

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MAY 4, 1989

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Special Meeting of the Commission on Thursday, May 4, 1989 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Mr. Early opened the Special Meeting at 8:10 p.m. and proceeded with agenda items.

### ITEM #1 - Chairman's Report

Mr. Early reported that Monday they had been in court regarding the case of Townsend Morey and Alice Bourne, Edgartown. Mr. Jason, Commissioner, and Mr. Alley were witnesses for the prosecution. Ms. Borer, Executive Director, Mr. McCavitt, Commissioner, Mr. Ted Morgan, and myself were testifying on behalf of the MVC. After all the testimony was received, the judge instructed the attorneys to prepare a "Statement of Facts" and cautioned them "not to put their word processors in overdrive"; these statements are due by May 15. However, it may be a long time before a decision is rendered. The MVC was represented by Eric Wodlinger, Choate, Hall & Stewart. Mr. Morey was represented by Mr. Renehan. It was a cordial proceeding.

Mr. Early also reminded Commissioners of the annual visit from Commission counsel, Choate, Hall & Stewart, 2 weeks from tonight, May 18th. He went on to state that any questions for counsel should be submitted by May 11th so we can send them to counsel and answers can be prepared.

### ITEM #2 - Old Business

Mr. Early asked for a status report on the non-DRI construction in Oak Bluffs. Ms. Borer reported that the Courtney Building on Circuit Avenue appears to be finished; the Captain's Table Diner appears to be finished. She went on to note that both the Captain's Table and the Dreamland Garage projects had applied to the Oak Bluffs Board of Appeals and will be referred as DRIs shortly. The Surfside project is still on hold. The M.V. Tennis and Racquet Club application is still incomplete. The Town is considering taking action against Mr. Robinson.

### ITEM #3 - Minutes of April 27, 1989

It was motioned and seconded to approve the draft minutes with the following correction: change sleuth way to sluiceway throughout the document. This motioned passed with no opposition, 1 abstention, Filley. (Harney abstained.)

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan reported that the Excise Deed Stamp Bill presented by the Ways and Means Committee, which excludes Dukes, Nantucket and Barnstable counties, passed. I believe we may be fortunate to be eliminated since it is specific to the Houses of Correction and the State controls the uses of the funds and that entails close budget scrutiny. We haven't given up with our own bill. There has been discussion that the House Ways & Means Committee may assist us with a 1% excise bill, based on last year \$1.00 would be approximately \$200,000. He stated that former house bill #5454 has been passed and is now #5500. It involves the creation of a revolving trust to address financing water pollution abatement projects. He left a copy with Ms. Borer. Concerning mopeds, the Oak Bluffs Moped By-law was passed by the attorney general and is in the hands of the House Counsel. There was a meeting and this bill was seen to be impressive. It deals with people being trained prior to riding mopeds with the procedure coming through the Registry of Motor Vehicles. He went on to state that Representative Turkington had signed a bill restricting more than 1 person to ride on a moped. We hope that these bills might be models for adoption by all towns on the Island.

Mr. Ewing asked if there has been any movement towards the County purchasing a dredging machine? Mr. Morgan stated that it has been discussed but currently budget restraints have made it an impossibility at this time. Bert Combra is very interested, and I think it will be seriously considered.

Mr. Young, Chairman of Land Use Planning Committee (LUPC), reported that they had met Monday to discuss Swan Neck DRI, which will not be presented tonight since we don't have a quorum. Mr. Hannigan from the M.V. Regional Refuse District was there, along with about 12 Edgartown citizens, regarding the Solid Waste Transfer Station DRI, and we also discussed the Red Farm Modification DRI. In addition the Vineyard Crossing revised plan was reviewed and approved. Next Monday we will be meeting on the Playhouse Theatre.

Mr. Fischer, Chairman of the Gay Head Cliff Area DCPC Committee, reported that they had met Monday and reviewed and approved the draft guidelines.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC, reported that they had met Wednesday at 5:00 p.m. to discuss the public hearing and getting the guidelines together. We will meet again Tuesday at 4:30 p.m.

Ms. Borer added that tonight Commissioners were given documentation from HMM Associates, representing Herring Creek Farm, and stated that this is a revised document and includes the management practices of the farm.

Mr. Ewing stated that they had also discussed the boundaries and various interests in terms of extending them. The Committee is struggling with that.

Mr. Filley, Co-Chairperson of the Comprehensive Planning and Advisory Committee, reported that they had met tonight and discussed Economic Development and infrastructure. Next week we will discuss Health Care and Human Services and the following week we will be doing a recap in preparation of the Public Meetings being sponsored by the League of Women Voters at the Katharine Cornell Theatre and the Chilmark Community Centers.

Mr. Early took this opportunity to remind Commissioners that next week's meeting would be held at the basement of the Old Whaling Church in Edgartown.

ITEM #5 - Discussion - Swan Neck, Town of Edgartown

Mr. Early stated that since we have no Tisbury representative here, due to Ms. Eber's recovering from surgery and Ms. Medeiros' being at the third night of a Town Meeting, we do not have a quorum. We have asked the applicant for an extension until next week and we have a letter to that effect. So we will move to the next agenda item.

ITEM #5 - Discussion - Designation of Gay Head Cliff Area DCPC

Ms. Borer showed a video of the site depicting the Lighthouse property, showing the foot paths which are devoid of vegetation; Mr. Diem's property, showing clearing, paths, location of well, proposed location of septic and wet areas; and views from the Lighthouse and Pilots landing, including examples of slumping topography and vegetation type and height.

Mr. Filley, Commissioner, asked if there are any fences on the Lighthouse property? The response was no, there are no fences on that property.

Ms. Colebrook, Commissioner, asked if there were any deer in that area? Mr. Fischer responded yes, there are deer.

Ms. Borer then reviewed the draft decision for the Commissioners and discussion followed on these topics: 50' buffer, need and purpose for this buffer and possibility of increasing to 100'; draft decision page 9, section c. last sentence re: resolving inconsistencies, this has been discussed with council and is based on the fact that many permits had been applied for recently but construction is not substantially completed and that the large number of recent permits may be due to a news story indicating the nomination prior to its filing; removal and replacement of vegetation, it was decided to add these words to Page 7, 9th paragraph, section a.; area of a garden, it was decided to increase area to 1,000 ft. on Page 7, Section 1.b; and the need for sight view channel study; it was decided to add Section 2.e. to page 9 as follows: The Site Review Committee shall prepare Sight View Channel Studies for lands within the District for the siting of buildings, structures and dwellings and other improvements thereto.

When there was no further discussion, Mr. Early moved to the next agenda item.

ITEM #6 - Possible Vote - Designation of Gay Head Cliff Area DCPC

It was motioned and seconded to designate the Gay Head Cliff Area as a District of Critical Planning Concern and adopt the guidelines for development within the district as set forth in the decision. There was no discussion. This vote carried with 13 in favor, 0 opposed, 0 abstentions. (Harney was in favor.)

ITEM #7 - New Business

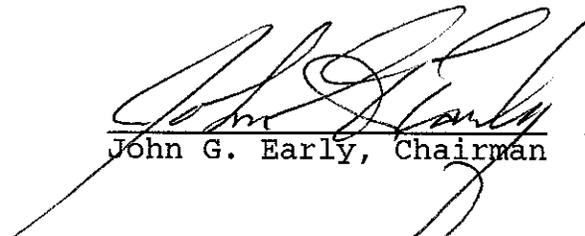
Ms. Waterman, Coastal Planner, MVC, distributed copies of a report entitled, "Shellfish Harvest Trends for Martha's Vineyard, with Results of Surface Water Quality Survey", dated April, 1989 for the Commissioners' review.

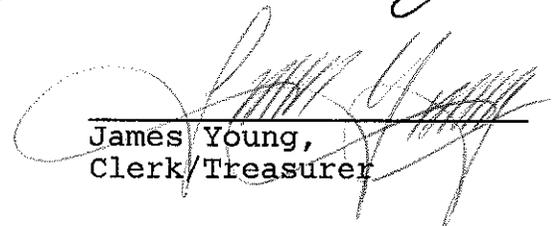
ITEM #8 - Correspondence

Ms. Borer read 2 letters. The first from Edith Eber, Commissioner, thanking the Commissioners for their good wishes for her speedy recovery. The second, dated April 28th, from the Division of Fisheries and Wildlife notifying the Commission of their intention to acquire 20 acres of land in Edgartown adjacent to Herring Creek Farm.

The meeting was adjourned at 10:10 p.m.

ATTEST

  
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 John G. Early, Chairman      Date 5/11/89

  
 \_\_\_\_\_  
 James Young,  
 Clerk/Treasurer      Date 5/11/89

Attendance:

Present: Bryant, Colebrook, Early, Evans, Ewing, Filley, Fischer, Jason, Lee, Morgan, Sibley, Wey, Young, Harney.

Absent: Eber, Medeiros, Scott, Delaney, McCavitt, Allen, Geller.