

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MARCH 15, 1990

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular Meeting Thursday, March 15, 1990 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Mr. Filley, Chairman, opened the special meeting and proceeded with agenda items.

### ITEM #1 - Chairman's Report

Mr. Filley reminded Commissioners of the public hearing on the Edgartown Ponds DCPC regulations to be held March 29th at the basement of the Old Whaling Church in Edgartown and the meeting with the Tisbury Planning Board on March 28th at the Tisbury Town Hall Annex. Mr. Filley continued by stating that there would be no Commission Meeting on Thursday, March 22nd.

### ITEM #2 - Old Business - There was none.

### ITEM #3 - Minutes of March 8, 1990

It was motioned and seconded to approve the draft minutes with one correction: Page 2, 2nd paragraph, 3rd sentence; change to "The bill is designed to put an end to balanced billing". The motion to approve the draft minutes as corrected passed with no opposition, 3 abstentions, Early, Jason, McCavitt. (Allen and Harney abstained.)

Mr. Filley then took the agenda out of order and moved to Item #7.

### ITEM #7 - New Business

Ms. Borer, Executive Director, stated that the Commission has received a request from the Tisbury Building Inspector asking Mr. Wilson, Island Tire Service, to come before the Commission with his proposal to determine if the proposal warrants review as a DRI as the subject of a modification to a previous DRI. Mr. Wilson is seeking to relocate his business into the Woodchip Building. The Woodchip's site was the subject of a DRI Decision in August, 1978. The question before the Commission tonight is, does this proposal warrant a full DRI review, with public hearing, as a modification to the August 1978 DRI Decision? Ms. Borer closed by stating that the only permit necessary will be a special permit from the Zoning Board of Appeals for locating an automotive/vehicular service facility in the B-2 area. Ms. Borer asked Mr. Wilson to review the main aspects of his proposal.

Mr. Wilson stated that as he understands, it is the intent of the owners of the Woodchip building to divide the building into 2 or 3 units. I'd be using the back 1/3 of the building, adding 3 garage doors to the rear and relocating my business which is currently located across the street. Mr. Wilson described the location, fencing, and landscaping buffers and stated that you really wouldn't see the cars from the street. He stated that he is now operating with a month to month lease and wants a mortgage or longer term lease for obvious business reasons. The amount of parking wouldn't change. The Browns, owners of the Woodchip building, would most likely retain the middle section as a retail store for the next 2 years or so to sell the remaining inventory. Another individual is looking at the office space in the front which would really have no traffic other than the actual employees. He then answered questions.

Ms. Borer asked, the square footage that you are looking at is 3,500? Mr. Wilson responded that is correct.

Ms. Harney, Commissioner, asked if there are any chemicals used in his business? Mr. Wilson responded just normal procedures, such as oil changes. Ms. Harney asked if cars will be stored on the lot? Mr. Wilson stated that in some cases there are cars waiting for parts or for the owners to make payments and pick up the cars but there will be no junk or used vehicles stored on the lots.

Mr. Early, Commissioner, stated that the only reason this is before us is that the land was the subject of a previous DRI. There are a lot of similar uses in the neighborhood. It is moving an existing use across the street and has the potential to get some somewhat unattractive cars removed from State Road. This property has screening with the fence and landscaping.

It was motioned and seconded that this proposal should not be considered as a DRI and does not warrant a DRI review as a modification of a previous DRI Decision. There was no discussion on this motion. This motion passed unanimously.

Mr. Filley then returned to Item #4.

#### ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of Land Use Planning Committee (LUPC), reported that they had met Monday and continued discussion on the DRI Checklist. There was some discussion on the Spring Cove Realty Trust issue and that will be addressed at a future LUPC meeting. We also met with representatives of the Cronig's DRI and this is nearly ready for a public hearing. We were going to be discussing the Leland DRI on the 19th but the applicant has granted a 30 day extension so it will not be heard on March 19th. Next week we will continue discussion on the DRI Checklist.

Mr. Morgan then reported as Legislative Liaison. He reported on House Bill # 4899 which deals with increasing the bonding from \$25 to \$35 million dollars for Steamship Authority (SSA). I have always been for that. I feel it is necessary, and it is necessary for capital

improvements. Last year it met its demise in Boston. The powers that be in Transportation Committee were saying that they weren't going to give the bonding until they straighten a few things out at the SSA. Representative Carroll will probably do the same thing again this year on this bill. However, there has been a request from the SSA asking for this Commission's support in the way of a letter to the Transportation Committee. He stated that he would recommend sending such a letter of support. House Bill #2750 will also be heard Thursday and I would recommend that we ask for a favorable report on this one too. That has to do with the 4 member make up of the Steamship Board of Governors. Remember, it is 3 now and we filed a bill asking for 4 where there would be a weighted vote. Barnstable would only get 1, Nantucket, Falmouth and the Vineyard would each get 1 1/3 vote. This would stop the Cape from getting control. That didn't go through last year, again because Representative Carroll, Chairman of the Transportation Committee, wants a 5 member board. He wants a Governor's appointee besides the Hyannis member. So I would hope that maybe the Commission would answer the request of the SSA and write a letter of support for #2750.

There was discussion among the Commissioners on these two bills.

It was motioned and seconded to write a letter of support for bill #2750. It was motioned and seconded to amend this motion to include in this letter a statement of support regarding bill #4899. There was no further discussion. This motion passed unanimously.

Mr. Morgan then reported on the excise bill #2743 by stating that this bill was attached to Bill #2009. There is really no relationship between the bills other than they are both dealing with excise tax. Bill #2009 deals with methods of paying by computer. Rather than kill the bill and vote that #2743 ought not to pass and not giving it a favorable report, it was attached to this other bill. This doesn't mean a thing. In fact if #2009 comes up on the House Floor only #2009 will be spoken to, not our bill. However it does allow the representative to ask that the bill be pulled and reviewed again. We could then lobby again. He stated that he doesn't believe the Chairman of the Committee on Taxation was very happy with Bill #2743 and if he wasn't, it isn't going to go anywhere at all.

Mr. Jason, Commissioner, stated they couldn't have been too unhappy or they would have killed it entirely. Mr. Morgan stated yes, it not being killed means there is still a spark there. I will talk to Mr. Turkington again tomorrow.

Mr. Early asked by whose initiative it was attached to Bill #2009? Mr. Morgan responded the Committee on Taxation. That is how it came out of the Committee.

Ms. Harney, Commissioner, asked if this is another way of shelving the bill? Mr. Morgan stated that they were attached because they dealt with similar subjects. Sometimes several bills are attached and then committed to a study.

Mr. McCavitt, Commissioner, asked what about Bill #2009? Mr. Morgan stated it was reported favorably. Ms. Harney asked if 2009 is approved then will 2743 be automatically approved? Mr. Morgan responded no. It is just a way to keep the bill alive without a favorable report.

Ms. Allen, Commissioner, asked what the Chairman of Taxation was unhappy about regarding this bill? Mr. Morgan stated that Mr. Flood is running for Governor and is very anti-tax at this point.

Ms. Harney then asked if there is a lobby group formed? Mr. Morgan stated that reaching everyone of the Taxation Committee was the first thing to do. He stated that Representative Turkington will ask that it be pulled again and try to get reconsideration. Ms. Harney asked if there is any strategy we could use? Mr. Morgan stated he would talk to Rep. Turkington and we'll go from there.

Mr. Morgan continued by stating that the Charter information will be turned over to Ms. Borer because the Commission is going to help the County Commissioners with this. It is Chapter 807. There is a very simple folder here which basically tells how you establish a county charter. On the ballot in November there will be a list of names, however many people want to be a charter commissioner and can get 300 names on nomination papers. They will be elected at large. Which means the 15 people with the highest number of votes will be elected. They could all come from the same town. Unfortunately you need a larger population for them to come from a District. Cape Cod was allowed 1 person from each district and they got a 15 member group one from each town. That won't be the case on the Vineyard. Once that Commission is elected, they have 18 months and \$35,000 furnished by the County and an office space to study. Within, or before, the 18th month they must make a report to the public as to 3 different methods of county government or the 4th to say don't change it. If they decide on how county government should go they would then file legislation and follow that through. Ms. Bryant asked about Chapter 193? Mr. Morgan stated that it has one section in it, Section 10, which says that the Committee will study a possible assumption of administration and services of counties. They have to report by June 30th of this year whether or not to take over the county. One of the members I was talking to the other day stated that they had just discovered that there is a great big airport sitting right in the middle of their 4,000 acres of county property. They knew we had an airport but they never knew it was the only county airport in the State of Massachusetts. This is why a few months ago, when Chapter 193 came out, they wanted to see if we could sell it. It is hard to believe that the State would want to take it because the Federal Aviation Administration (FAA) says that nothing can be done about any of this real estate without their approval. It is county owned. Just this past week there have been several bills heard regarding abolishing county government.

Mr. Early, Chairman of Planning and Economic Development Committee (PED), reported that PED has not met. There was a presentation to the Executive Committee but I was not at that meeting. He asked Ms. Borer to comment on that.

Ms. Borer stated that Mr. Saxe took the submission requirements for the Master Plan out of the PDD regulations and he expounded on that document. He put together a package that would say how many hours per task should be allocated for the master plan and it is with the Executive Committee now for their review. There are a lot of options. The Oak Bluffs' Selectmen are very anxious to receive a response from us.

Ms. Bryant stated that she had testified on Bill #499. I read two letters from Dr. Mazer and Dr. Nieder. They were two very good letters. Also 4 of the 6 town's Councils on Aging sent letters. There was also an editorial from the Times. Senator Rauschenbach felt there might be a way to eliminate the Island from the Bill but I stated that the people who had written the letters had written them for all not just the Island.

Ms. Skiver, MVC Staff, reported on the progress with the Steamship Authority Planning proposal. Ms. Borer and myself met with representatives of the SSA and looked at the specific objects of the proposal. It was a good meeting. There was a consensus that the next step is to sign a memorandum of understanding between the Commission and the SSA. I will be drafting a written framework for the plan. There are 17 major tasks listed. One specific issues that was agreed on is the possible expansion of the Origin/Destination survey this summer. The Commission has done an Origin/Destination survey for the past 2 years on vehicular passage on the SSA. The SSA was interested in the results of the past 2 years and in possibly expanding this to include pedestrian passage. It would be coordinated by the staff here but they would give staff assistance in collecting the survey's and data input. If any Commissioners have any ideas or input please contact me.

Mr. Ewing, Commissioner, asked for an explanation of the Origin/Destination Survey? Ms. Skiver explained that for the past 2 years the Commission has been conducting a survey on vehicular passengers leaving from Oak Bluffs and Vineyard Haven. We asked questions such as: where are you from; how much money did you spend; comments on the amenities; public transportation; would they come back? It is a positive step toward comprehensive planning goals.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC Committee, reported that they hadn't met this week. He reminded Commissioners again of the Joint Public Hearing with the Edgartown Planning Board at the Whaling Church on March 29 regarding the Edgartown Ponds Regulations.

Mr. Lee reported for the Gay Head Cliff Area DCPC Committee by stating that they had also not met this week.

ITEM #5 - Discussion - Regional Comprehensive Plan Goals, Policies and Action Plans.

Mr. Adams reviewed the document entitled "The Martha's Vineyard Draft Policy and Action Plan" (Draft for discussion: March 15, 1990.) There was lengthy discussion among the Commissioners. The following changes

were suggested: Page 1; change the word definition; Page 2, change the order of issues to be alphabetical; Page 4, I-11 change reward to provide incentives; Page 5, Actions, change Agricultural views to Long Views -- Open up long views, protect view easements; Page 8, I-31, change reward to provide incentives; Page 11, Actions, Craft Cooperatives, delete the word young; Page 13, Actions include Encourage Forest Management - on public and private land; Page 13b, Move Town Centers - Maintain services and year-round uses in existing Town commercial centers ... to before the last sentence in II-17.; Page 15, III-5, 3rd sentence, change on the SSA, to incorporation with the SSA; Page 17, IV-7, change as follows: Promote the construction of congregate housing that would provide some degree of independence and care particularly for the frail or disabled elderly and those with special needs especially those with mental or physical handicaps.; Page 18, IV-10, change first sentence to read: All citizens are entitled to environmental quality and the enjoyment of open space.; Page 18, Actions, change Housing Land Bank to read as follows: A Housing Land Bank - support legislation to include housing as a purpose for land acquisition; Page 19, IV-18, change to read the end of the sentence to read: MV Community Services and other human service agencies; Page 22, Policies on Energy, Infrastructure and solid waste should be incorporated into Capital Planning and Land Use Section.

Following the discussion, Mr. Filley moved to the next agenda item.

ITEM #6 - Possible Vote - Regional Comprehensive Plan Goals, Policies and Action Plans.

It was motioned and seconded to adopt the document entitled "The Martha's Vineyard Draft Policy and Action Plan" (Draft for discussion: March 15, 1990.) as amended tonight. The motion passed unanimously.

Mr. Filley stated that a finalized version of this document will be available soon and forwarded to Town Boards, agencies, the High School, and task force members. We will also be holding a press conference in the near future.

ITEM #7 - New Business - There was no additional new business.

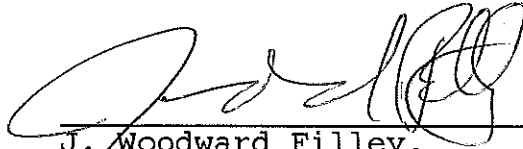
ITEM #8 - Correspondence

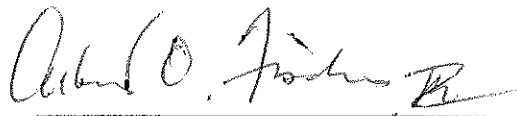
Mr. Filley read the following letter: Date: March 8, 1990, From: Donald W. Liptack, District Conservationist, U.S. Dept. of Agriculture, Soil Conservation Service (SCS). The Mass. Assoc. of Conservation Districts is looking for support of the National Ass. of Conservation Districts (NACD) recommendation of FY 1991 budget for the SCS. The recommendation is for level funding from FY 1990. If you feel that the SCS deserves your support, the NACD would appreciate your signing and forwarding the enclosed letter to the four (4) addressees. Any comment or support would be greatly appreciated.

It was motioned and seconded to send the letters of support that were requested. This motion was amended to include wording that we would encourage additional funding if possible. The motion passed unanimously.

The meeting was adjourned at 9:55 p.m.

ATTEST

  
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J. Woodward Filley,      Date  
Chairman                      4/5/90

  
\_\_\_\_\_  
Albert O. Fischer, III,      Date  
Clerk/Treasurer              3-30-90

Attendance

Present: Bryant, Early, Eber, Ewing, Filley, Fischer, Greene, Jason, Lee, Morgan, Schweikert, Sullivan, McCavitt, Allen, Harney, Davis\*.

Absent: Colebrook, Sibley, Wey, Young, Geller.

\* Iris Davis arrived at 8:35 p.m.