

# THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS  
MASSACHUSETTS 02557  
(508) 693-3453  
FAX (508) 693-7894

MINUTES OF MARCH 21, 1991

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a continued public hearing on Thursday, March 21, 1991 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Stephen Bernier  
Cronig's Market  
P.O. Box 698  
109 State Road  
Vineyard Haven, MA 02568

Location: State Road,  
Vineyard Haven, MA

Proposal: Addition to an existing market qualifying as a DRI since the floor area is greater than 1,000 square feet.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony at 8:04 p.m., and described the order of the presentations for the hearing. Mr. Schweikert called upon Steve Bernier to discuss the proposal. He in turn introduced Doug Hoehn of Schofield, Barbini and Hoehn to discuss the proposal.

Mr. Hoehn discussed the proposal including the traffic study that was done. He further discussed the background of the proposal.

Mr. Hoehn explained each element of the proposal for all who were present. He discussed the temporary parking area that had been created and the size and scale of the proposed addition. He explained the ultimate size of the structure when the addition and main building were combined. He discussed the goals of the project. He explained the parking and circulation being proposed. He discussed the timing of deliveries and potential conflicts between cars and trucking. He discussed the status of the septic system. He then discussed the proposed drainage improvements to be made at both the site and Colonial Lane. He further discussed improvements to Colonial Lane. He explained the landscape and lighting plan as prepared and the reasons therefore. He summed up the status of various parts of the proposal with respect to other local and state agencies.

Mr. Schweikert called upon Tom Simmons of the MVC Staff to give a

staff update. Mr. Simmons discussed the changes made to the traffic study previously submitted on an individual basis. He discussed potential mitigation measures for each of the potential problem areas. He discussed the impacts upon existing infrastructure should the proposal be built.

Mr. Schweikert asked for questions from Commissioners. Mr. Hall asked about the light fixtures being proposed. Mr. Bernier explained the globe type light being proposed.

Mr. Hebert raised a question regarding the location of parking and the problem of backing into travelled ways. Mr. Simmons discussed the issue. Mr. Hoehn noted that the plans had been revised to eliminate the problem. A brief discussion of this issue followed.

Ms. Harney further discussed the issue of parking. Mr. Sullivan discussed curb cut issues and asked about a relationship between curb cuts and improvements to Colonial Lane.

Mr. Hall questioned the location of the drop-off lane. Mr. Bernier indicated its location of that plus the handicapped parking areas.

Mr. Briggs raised a question of when such a proposal would possibly begin construction. Mr. Bernier indicated that September might be the earliest.

Mr. Sullivan discussed the drainage issues. Mr. Bernier explained the drainage pattern and the measures proposed to alleviate problems. A discussion of the drainage issues followed.

Mr. Schweikert called for proponents of the proposal.

James Rothchild discussed the need to keep in mind the relationship between traffic and existing business expansion.

Mr. Schweikert called for opponents.

Tim Anthony, Colonial Lane, discussed the relationship between the proposal and the residential area. He discussed the road and the ownership patterns of the same. He discussed the issue of traffic patterns now and proposed. He discussed the potential for hazards and the fact that Colonial Lane is very small and poor now. His main concern was for safety.

Mr. Schweikert called for any other testimony.

Mr. Combra asked for a clarification of the status of Colonial Lane. Mr. Bernier discussed his research into the status of the road with respect to ownership and with the issue of improvements.

A discussion of the issue followed. It was indicated that the lay-out was a 40 foot way duly laid-out. A further discussion followed.

Cora Medeiros, Selectmen-Tisbury, discussed the zoning boundaries in

the area for purposes of clarification. A discussion of this issue followed.

Mr. Bernier asked for clarification of whether there is a different set of rules for access for residential and commercial. Mr. Schweikert indicated that the LUPC would discuss the matter further.

There being no further testimony, Mr. Schweikert closed the hearing at 9:09 p.m. He indicated that the record would remain open for one week.

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The Commission took a brief recess.

The meeting was reconvened at 9:12 p.m.

Mr. Schweikert read the public notice regarding the Standards and Criteria. He opened the hearing indicating that the items were draft proposals only and it would be discussed further by the Land Use Planning Committee once input had been received and that there would be another public hearing prior to the vote.

He then turned the presentation over to Chuck Clifford, MVC Executive Director, to explain the proposals.

Mr. Clifford reiterated that the items were drafts and explained the history and background of their development. He noted that page number 1 and number 2 remain exactly the same as in previous years.

He then proceeded to discuss each of the items on an individual basis noting the years each first appeared in the Standards and Criteria and whether they had been altered or not.

It was decided to run through the entire list first and then take questions on each later.

He explained the modifications that were indicated by underlining and the reasons for the changes.

Mr. Schweikert called for questions from Commissioners.

Mr. Early asked if 3.110 also included any agricultural buildings on prime agricultural lands. A discussion of this matter followed. A clarification of the issue followed.

A procedural discussion followed.

Mr. Schweikert proceeded to go through the draft item by item. There were no comments on page one.

Mr. Hall raised a question regarding the issue of determining floor area and whether it was a net increase that was considered. He suggested that a clarification of this matter was needed. A discussion followed.

Doug Hoehn raised a question regarding use and intensity of use definitions. A discussion of this matter followed. A discussion of what was really meant by changes of use followed.

Angeljean Chiaramida, Chamber of Commerce, suggested clarification by means of examples.

Paul Alder asked for definition of regional.

Ms. Sibley indicated that such definition was in Chapter 831.

Gino Montessi raised the question of how one would calculate the square footage of the uses. A discussion of this matter followed.

Ms. Sibley noted that a cumulative floor area would use 1985 as a guiding date - it must be cumulative since 1985.

Linda Marinelli raised a question of item 2.06.

Ms. Greene indicated that it would be very easy to call the Commission offices for clarification if there are every any questions.

Mr. Colaneri questioned whether the answers would be in writing. Mr. Clifford indicated yes.

Mr. Hall suggested a clarification book to help with the interpretation of the intent.

Mr. Adler discussed the reasons for having 3.101 with the wording "of another town". He questioned why the other boards could not refer a project itself.

Mr. Clifford explained the "cross town referral" process and discussed past practices.

A discussion of this item followed.

A discussion of the relationship between items 3.101 and 3.102 followed. A discussion of the relationships between towns followed.

An explanation of Section 12 of Chapter 831 followed.

Angeljean Chiaramida raised a question regarding new wording in 3.102. Mr. Clifford explained the clarification of wording.

A discussion of withdrawn applications followed.

Gino Montessi questioned the reasons for "once a DRI, always a DRI". A discussion of this matter followed.

Tristan Isreal discussed the need for controls on growth and that they are necessary. He discussed the political potential of having the Commission decide whether it was or was not a DRI.

A discussion of whether a decision follows a deed or not followed.

Paul Adler questioned whether secondary permits also triggered the DRI review process. A discussion of this matter followed.

There were no questions on 3.103.

Ed Reed, Chairman of Williams Street Historic District Commission, read a statement regarding their activities in the District. he questioned the need for a second layer. A discussion of this matter followed.

Tony Von Riper, member of Historic District and Secretary of the Dukes County Historical Society, discussed 3.104 from two perspectives. He discussed the actions in Tisbury regarding historic preservation. He indicated that the inclusion of archeological matters was a step forward and hoped that the Commission would keep this item in the checklist. A discussion of this matter followed.

There were no comments on 3.105 nor on 3.016 or 3.107.

Mr. Hall discussed the phone calls he had received regarding this matter. A discussion of this matter followed. Mr. Colaneri felt that the item was too broad as did Ms. Bryant. A discussion of this matter followed. Angeljean Chiaramida discussed the escalating cost of land based on being on an open space list. A discussion of this matter followed.

Ms. Sibley discussed reasons for referral and what kind of mechanism for referral. A discussion of this matter followed.

Gino Montessi felt this was a dangerous item and felt that it should be reviewed carefully.

A discussion of the values of property increasing or decreasing followed. A discussion of various boards talking together followed.

There were no comments on 3.109.

Mr. Schweikert noted that 3.110 had been discussed previously.

There were no comments on 3.201.

Tristan Isreal felt that there should be no lessening of the criteria for review.

Mr. Hall indicated that he had distributed a letter that was for information related to this item.

There were no comments on 3.202 or 3.203.

Mrs. Marinelli questioned whether there was any relationship between this matter and Barnes Road. A clarification of this item followed.

Mr. Colaneri questioned why the increase in size. Mr. Schweikert explained the reasons for the changes and indicated that the

Commission was seeking to eliminate review of the smaller projects.

Gino Montessi commended the Commission for the change.

John B(??) concurred with previous statement.

Ms. Bryant discussed the reasons for the lower figure years past.

Ms. Sibley discussed how the previous figure came about.

Mr. Hall discussed the various debates that had gone on in the Committee regarding this matter.

Mr. Hall discussed the need to review some of the wording to make the point clearer.

There were no comments on 6,000 square feet of outdoor space.

Angeljean Chiaramida raised an issue of what constituted use changes. A discussion of this matter followed.

Doug Hoehn raised a question regarding the way the format had been presented. He felt there needed to be a great deal of discussion regarding the Title V variance.

Mr. Jason explained the reasoning for the proposal. A discussion of this matter followed.

A discussion of the need for review of new curb cuts followed.

A discussion of the reasons for dealing with multi-tenant commercial structures followed. A discussion of condominium trusts followed.

A discussion of the leasing of rooms followed.

Gino Montessi questioned what would be a development in the ocean. A discussion of this matter followed. A discussion of defining development in this context followed.

A discussion of the reason for the inclusion of the word religious within this category followed.

There were no comments on 3.701, 3.702, 3.703.

There being no further comments, the hearing was closed. Mr. Schweikert indicated that there would be a second hearing at a later date.

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Jennie Greene called the regular meeting of the Commission to order at 11:23 p.m.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of March 14, 1991

On a motion duly seconded, the minutes of March 14, 1991 were approved as printed.

ITEM #4 - Committee and Legislative Liaison Reports

Ms. Bryant discussed some new legislation that had been submitted.

Mr. Schweikert reported for LUPC by discussing the meeting with Hugh Taylor and his application. He discussed the recommendations regarding the Packer DRI. He discussed a possible housing issue involving losses of housing stock.

Planning and Economic Development (PED) - no report, next meeting to be April 3rd.

ITEM #5 - Possible Discussion - R.M. Packer DRI

Mr. Colaneri moved to remove from the table, seconded by Mr. Hall, so voted.

Mr. Clifford discussed a telephone call from Jack Clarke regarding this matter. He further discussed the possible recommendations for the proposal.

While waiting for copies, Mr. Wey asked if the Commission could consider the possibility of changing the laws and starting earlier so that meetings would not be so late.

Mr. Clifford discussed the possible conditions for this DRI.

A discussion of this matter followed. A discussion of the specific wording of a condition followed.

It was moved to approve with conditions the application of R.M. Packer.

ITEM #6 - New Business - there was one.

ITEM #7 - Correspondence

Ms. Greene read a letter from Pam Goff of the Land Bank thanking the Commission for the condition regarding trail linkage in the Hart DRI.

There being no further business, the meeting adjourned.

ATTEST

Jane A. Greene                      4-11-91  
Jane A. Greene, Chairman              Date

Thomas Sullivan                      \_\_\_\_\_  
Thomas Sullivan,                      Date  
Clerk/Treasurer

Attendance

Present: Best, Briggs, Bryant, Colaneri, Combra, Donaroma, Early, Greene, Hall, Hebert, Jason, Schweikert, Sibley, Sullivan, Wey, Harney.

Absent: Lee, Benoit, Clarke, Allen, Davis, Geller.