

THE MARTHA'S VINEYARD COMMISSION

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MARTHA'S VINEYARD COMMISSION

MINUTES OF FEBRUARY 4, 1988

The Martha's Vineyard Commission held a public hearing at the Commission office, Olde Stone Building, New York Avenue, Oak Bluffs, MA 02557 on February 4, 1988 at 8:00 P.M. regarding the following Development of Regional Impact (DRI):

Applicant: Mill Brook Trust
James H. Crocker, Trustee
P.O. Box 755
Osterville, MA 02655

Location: Off Tea Lane and Chilmark/West Tisbury Town Line
Town of Chilmark, MA

Proposal: Subdivision of 81.9 acres of land into 15 lots qualifying as a DRI since the proposal is a contiguous ownership of greater than 30 acres creating more than 10 lots.

James Young, Chairman of the Land Use Planning Committee, read the public hearing notice and opened the hearing at 8:05 P.M. Mr. Young called for the staff presentation.

Mark Adams, MVC Staff, referenced the maps on the walls which showed the site location; site on contour map depicting wetlands and DCPC's within the site; a map showing abutters to the proposal, conservation restrictions, road network, historic trails and lots which have been built on in the area; lastly, a map which depicts vegetation on site and the Wascosim's Rock. He noted that the site is within a valley with ridgetops surrounding. Mr. Adams, then showed a video of the site including cart paths and wetlands. He stated the applicant owns an adjacent parcel in West Tisbury which is shown as an additional subdivision on the Applicant's Master Plan. The West Tisbury parcel is not part of this application but depends on the Chilmark site for access and consolidation of open space.

Mr. Adams stated the development proposes the subdivision of 81.9 acres into fifteen (15) residential lots, ranging in size from a 1.70 acre resident lot to 10.50 acres (average lot size 3.75 acres) with access from North Road through Roth Woodlands or Tea Lane by way of Old Farm Road.

Mr. Adams noted that net development density is estimated at 4.7 acres. Net development density derived by subtracting from the total acreage of 81.9: 2.55 acres for wetlands, 4.35 acres for roads, 3 acres for slopes steeper than 15% and 1 acre for Wascosim's Rock.

Mr. Adams discussed access to the proposed subdivision from North Road through Roth Woodlands (16.5' wide and through wetlands) or from Tea Lane (18' public right-of-way) via Old Farm Road (40' private right-of-way). The application assumes 63% of traffic will use Roth Woodlands as access and 37% will use Tea Lane and Old Farm Road. He stated road layout within the subdivision is proposed within 100 feet of an identified wetland and may require an Order of Conditions (for maintenance) under M.G.L. Chap. 131 s.40. He then stated that the proposal is located in the Chilmark Agricultural-Residential District #1 and permitted uses include one detached single family; special permit use of one guest house less than 800 square feet; area requirements include 3 acre minimum lot size with minimum 50-foot front, side and rear yard setbacks (resident homesite lots are eligible for less area); height limitations include maximum 24-foot gabled or hipped roof or a maximum 13-foot flat or shed roof and the rate of development is limited to 10% of lots per year. Mr. Adams stated that the proposal is within the Coastal DCPC as the applicant proposes access through Roth Woodland which will cross through an Inland Coastal DCPC. Further the applicant calculates a development rate of 17% with up to 3 lots developed in the first year. The proposal also falls within the Island Road District DCPC as Tea Lane and North Road are so designated.

Mr. Adams then discussed the soils which compose the site: gently to steeply sloping Chilmark sandy loam and Eastchop loamy sand. These soils are described as very deep, well drained to excessively drained and very stoney and that land capability for agriculture falls into categories VI and VII indicating limited potential for field crops. Further, that Chilmark and Eastchop Soils have severe limitations for on-site septic systems due to poor filtration. Percolation tests were performed for each proposed lot, with resulting rates of 2 to 7 minutes per inch. He stated vegetation on site contains several noteworthy plant communities: mixed scrub oak/pitch pine forest, with scattered holly and beech trees; open successional fields providing view corridors and species-rich forest edges; open ridgetops with glacial erratic boulders including Wascosim's Rock. He stated clear areas are noted for possible occurrences of a rare plant species. Further, swamp woodland with red maple and beetlebung trees and open wetlands linked to the Mill Brook system can be found on-site. Mr. Adams then stated the site is contained within the headwater drainage of Mill Brook which is part of one of the largest surface watersheds on Martha's Vineyard via the Town Cove Arm of Tisbury Great Pond.

Mr. Adams stated the applicant proposes to prohibit site grading and to protect all existing mature trees to within ten feet of structures; new road contours and drainage are not specified but applicant proposes burying parts of existing cart paths and relocating roadways to consolidate open space; Applicant proposed no increase in runoff or disturbance of natural drainage. And noted some building envelopes located on steeper hillsides may require drainage control measures during construction as well as careful siting of driveways and houses. He further discussed the proposal's open space provisions as follows: the subdivision plan provides 4 parcels as open space. Parcels A, B and D, totalling 19.7 acres would be offered for sale to conservation organizations. Parcel C would be retained

by a homeowner's association. "Restricted public access" may be allowed only on parcel A (10.89 acres). Alternatively all parcels A, B, C and D (totalling 21.38 ac.) would be held privately by a homeowners association.

Mr. Adams then addressed municipal impacts which will occur from this proposal regarding population; school and traffic increases; additional fire and police services (An open fire pond is proposed by the applicant for the West Tisbury parcel.); and solid waste projections. He discussed Chilmark Board of Health setback requirements and stated that the proposed lot layouts meet the requirements. He then stated the Applicant estimates \$37,800 annual real estate property revenue at buildout with 66% projected to go to education.

Regarding concerns for the proposed subdivision Mr. Adams questioned issues such as access/traffic and adequacy of roadway; growth regarding management policies of the Town, soils being able to absorb septic infiltration, traffic, noise and waste; wetlands being adequately buffered from drainage and erosion, septic, runoff, protection of rare and unique plant species; open space and public access provisions; and visual impacts of the proposal.

Mr. Adams noted that he has prepared a map of the area for reference and attached to the back of handout.

Mr. Adams then summarized correspondence which was received for the record, as in handout (complete correspondence in file).

Mr. Evans asked staff for clarification of access to the subdivision. Mr. Adams showed on the map how the applicant proposes to get to the subdivision. Tea Lane to Old Farm Road to the proposed subdivision access road. Mr. Evans asked how a person would get to the proposal through conservation lands. Mr. Adams stated from North Road to Roth Woodlands Lane to Old Farm Road to the proposals access. He further stated that the shortest distance would be through Roth Woodlands.

Commissioners discussed with staff the locations which the traffic counters were set up and percentage of traffic using each road. Ms. Skiver, MVC staff, stated that the counters were set up on each end of Tea Lane and on Roth Woodlands Lane at North Road.

Mr. Adams stated that it should be made clear that it has not been established who has the right to use these roads.

Mr. Young asked Ms. Skiver if there was a ratio of people using Old Farm Road. Ms. Skiver answered in the negative as no counts had been taken.

Mr. Evans questioned the access over a wetlands and requirements that must be met to comply with town regulations. Mr. Young stated that Chris Murphy, Chilmark Planning Board, will answer this question during town board comments as this issue came up during LUPC also.

Mr. Ferraguzzi questioned the Dunkl family letter regarding the Inland Coastal DCPC/widening of road and issues brought up in the Roth Deed. Mr. Adams stated for many reasons, widening of the access road will be difficult and that the Roth Deed states forever wild however, does not state the road can not be used.

Mr. Ferraguzzi noted that the applicant's proposed growth rate does not seem to work within Town requirements. Mr. Adams stated that adjustments can be made by the Town.

There was discussion of the proposed road surface. Mr. Adams stated that the road surface is in the workings as the applicant is waiting to meet with the Town regarding the layout. He further referenced a letter

from Mr. Barbini, Engineer, that explains the process in Chilmark of laying out a roadway.

There was discussion regarding the adjacent parcel of land which is shown on the map and Commissioners questioned how to interpret this. Mr. Young stated that this plan was submitted jointly to West Tisbury and Chilmark Planning Boards a year ago in preliminary form and denied by West Tisbury for reason of access problems.

Mr. Filley asked how the access is different from the Preliminary Plan. Mr. Young stated that Chilmark would have to answer this question.

Mr. Jason asked which lot percs at 7. Mr. Adams stated the proposed resident homesite lot.

There being no further questions, Mr. Young asked for the applicant's presentation.

Richard Barbini, Engineer for Schofield Brothers, introduced Cary Simmons, Land Plan and James Crocker, Trustee/Owner. Mr. Barbini then addressed questions which have come up as follows: the growth rate of 2.5% was the applicant's attempt at using Chilmark's regulations to come with an appropriate figure, further this figure can be changed by the Chilmark Planning Board. Mr. Barbini then discussed the road design stating the procedure used in Chilmark (as stated above), further that historically all the roads in Chilmark are bluestone. He stated that the applicant is planning to come in with the West Tisbury parcel shortly and that originally the applicant was going to bring in both parcels however, because of the access issue they are now being done separately. He then stated arrangements have been made to upgrade Old Farm Road if necessary.

Cary Simmons, Land Planner, described the process which underlies the staff presentation description of the proposal. He stated that they first went about solving two problems: to create homesites which had a value each within themselves and combined this with as much local interest as definable. Mr. Simmons stated this proposal combines both objectives. He then stated in the early stages of this project a thorough inventory of the land was done and at this time 38 buildable sites were identified; identified wetlands and identification of trails with the Chilmark Conservation Commission. He stated that this property is viewed by the Applicant as one project, although located within two towns. He then stated that the woodland stands were evaluated to determine which ones were susceptible to deterioration due to any kind of construction activities and stated for example the oak forest is unique as it is a stand of trees that is the same age, size and species and stated that there is a tragedy to this and that is they will all die at the same time, therefore will be a future field; middle of development is an ancient farm with old foundations and stonewalls which now has vegetation growing naturally and stated this property's soils are not that good for agricultural and the rest of the site is a much healthier mixed woodland and stated these areas are capable of absorbing the intervention of man much better than the rest of the site and this is the reason for focusing much of the development within this area. He further stated some lots became larger as there are wetlands in the area and stated for the above reasons the applicant has gone with a total of 28 lots and in Chilmark 15 lots which in Chilmark equals a six acre density. Further he stated that provision have been made so there will not be byproducts of the dwellings finding their way into wetlands by a practice of leaving things alone i.e. worse case scenario 6,000 square feet total disturbance on lots 100,000 square feet and up. He stated that a natural stormwater management plan is therefore proposed.

Steve Ewing, Commissioner, asked how much open space is foreseen in the West Tisbury side of the parcel. Mr. Simmons stated that a figure is not known and depicted the area on the plan.

Mr. Ewing asked if there was an estimated value of land put aside for open space and what is meant by restricted public access? Mr. Simmons stated that he can not give a value on the land however regarding the restricted public access he stated there will be no on/off road vehicular traffic allowed although there will probably be an area for vehicles to park. Further, this means people on foot only however, the extent to which this would be any person depends on who is the land owner of the property and how much liability they will accept and homeowners association vs. the Town or group which uses public funding having ownership.

Commissioners questioned the value of the open space land? Mr. Crocker, Applicant, stated that is still in preliminary stages and no figure has been derived however, options have been discussed.

Mr. Morgan stated that the applicant has indicated certain areas would be kept open space and asked if so why would anyone want to purchase the property? Mr. Crocker stated that interest expressed to him has been for unlimited access and stated that he feels the homeowners association would not provide the liability and maintenance required for unlimited access. Further he stated there is no further plan for area seen on plan in green other than open space.

Mr. Evans asked what the plan is for an existing trail that goes through a building site. Mr. Simmons stated the trail will be relocated near the property and noted that this trail connects with private property and there is no plan to continue this trail. He stated that the applicant would participate if a long term trail could be made with abutting property owner.

Mr. Jason asked if Mr. Simmons is aware of any endangered species on the property which is brought up in the letter from MA Natural Heritage Program. Mr. Simmons stated that in the Applicant's report they indicate this may exist and for the same reason the Commission is not revealing the location, they are not. Carol Borer, Executive Director, stated that Bruce Sorrie from MA Natural Heritage Program was here in July on a site visit and has indicated that there is a plant species located in West Tisbury and at this time this is confidential information. Mr. Crocker stated that this is the first he has heard of this. Mr. Simmons stated that they will protect these species.

Mr. Evans speaking of southern portion of property asked how the applicant is proposing to deal with the projection of the forest dying at once. Mr. Simmons stated that one thing that will happen from clearing activity and is additional species will come in around the treeline. He further stated that the trees may not die for a hundred years further there is not a lot that can be done except long term timber management.

Mr. Lynch asked where the proposed driveway to the resident homesite lot will be and also stated that the building envelop seems relatively steep. Mr. Simmons stated there will be an easement along side the stone wall and further this parcel will not be difficult to build on and noted that it is not as steep as other building sites within the proposal.

Steve Ewing asked where the traffic is expected to come in from. Mr. Simmons stated that the best they could do is use MVC estimates and that these are very much approximations of what is happening now which says 63% of the people are going to or come from North Road. He then stated that at full buildout if all vehicles went through Roth Woodland at peak time using

a 12 hour day there would be a vehicle going through every 9 minutes. There was then discussion of provisions for improvement of Roth Woodlands. Mr. Simmons stated no upgrading of Roth Woodland Road is proposed that they are aware of. Mr. Lynch stated he feels the added traffic will create problems. Mr. Ferraguzzi asked who will maintain the road? Mr. Simmons stated that if this road becomes impassable then all traffic will use Old Farm Road. Commissioners questioned further the applicant's right to use the road and the unwillingness to maintain the Roth Woodland Road. Mr. Crocker stated he would be glad to however he has no right to upgrade the road as it is a landcourted right-of-way.

Mr. Filley asked if there has been a change in the access since the preliminary plan. Mr. Barbini and Mr. Simmons stated that the proposed access has always been Roth Woodland and that the preliminary denial was geared towards the Tea Lane Moratorium.

Marie Scott asked what the Roth Woodland access is to in the land court plan? Mr. Barbini stated the entire landcourt parcel which is more inclusive than the applicant's proposal. Mr. Barbini then showed the deeded 16' easement on the plan. Mr. Adams stated that looking at the plan it includes 2 lots within this parcel.

Mr. Lee, Commissioner, asked to have the location pointed on the plan of where the proposed relocation and burying of cart path will occur. Mr. Adams explained the changes and their location and noted that this is proposed to provide an unbroken open space.

There was discussion of the cart path having a specific designation. Mr. Adams stated apparently not. Mr. Simmons stated that in the past the proposed roadway went over the cart path however, to make the open space more valuable this has been changed. He stated that the cart path turns into a walking trail and stated that Pam Goff has indicated this path is of interest to a limited number of persons and proposes there might be a vehicle set up to those who are interested for foot traffic and horses.

Mr. Wey questioned how close the proposed roadway comes to the wetlands. Mr. Simmons stated the right of way is within 30' of the wetland and would come under an Order of Conditions to protect the wetlands.

Mr. Jason asked if this is the only land the applicant owns or has options to buy? Mr. Crocker stated he has an option to purchase the lower fifteen acre parcel which abuts his property.

Mr. Evans again questioning the southern woodlands regarding the density and death of trees asked how the applicant proposes that residents will sustain their privacy and values of property? Mr. Simmons stated that there are 40 acres with eleven houses which he does not feel is dense. Also that although the trees are mature they are not at this time dying. He explained that what was meant by the statement "a tragedy" simply is planning terminology meaning that it is not good management to allow a single species to grow in one area.

Mr. Ewing stated that this is a unique woodland which seems as though it has been managed in the past.

Mr. Young then asked for comments from Town Boards.

Chris Murphy, Chilmark Planning Board, stated that there has been a moratorium in effect on any land that accesses onto Tea Lane and stated the Board considers this land to access 100% on Tea Lane as they do not consider Roth Woodlands an adequate access in any way. He further

requested for the Planning Board that the MVC continue this hearing for 90 days.

Mr. Young asked if the hearing is continued, will the Board be ready to answer questions from Commissioners. Mr. Murphy answered in the affirmative stating this time frame will allow for the Board to review the proposal in depth and give their input.

Mr. Filley asked for the reason for the first denial of this plan. Mr. Murphy stated that is the Boards understanding that there is a moratorium in effect on any subdivision off of Tea Lane. Mr. Bart Smith, Chilmark Planning Board, stated that the denial was for reasons of access issues.

Mr. Young then read a letter dated September 19, 1986 from the Town of Chilmark to the Applicant which summarized concerns prior to taking final action of the Form B submission as follows: indirect access of West Tisbury portion/sole access to subdivision through Chilmark; density too much for Chilmark portion alone for proposed access; vehicular access through Roth Woodland lacks adequate right-of-way; lack of conservation lands; inconsistent with abutters prior intentions; and safety on public and private ways.

Mr. Crocker noted that this was not the letter of denial however, outlined the concerns and is the basis for the denial. Further, the letter of denial is dated October 8, 1986 and on file.

There was lengthy discussion regarding the request for a 90 day continuation by the Chilmark Planning Board. Commissioners question if this was reasonable. Mr. Murphy stated the Board feels that this will give them appropriate time to review the proposal. Mr. Smith stated that there is a one year moratorium at this time and 90 days does not seem too long.

Russell Walton, Conservation Officer for the Chilmark Conservation Commission, spoke of the wetlands on the site and the areas in which the streams flow. Further he spoke of preserving the orchid on site as it is an endangered species.

Mr. Young then asked for testimony in favor of the proposal. There was none.

Mr. Young asked for testimony in opposition to the proposal.

Frank Dunkl, Chilmark abutter, stated he takes exception to the fact that the developer does not consider Roth Woodlands access a part of his proposal and referenced MVC Standards and Criteria regarding the definition of development and stated this is definitely a change in intensity. He stated other issues he wants to make known are: Sheriff's Meadow does not maintain the road that the Edward's Family maintains for their exclusive use further, that Sheriff's Meadow has never used this roadway other than to allow the general public to use for nature observation. The road has only been maintained when absolutely needed and is in no way a suitable road to take excessive use; further, concerns for hazard waste entering into the water from increased vehicles using the roadway; headwaters to the only remaining surface water supply that has not been polluted; the headwaters of the longest stream; and concerns for development and use of road and maintainable to keep with the character of Chilmark and Town Regulations. He noted that Chilmark will not allow the road to be widened more than 10' and stated the road is already at 16' and exceeds its 16' right-of-way over the wetland, therefore he feels no further road repair will be allowed. Mr. Dunkl further noted that development of this kind is in violation of the Sheriff's Meadow Charter and the Roth Trust.

Eric Peters, Representative for Sheriff's Meadow, summarized a letter to be submitted. There is a 16.5 foot right-of-way on Roth Woodlands to the land courted property mentioned earlier. He stated that Sheriff's

Meadow objects to this proposal for reason of the adequacy of the Way, further, would object to any improvement of the Way as involving the Wetlands Protection Act. He then stated most important the original easement as written is only pertinent to the registered land which was the original Edward's estate and the bulk of the lots presently before the MVC are on unregistered land and have no right of access over this easement and noted any overuse of Roth Woodlands would represent misuse and trespass on the part of persons who would do so.

Burton Engley, Member of Tisbury Great Pond Think Tank Runoff Subcommittee, noted that increased traffic over the wetlands will make the subcommittee's job considerably harder as this subdivision is at the headwaters of Mill Brook.

Robert Skydell, Vineyard Coalition & Tea Lane Homeowners, asked how the impact of this project could possibly be ascertained when looking at half a piece meal subdivision. He questioned figures used in traffic study. He stated this is a question of access and discussed the character of Tea Lane, number of houses, and stated that this is a 19' right-of-way at its widest point and in the process of being protected by abutters to it under federal and state statute. He then questioned if there was a link with the applicant and the Kennedy family?

William Goldsmith, resident, spoke of guarantees in writing assuring him of over 100 acres of land incorporating this parcel which would remain forever wild and this is the reason for his purchase. He stated that as he is interested in preserving rights to which were understood at time of purchase there is a case in court at this time regarding this issue. He stated to his understanding at present, a court order is in effect which prohibits any development on this land.

Mr. Ewing asked Mr. Goldsmith who he purchased his land from. He stated Tea Lane Associates.

Burton Engley then stated to address traffic impacts accurate traffic counts should be done.

Mr. Young then asked if there was anyone to address the plan neither pro or con. There was none.

Mr. Young then asked for the applicant's rebuttal.

Mr. Simmons stated that a number of concerns for the Roth Woodlands road have been raised and if the road is adequate to carry the vehicular traffic, he stated there seems to be some confusion regarding the right-of-way for this road. He stated that the applicant does not plan on directing anyone to one specific Way. Further that the numbers provided are worse scenario case. Further, whether there is an obligation moral or otherwise to maintain this roadway the applicant has no right to do so. Mr. Simmons stated that regarding concerns of open space this proposal indicates more open space than past plans. Further, to concerns of traffic impact on Tea Lane he stated this is the first time that this concern has come up.

Mr. Crocker, Applicant, stated that he is not related to the Kennedy's and that this project does not involve the Kennedy family. Further that the original plan called for twice as many house lots as the proposed plan.

Mr. Young asked Mr. Simmons to submit original plan for MVC to review.

Mr. Filley asked if the staff would work out the potential buildout for the entire area of Tea Lane, Farm Road and Roth Woodlands.

There being no further discussion Mr. Young continued the public hearing until April 7, 1988 to allow the Chilmark Planning Board time to review the plan with expected input to the MVC; give an opportunity for

conservation group to discuss options with the applicant regarding open space and give the applicant time to submit the West Tisbury portion of the subdivision to the Town of West Tisbury Planning Board so the MVC can respond to the entire plan at 10:50 P.M.

Following the public hearing, Michael Lynch, Vice Chairman of the Commission, opened the special meeting of the Commission at 10:55 P.M.

Item #1 - Chairman's Report - There was none

Item #2 - Old Business - There was none

Item #3 - Minutes of January 28, 1988

Roger Wey, Commissioner, requested that his testimony regarding the Lagoon Pond DCPC be written as stated on the tape.

Motion to approve as amended. Seconded. The motion carried with 2 abstentions (Jason, Evans).

Mr. Lynch then stated he will be taking the agenda out of order.

Item #6 - Possible Vote Written Decision - Weston Howland DRI

There was a motion to amend the written decision to include that the applicant grant a deeded right-of-way from State Road along the laid out way through the subdivision to the edge of Squibnocket Pond for the use of resident licensed fishermen in Chilmark and Gay Head. Second.

Commissioners questioned if there was a current right-of-way. Carol Borer stated the right-of-way is on the Gay Head side. The Commissioners requested a plan be shown. Commissioners questioned if this was something the MVC could act on as it is not part of the proposal. Carol Borer answered in the affirmative. Mrs. Borer stated that the Gay Head fisherman use this right-of-way now.

Mark Racicot, Representative, explained the situation stating that the access is being used by the Town of Gay Head which was proposed by the Town. He stated the reason this was not brought up was that it probably would not effect many Chilmark residents and further the applicant was not sure whether this would be feasible as the easement is the subject of Gay Head right of way. He stated this is an issue which should be addressed between the Chilmark Planning Board and the Howlands. Mr. Racicot stated that at this time the pond doesn't support shellfish as it is mostly fresh water. He stated that the Town has access to the Pond at Squibnocket Beach which is owned by same and given the fact that the Howland's feel at the present time the Towns' access problem best serves to preserve the quality of the Pond. Mr. Racicot then stated that the Howland's will discuss a lease with the Planning Board with stipulations as follows: if Squibnocket Pond barrier beach is breached they will grant an access easement, however, will need to speak to Gay Head Selectmen. He stated that the Howland's request that the MVC approve as written.

After lengthy discussion of how, why and who this easment would be for (Commercial/Licensed fishermen), Commissioners felt that the amendment was not clear enough, stating provisions have been made for open space, and as this issue had not been brought up during the public hearing it would be difficult to approve. Therefore both the second and motion were withdrawn.

There was a motion to approve the Howland DRI written decision as prepared. Seconded. The motion carried with a vote of 7 in favor and 4 abstentions (Jason, Wey, Ferraguzzi, Ewing).

Item #5 - Discussion

Leland/Rogers Airport Hangar DRI - There being no discussion Mr. Lynch moved to the next item.

Item #6 - Possible Vote - Leland/Rogers DRI

Motion to instruct the Executive Director to prepare a draft decision approving the application of Leland/Rogers DRI for an Airport Hangar. Seconded. The motion carried with a vote of 9 in favor and 2 abstentions (Ewing, Lynch).

Item #5 - Discussion

Marc Hanover, Dockside Inn DRI

Ann Skiver, MVC Staff, referenced a handout to Commissioners and reviewed the proposal, location, description of the proposal, stated it is located within the B-2 District of ~~Edgartown~~ ^{Oak Bluffs} and stated the required, existing and proposed setbacks.

Ms. Skiver stated that the height restriction was the only concern of the Land Use Planning Committee, she stated slides are available if anyone would like to see them and stated that no correspondence has been recieved since the public hearing.

Lenny Jason questioned if the proposed elevations is below the base flood elevation. Ann Skiver answered that through her analysis, although is not specific on plan. And further stated that the applicant may have to for a special permit with the Zoning Board of Appeals.

Mr. Lynch asked Mr. Hanover, Applicant, how he proposes to establish the base flood plain? He stated he understands he must apply for a special permit and is unsure of this elevation.

Mr. Lynch asked about the height of the building conforming to requirements. Mrs. Borer stated the applicant has applied for a special permit in that case.

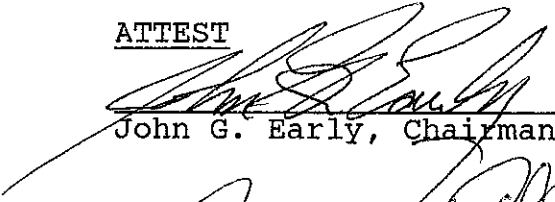
Mr. Lynch stated that there are alot of questions that need to be answered and as it is 11:55 it may not be appropriate to make a decision tonight.

Commissioners asked for the time frame. Carol Borer stated that a decision must be made on/or before March 6 unless the applicant extends the time or a special meeting can be called for next week, otherwise this item can be put on the agenda for February 18.

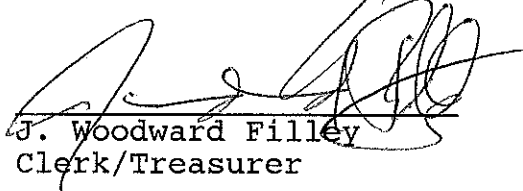
Mr. Evans stated that an engineer should get to the site to establish bench mark.

Mr. Lynch then adjourned the special meeting of the Commission at
2:00 A.M.

ATTEST


John G. Early, Chairman

2/11/88
Date


J. Woodward Filley
Clerk/Treasurer

2/11/88
Date

PRESENT: Jason, Lynch, Filley, Young, Ferraguzzi, Evans, Scott, Wey, Ewing,
Lee, Morgan

ABSENT: Widdiss, West, Eber, Early, Custer, Delaney, McCavitt, Allen,
Geller, Harney, Harris