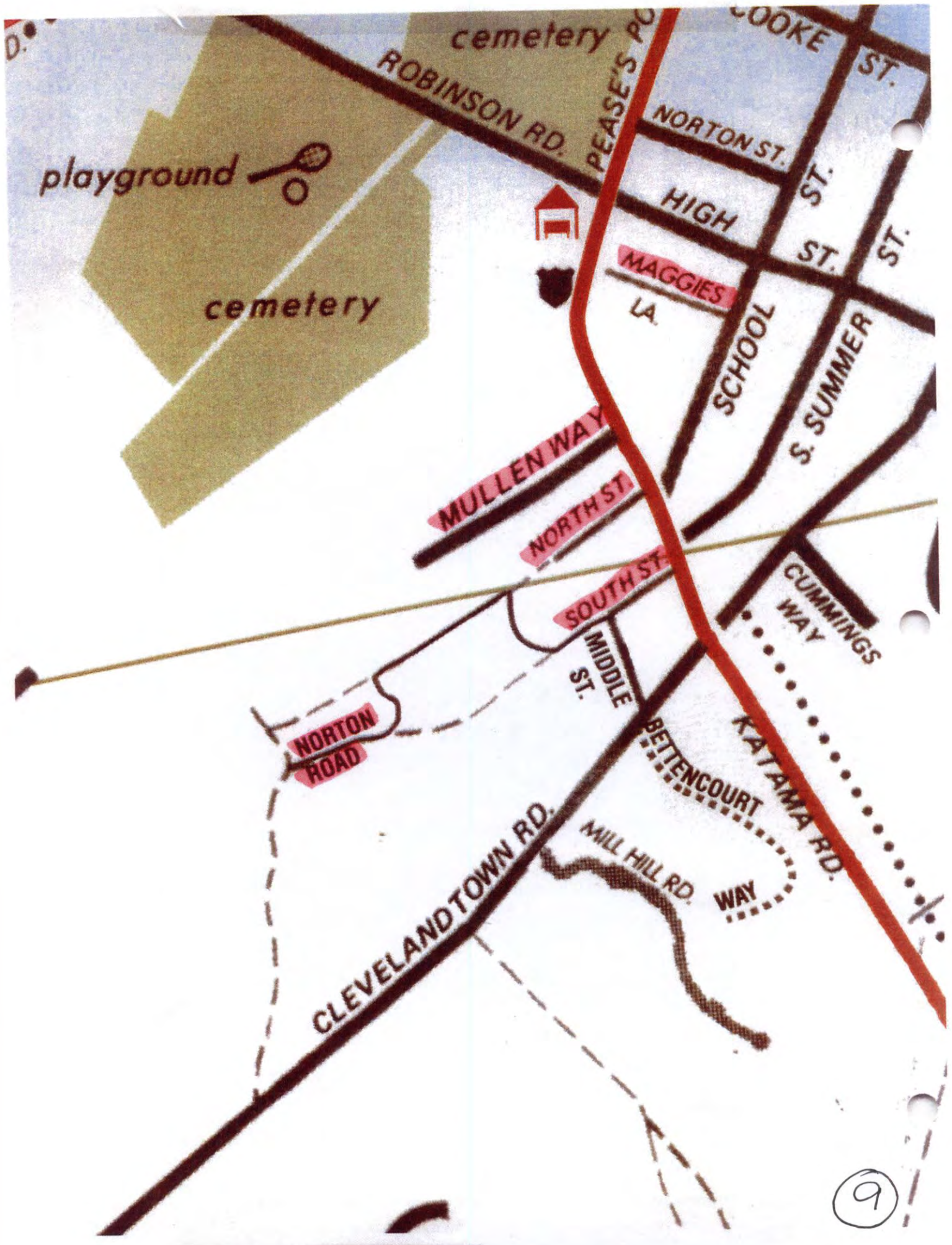
NORTON ROAD is more narrow, where only one car can pass.

MAGGIES LANE is more narrow, where only one car can pass.

NORTON ORCHARD is more narrow, where only one car can pass.

FISHER LANE is more narrow, where only one car can pass.

The list can go on and on and on, because narrow roads are a way of life on the Vineyard.





MULLEN WAY (10)

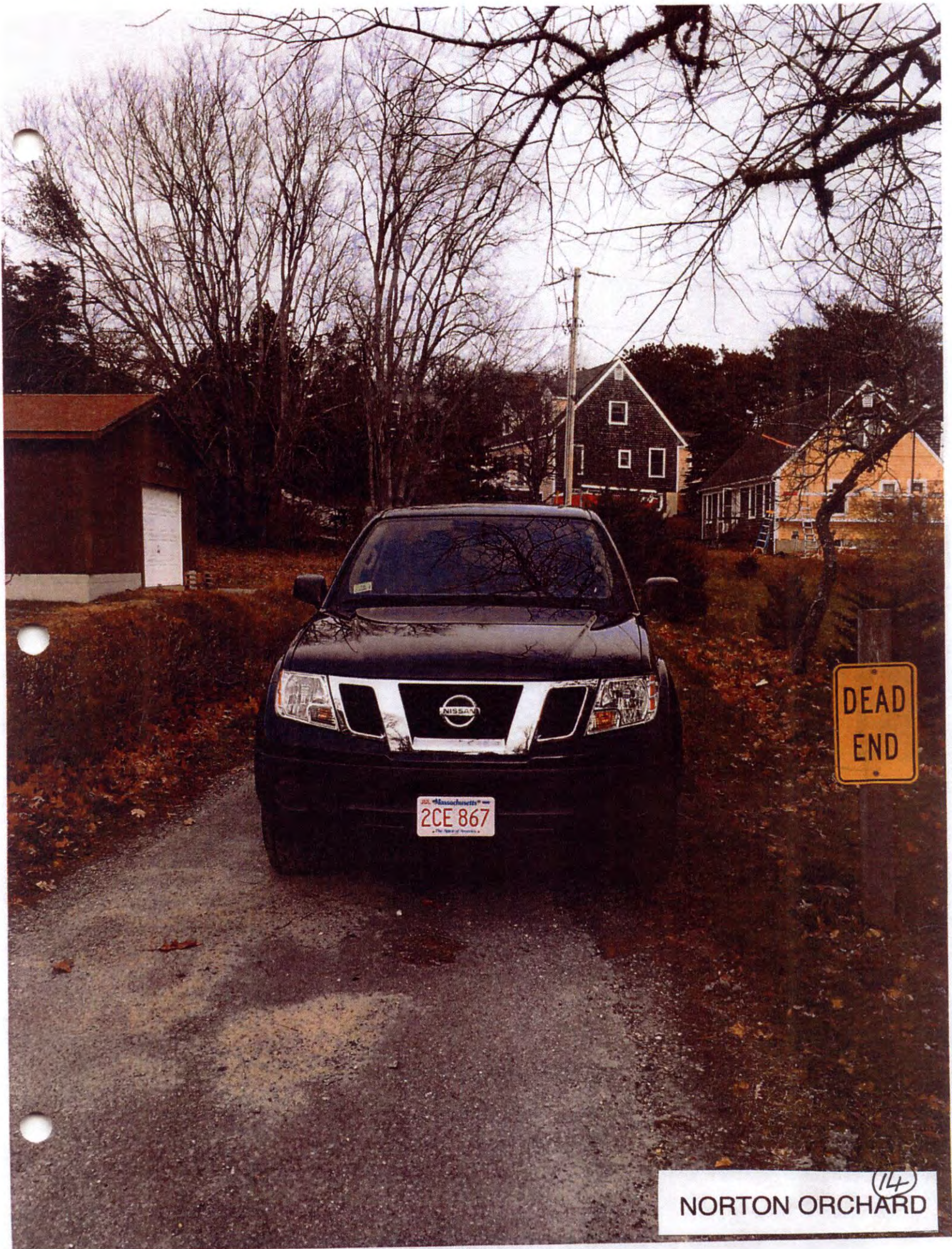


NORTH STREET (11)



NORTON ROAD (12)





(14)
NORTON ORCHARD



FISHER ROAD

15



PENNYWISE PATH 16

THOMAS A. TELLER
28 Mullen Way
Edgartown, Ma.



CHAIRMAN

PLANNING BOARD

TOWN OF EDGARTOWN

RE: MRK Realty LLC 19 Mullen Way

Dear Sir:

I have reviewed the revised plans for the above property, and have no objections to the proposal offered by MRK Realty.

A previous plan, with larger lots and larger houses came before the board a while back, and we had no objection to that plan. This plan calls for smaller lots and smaller houses. I believe this plan is a vast improvement over the previous one.

At a previous hearing for this property there was testimony concerning the nature of the neighborhood. It was described as closely knit, that children played in the street, that the character of the neighborhood would be forever ruined. The truth of the matter is that this neighborhood a rental community. There are 17 houses on Mullen Way only four (4) of which are occupied by the owners. All the rest are occupied by renters, two are year round and one is a winter rental.

I urge the board to approve the application of MRK Mullen Realty

Very Truly yours



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- [Add to Group/CMA](#)

Edgartown - 17 Mullen Way



Asking Price: \$699,000
Original Price: \$699,000
Square Feet (ELA): 720
Total Rooms: 4
Beds/Baths: 2/1
Furnished: Un-Furnished

Type: Single Family
Lot Size (Acres): 0.16
LINK ID: 27765
Status: Available
Owner: Goulart

EDGARTOWN VILLAGE: A SMALL ABODE WITH BIG POSSIBILITIES. Located on a lightly traveled lane, yet within walking distance to all the best of Edgartown Village, this cozy 1930's cottage offers a myriad of great possibilities! Options include renovating or expanding the current home OR building new. There are expansion possibilities to three (3) bedrooms with Edgartown Board Of Health and ZBA approvals. This is a great opportunity to get your foot into owning in Edgartown Village. Bring your creative and \$-smart renovation ideas and bring them to fruition!

- [Property Details](#)
- [Photo Gallery](#)
- [Documents](#)
- [Listing/Price Changes](#)

Property / Parcel Info

Map: 29A
Lot #: 47
Zoning: R20
Plan:
Deed Ref.: 1074/551
Water: Town
Sewer: Cesspool
Water Frontage: None
Lead Paint: Unknown
Second Dwelling: None

Building Information

Year Built: 1938
Year Renovated: 0
Total Rooms: 4
Total # of Bedrooms: 2
First Floor Bedrooms: 2
of Full Bathrooms: 1
Half Baths: 0
Fireplaces: N/A
Floors: Carpet + Laminate
Heat: Oil\FHW
Yard: Nice yard with lawn area
Parking: Off-street parking
Foundation:
Other Buildings:
Outdoor Spaces/Recreation: Beach Access - Public

Firm and Commissions

Listing Type: Exclusive
Listing Date: 12/1/2014
Listing Firm: Point B Realty LLC
Listing Agent: Wendy Harman (cell 508.274.5363)
Phone: 508-627-4567
Sub Agent: 0.000%

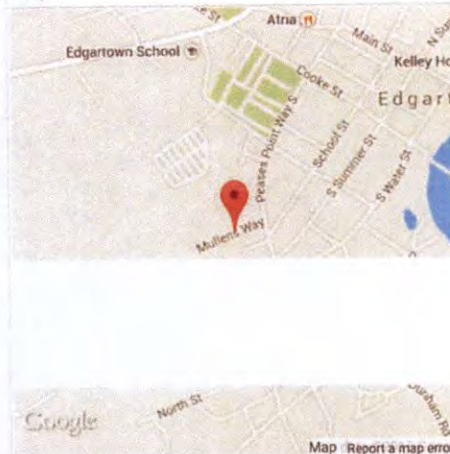
Taxes and Fees

Assessment Year: 2014
Land Assessment: \$603,600
Building Assessment: \$85,400
Total Assessment: \$689,000
Estimated Taxes: \$2,549.00

Appliances & Other Amenities

Stove: Yes
Refrigerator: Yes
Dishwasher: Yes
Washer: Yes
Dryer: Yes
TV Service Type: Cable
Amenities: Insulation

Map



Listing has been viewed 799 times.

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Edgartown - 20 Mullen Way



Asking Price: \$882,000
Original Price: \$895,000
Square Feet (ELA): 1274
Total Rooms: 7
Beds/Baths: 3/2
Furnished: Un-Furnished

Type: Single Family
Lot Size (Acres): 0.24
LINK ID: 22296
Status: Available
Owner: Antik, Randall

Charming 3 bedroom/2 full bath Cape, on a quiet Lane not far from the village center. Combination of hardwood and tile floors, woodburning fireplace, nice yard with underground irrigation, and a private patio for outdoor dining and entertaining. House can be expanded.

- [Property Details](#)
- [Photo Gallery](#)
- [Documents](#)
- [Listing/Price Changes](#)

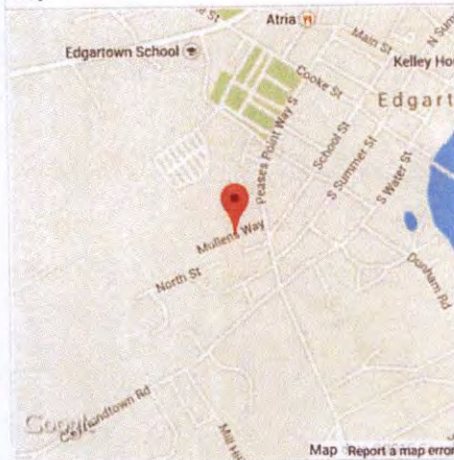
Property / Parcel Info

Map: 29A
Lot #: 46
Zoning: R20
Plan:
Deed Ref.: Bk:993 Pg:872
Water: Town
Sewer: Septic
Water Frontage: None
Lead Paint: Unknown
Second Dwelling: None

Taxes and Fees

Assessment Year: 2014
Land Assessment: \$670,900
Building Assessment: \$193,100
Total Assessment: \$864,000
Estimated Taxes: \$3,281.00

Map



Listing has been viewed 3020 times.

Building Information

Year Built: 1986
Year Renovated: 0
Total Rooms: 7
Total # of Bedrooms: 3
First Floor Bedrooms: 0
of Full Bathrooms: 2
Half Baths: 0
Fireplaces: Yes
Floors: Hardwood and Tile
Heat: Electric
Yard: Yes
Parking: Yes
Foundation: Full Basement
Other Buildings: Garage
Outdoor Spaces/Recreation: Garden, Patio, Porch, Beach Access - Public

Appliances & Other Amenities

Stove: Electric
Refrigerator: Yes
Dishwasher: Yes
Washer: Yes
Dryer: Yes
TV Service Type: Cable
Amenities: Irrigation

Firm and Commissions

Listing Type: Exclusive
Listing Date: 12/5/2011
Listing Firm: Wallace & Co. Sotheby's
Listing Agent: [Thomas C. Wallace](#)
Phone: 508-627-3313
Sub Agent: 0.000%
Buyer Agent: 2.500%
Facilitator: 0.000%
Incentives:

Sales History

3/30/2004: \$730,000

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Subject: Fwd: Mullen Way

Date: Wednesday, March 4, 2015 at 12:43:05 PM Eastern Standard Time

From: Frederic Mascolo

To: info@mvcommission.org, london@mvcommission.org, veno@mvcommission.org, foley@mvcommission.org, MR Kidder Office, mvt@mvtomassianlaw.com, Alan Wilson

Gentleman,
Hopefully this will clear up all the confusion....
Fred Mascolo

----- Forwarded message -----

From: ALAN WILSON <Alanowilson@msn.com>

Date: Tue, Mar 3, 2015 at 7:56 PM

Subject: Mullen Way

To: Michael McCourt <mike@murdicks.com>, Bob Sparks <bob@americanremv.com>, Fred Mascolo <fredmascolo@gmail.com>, Coo Cavallo <coo@edgartownpaintshoppe.com>, James Cizek <jpcisek@gmail.com>

In 2006, when I was chairman of the Planning Board, we opened and immediately sent the Mullen Way application to the MVC. I asked Christina Brown to write a referral letter and to sign it for me. I never saw the letter until today, and I question the content. I do not remember saying the reasons given. Kidder almost immediately withdrew the application and it was never heard by the Commission.

Apparently the MVC is using this letter as a basis for argument in the current application. I believe that that application which was never heard and has no bearing on the application which is currently before them.

I believe that this is an incorrect usage of an application which is no longer applicable.

Regards, Alan



*Town of Hopkinton
The Planning Board
19 1/2 Ave. 1912
Hopkinton, Massachusetts 01923*

File: 000001001

File 27_306

Martha's Vineyard Commission
PO Box 1947
Oak Bluffs, MA 02557

Re: Ballston of Tall Trees Subdivision as a Development of Regional Impact

At the Planning Board meeting held on 2/11/2015, it was decided by consensus to accept that the Martha's Vineyard Commission review the Tall Trees subdivision proposal. The reasons are as follows:

1. This is a proposed development of 9 additional lots on 3 acres of land which is off of a road and front road 12' to 14' wide within a 17' right-of-way and which already has 16 lots on it.
2. The development will have a very negative impact on the scenic, soil, and natural surroundings.
3. Because the MVC has extensive staff and staffs beyond the scope of the Planning Board, we felt it appropriate that the MVC review the project.

Enclosed are copies of material submitted to the Planning Board, including the application, supporting information from the applicant, comments from board members, and other items submitted.

Thank you for your consideration.

Yours truly,

Alan Wilson

Mullen Way

[VIEW SLIDE SHOW](#) [DOWNLOAD ALL](#)

This album has 1 photo and will be available on SkyDrive until 6/1/2015.

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Telephone (508) 627-6770

Fax (508) 627-6123

*Town of Edgartown
The Planning Board
P. O. Box 1065
Edgartown, Massachusetts 02539*

June 22, 2006

Martha's Vineyard Commission
PO Box 1447
Oak Bluffs, MA 02557

Re: Referral of Tall Trees Subdivision as a Development of Regional Impact

At the Planning Board meeting June 20, 2006, it was decided by consensus to request that the Martha's Vineyard Commission review the Tall Trees subdivision proposal. Our reasons are as follows:

1. This is a proposed development of 9 additional house sites on 8 acres of land which is off of a dead end town road 12' to 14' wide within a 17' right of way and which already has 16 houses on it.
2. The development will have a very negative impact on this special, old established neighborhood.
3. Because the MVC can consider other aspects and criteria beyond the scope of the Planning Board, we felt it appropriate that the MVC review the project.

Enclosed are copies of material submitted to the Planning Board, including the application, supporting information from the applicant, comments from town boards, and letters from citizens.

Thank you for your consideration.

Yours truly,

Alan Wilson / CB

Alan Wilson
Chairman

REVIEW OF LUPC STAFF REPORT RE: MULLEN WAY

STAFF REPORT STATEMENT	APPLICANT'S CLARIFICATION
1.6 Surrounding Land Uses: Rural Residential	Not Rural Just residential, walking distance to downtown Edgartown
1.7 Project History 17' right of way	Not a right of way, it is a 17.21' Public Road
In August 2014 the two lots were re-subdivided	Never a subdivision. "The division of land shown on the plan dated August 25, 2014, is not a subdivision because every lot shown thereon has the amount of frontage, area and depth required by the Town of Edgartown Zoning By-Law and is on a public way. Mullen Way.
2.1 DRI Referral In December 2014 the Planning Board approved an ANR subdivision of the front lot on Mullen Way into two lots	ANR stands for Approval Not Required, not a subdivision, see above.
...in order to make the new lots buildable	The lots were always buildable.
2.2 DRI Trigger ...previous recent subdivision(August 2014)	Not a subdivision, see above (1.7)
3.1 Some Key Issues The proposed subdivision is accessed from a new enlarged easement off of Mullen Way.	The subdivision has a 30' wide road as per subdivision rules/regulations.

STAFF REPORT STATEMENT

APPLICANT'S CLARIFICATION

Mullen Way is an old, narrow road with an official Right Of Way of 17.23

Not old. Acquired in 1947 as a Public Road, not a private Right of Way. Not narrow, two trucks can pass side by side.

The proposal would add 9 (11) houses on the small land that currently has 16 houses.

The proposal will add 9 houses. Mullen Way is a public road, wide enough for two trucks to pass, not a small lane.

The subdivision would change the character of the neighborhood

There are homes on Mullen Way that are larger than some of the homes that will be built in the subdivision, for instance, Maggie Littlejohn's home. There are homes on Mullen Way that have guest houses. The proposed subdivision will not have guest houses. The existing homes on Mullen Way are changing the character of the neighborhood already, in that two homes are being advertised for sale with possibilities of "expansion", (17 & 20 Mullen Way) and options of "building new", (17 Mullen Way), which suggests that the home can be torn down and rebuilt.

An old house...was demolished in the last 2 years.

The home was taken down with a permit from the Edgartown Building Department. It was offered to the Dukes County Regional Housing Authority who offered it to other island affordable housing organizations, who all declined it. The reason why it was taken down was that it became unsafe due to leakage and rotting boards and became an attractive nuisance.

32. Environment

No information about lighting has been submitted

During the Staff meeting, the Applicant said that down lighting would be used.

...proposed 9 houses along with the 2 houses to be built on the lots that were sold..
...will add trips and noise to the neighborhood during construction...

The applicant's proposal is for 9 houses. Immediate abutters are mostly vacant lots, (6): the cemetery, the undeveloped Mary Black Sanctuary, Jeff Norton's undeveloped land, American Tower's non-residential land, Maggie Littlejohn, who had construction for the better part of last year, Larry Mercier whose house abuts the no disturb zone, Larry Mercier who has two vacant lots, MVKP (two vacant lots), then one owner, Friedrich, who owns two abutting homes, and who never filed any written objection to this development.

Wastewater/Nitrogen Reduction Options

The Applicant is proposing installing enhanced denitrification on all lots in order to be able to accommodate five bedrooms in each. Without denitrification they would have been limited to half of the houses with three bedrooms and half with four bedrooms.

The Applicant will be installing enhanced denitrification on all lots. "The result of this approach would be all lots in the subdivision served by enhanced treatment with a maximum of FOUR bedrooms per lot." Quoted from Board of Health correspondence dated Dec. 12, 2014.

3.3 Transportation

The site is accessed from a new relocated and enlarged easement off of Mullen Way. Mullen Way is an old narrow road with an official Right of Way of 17 feet which is significantly less than contemporary roadway standards.

The subdivision road is not an easement but a 30' wide road. Mullen Way is a public road that gives legal access to the applicant. The neighboring roads and/or other Edgartown roads that have subdivisions are significantly more narrow, than Mullen Way i.e. North Street, Norton Road, Maggies Lane, Norton Orchard Road, Fisher Road, Pennywise Path, just to name a few.

Crash Data:
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The Applicant advised during the staff meeting that 14 years of past research from the Edgartown Police Department, which is as far back as

Economic Impact
Left blank

they could search, revealed only one accident that was caused by the drivers foot slipping off the brake. It was not related to the street.

The economic impact of this subdivision is positive, job creation in construction and maintenance, increase in tax revenue which will benefit the school, "As far as an emergency response by the police I would say there should be no issues", dated 12-16-14 by Antone Bettencourt, Chief of Police. Fire Department will be benefited in that a new 8 inch water main and two new fire hydrants, one on Mullen Way and one on the subdivision road, will be provided by the Applicant and it will improve fire safety on Mullen Way.

Relevant information not contained in the Staff Report:

Additional benefits:

WATER MAIN:

MRK Mullen Realty, LLC ("MRK") has made the following offerings relevant to fire safety:

- 1) To Install an eight (8) inch water main through the MRK property to Mullen Way which would include the installation of a fire hydrant on Mullen Way at the intersection of the new Jordan Way and a fire hydrant on Jordan Way in the vicinity of the cul de sac.
- 2) The cul de sac, designed for Jordan Way by Schofield Barbini and Hoehn, has been purposefully designed to allow Fire Department vehicles to turn around and re-enter Mullen Way so as to leave the area.
- 3) Though not a Fire Department consideration, the new eight (8) inch water main will provide the opportunity for improved and better tasting water service to the neighboring homeowners.

Relevant information not contained in the Staff Report:

Additional benefits:

LAND BANK TRAIL

At the request of the Land Bank, MRK has offered to grant an easement to the Land Bank for public use. This easement would allow a trail running north-south towards the western end of the applicant's property to virtually complete all the segments needed to formalize a trail connecting Clevelandtown Road to the Robinson Road Rec Area.