

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF APRIL 18, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, April 18, 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: Gordon Brownell
45 Warren Street
Salem, MA 01970

Location: Main Street
Edgartown, MA

Proposal: Conversion of a residential structure to a bed and breakfast qualifying as a DRI since the property was the subject of a previous DRI application.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony, and described the order of the presentations for the hearing. The applicant was not yet present. He asked for a staff presentation.

Mr. Clifford, Executive Director, briefly reviewed the proposal. He called the Commissioners' attention to a letter from the applicant available in their packets. He used a wall display to discuss the proposal.

The applicant arrived at 8:12 p.m. and after a few minutes to set up an overhead projector the applicant gave his presentation.

Mr. Brownell discussed the history of the site, the previous DRI application, the Zoning Board of Appeals jurisdiction, the zoning being R5 residential and that this is a permitted use under Section A. He discussed the costs of maintaining the structure as is and the limited revenue. He discussed the economic benefit of guest houses and inns to the Town. He discussed his personal and professional background. He used an overhead projector to show existing and proposed floor plans and discussed the architecture of the building. He stated that they propose to use only the best in furniture and supplies. He discussed the proposal as being for 6 beds and 6 baths and the net increase in square footage as being 840 sq. ft. He stated that in his opinion this was a borderline DRI. He stated that he feels that comments made about him during the DelReal review were unfair and unkind. He thinks he has excellent relations with his

neighbors and that he is a good citizen. He discussed past donations to the Katama Group and the MVC during its start up period. He closed by stating that he is not an outsider.

Mr. Brownell then answered Commissioners questions as follows: In response to a question raised that he stated he isn't doing this for the money then why is he doing it, Mr. Brownell responded that he is in a bind to keep up the property with current income, he stated it is hard to recoup expenses. In response to whether he would be residing on the property the response was no, an innkeeper would be hired. In response to questions on the sewer hookup he stated that no waiver had been granted but he feels he has compromised with the 6 bedroom plan and he feels that the Zoning Board of Appeals and the Waste Water Commission would agree if the MVC approves it. In response to a question of where would the innkeeper stay, Mr. Brownell responded that he hopes to hire a local who has his own housing. The office will not be used to house anyone. In response to question of food preparation Mr. Brownell responded I would only be serving breakfast.

There was discussion on the number of parking spaces provided and required. There was discussion on the handicap accessibility to the structure and the fact that provisions are not shown on the plan for this or for fire exits. The applicant stated it will meet all State codes. There was discussion on the number of employees proposed. The applicant was unable to address this issue at this time. He stated that his intent is to operate this year-round. There was discussion of the impact on Pent Lane.

In response to a question raised regarding meeting with the Historic Commission, the applicant responded that he wants to get the MVC approval first. In response to issues raised about encouraging people not to bring their cars and encouraging use of the mass transit, the applicant was asked if he would be prepared to make a donation to the transit system. The applicant responded yes, if it is reasonable. There was discussion of the zoning and the number of grandfathered uses in the area.

Questions arose from the Commissioners about the lack of information presented tonight, i.e. parking, landscaping, lighting, etc. Mr. Clifford explained that LUPC had instructed the applicant on what to supply. The applicant was asked why he wasn't better prepared? The applicant stated that he believes the only question is whether there is a negative impact. He doesn't believe there is. He stated that he would like not to do what DelReal had done, that is spend \$8,000-10,000 on presentations and then be turned down. He stated that detailed architectural drawings cost a lot of money. He stated he doesn't think they are necessary and that he has presented enough detail for the MVC to make its decision. He stated that he thinks it is a minor request to add 1 more bedroom to an existing home and convert it from a summer rental into a year round inn.

It was stated that the Commission had not requested architectural drawings but had requested site plans. The applicant had instructed us to use the site plan from the DelReal submittal.

The applicant was asked to submit information on the landscaping, parking, lighting, site plan, handicap and fire access/egress.

There was discussion on the fact that the property was currently on the market. The applicant was asked if he plans to sell this property after it has been converted to an inn. The applicant's response was negative. He was then asked if he would object to covenants stating so. Mr. Brownell responded that he would not be opposed as long as it doesn't limit all possibilities. He stated he would like to give the manager a chance to buy an interest in the Inn.

When there were no further questions for the applicant, Mr. Schweikert called for Town Board testimony.

Mr. Ted Morgan, Chairman of the Edgartown Selectmen, discussed this proposal and past proposals for this site. He stated that the applicant bought this parcel 24 years ago and probably got a good price for it. He has had it on the market and it probably hasn't sold because of the exorbitant price. He stated that there are 4 inns in this residential area and this is just too much for the area. He discussed the narrowness of Pent Lane. He stated he gets upset when applicants talk about the Town and what its needs are. He doesn't think that people in Mr. Brownell's position should tell the Commission what we need. We've fought conversion of this property before.

Mr. Schweikert called for proponents, there were none. He then called for opponents, there were none.

Mr. Brownell gave a closing statement. He stated that he thinks Mr. Morgan is dead wrong about what the Town should do to improve itself and that the Town has gone downhill while he has been protecting it. He discussed the removal of the grocery store and the B2 "strip" district. He thinks that Edgartown should have more inns. He stated because of the location he can't rent this property as a residence. He asked for the Commission's approval.

Mr. Schweikert closed the public hearing at 9:40 p.m. with the record remaining open for one week for written testimony and the applicant to supply requested information.

Ms. Greene, Chairman, opened the special meeting of the Commission briefly and discussed a request from the All-Island Selectmen for a letter supporting a "Head" tax bill. There was discussion on this issue, the wording of the bill and the Commission agreed to support the concept of the bill. It was voted, with one opposed Hall, to send such a letter of "endorsement".

Ms. Greene recessed the special meeting of the Commission until after the next public hearing.

The Martha's Vineyard Commission held a public hearing on Thursday, April 18, 1991 at 8:30 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: Ernest J. Boch
c/o Schofield, Barbini & Hoehn
P.O. Box 339
Tisbury, MA 02568
Attn: Richard Barbini
- Location: Beach Road
Vineyard Haven, MA
- Proposal: Demolition of structure(s) to create commercial parking space qualifying as a DRI since the parcel in question was the subject of a previous DRI application.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice at 9:45 p.m., opened the hearing for testimony, and described the order of the presentations for the hearing. He asked the applicant to make his presentation.

Mr. Barbini discussed the proposal using notes distributed for the Commissioners. He discussed the history of the site and usage, the proposed demolition, retention of the Entwhistle building, the site plan, and the change in the plan from 104 to 92 spaces to create a stacking lane as discussed with Tom Simmons, MVC planner. He stated that 12 spaces would be set off for the retail use.

Mr. Barbini discussed the functioning of the parking being that the attendant will keep the key. He discussed the benefit of removing 2 curb cuts and providing additional parking for Tisbury. He stated that in regards to ground and surface water, he didn't feel that a parking lot would attract cars to Tisbury, it is going to provide parking. He discussed the benefits of parking here compared to other places in Tisbury, particularly regarding the A&P parking drainage. Mr. Barbini discussed the surface of the lot as being pervious, probably gravel and stated it will be sufficiently drained. He stated the septic system has not been approved yet. He stated that if this is approved the piano store will move, they have a month to month lease. He discussed the proposed uses of the Entwhistle building being 2 offices upstairs and marine retail sales downstairs.

Mr. Barbini then discussed landscaping and stated there are no detailed landscaping plans. He discussed the Town by-laws regarding landscaping of parking and stated that they would like to see this project conditioned so that the landscaping comes back to LUPC after the Planning Board approval. He discussed their intention to keep the plantings low and to thereby retain a view of the harbor.

Mr. Simmons, MVC Staff, then reviewed the proposal with respect to traffic. He stated the applicant had provided an interior stacking lane and that would assist in minimizing the traffic impact. He then

discussed correspondence as being 2 letters from the Tisbury Conservation Commission.

Mr. Schweikert then called for questions from the Commissioners.

Mr. Barbini responded to questions by stating that the anticipated usage in the winter would be boat storage and that the parking rates would be similar in structure to the SSA lot in Woods Hole. He stated this is a less intense use and impact then rehabing the structures and renting them. He stated the intended operation hours to be before the first boat and after the last boat.

There was discussion on the ground water elevation, the drainage and filtering of the site. There was some discussion on landscaping and lighting. The applicant stated there would be no pole lights, only building and low lights.

There was discussion on the impact of traffic going through 5 Corners and possibly restricting left hand turns onto the site. Mr. Simmons stated that this access is 700 ft. from 5 Corners and that cars probably wouldn't stack that far.

In response to further questions of permeability and filtering Mr. Barbini stated there would be hardener placed under the gravel and that it will be done in conjunction with the Conservation Commission whose approval would be needed.

There was discussion of the proposed marine retail facility, the types of items that would be sold and possible outside storage of the boats. It was stated that there would be 1,800 sq. ft. of retail space. There was discussion on the zoning in this district. Responding to questions about possible transit drop off, Mr. Simmons stated that DPW said forget it. There was discussion of handicap accessibility to the Entwhistle building. The applicant stated it will be to code. There was discussion of a possible elevated walkway to protect beach grass and the dunes.

There was further discussion about boat storage on the site and possible painting and repair. It was stated that the lot would be rented to boat yards and they would prepare them for winter storage off-site.

There was further discussion on landscaping and Mr. Carl George, Tisbury Planning Board, stated that they would review the plan and that there is a formula for landscaping in the by-laws.

There was discussion on the type of material to be used to separate the parking from the dunes. It was stated that no creosote or coated posts would be used.

When asked about a contribution to transit the applicant stated they have no intention of contributing.

Mr. Jason asked that a submitted letter from the Tisbury Planning Board on a previous proposal be entered into the record for this DRI.

When there were no further questions, Mr. Schweikert called for Town Board testimony.

Mr. Carl George, Tisbury Planning Board, stated that the issues I have heard tonight, such as boat storage, parking and landscaping, will be addressed by our board.

Mr. Jason asked Mr. George if this was an allowed use under zoning? The response was yes.

Mr. Schweikert then called for testimony in favor of the proposal, there was none. He called for testimony opposed, there was none.

The hearing was closed with the record remaining open for one week.

After a short recess, Ms. Greene reconvened the special meeting of the Commission and proceeded with agenda items.

ITEM #1 - Chairman's Report

Ms. Greene asked Mr. Clifford to address the Commission. Mr. Clifford reported that the Commission had lost its first lawsuit today regarding the Morey/Bourne DRI. The case was not lost on its merits but on a technical question of whether the cross town referral was legal. It was ruled that the cross town referral was not legal since it is not in our legislation.

There was discussion on this decision, the ramifications and remedial actions that could be taken to reinstitute cross town referrals. Mr. Clifford stated that a letter would have to go out to the Town's informing them not to use the cross town referral on the checklists.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of April 4, 1991

It was voted to approve the minutes with minor typographic corrections which were noted.

ITEM #4 - Committee and Legislative Liaison Reports

It was reported that the LUPC had not met this week.

Mr. Early announced the next Planning and Economic Development (PED) committee meeting to be May 1st at 4:00 p.m.

Mr. Bryant reported that the Health Care Committee had voted not to pass 2 pending bills. She then stated that the County Commissioners will asked Representative Turkington to submit a bill asking that the County Commissioners be allowed to appoint a representative to the Martha's Vineyard Commission if none of the Commissioners wish to serve.

There was some discussion on this items.

ITEM #5 - Discussion

ITEM #6 - Possible Vote

Ms. Greene stated that no items of discussion or possible vote would be taken up tonight.

ITEM #7 - New Business

Mr. Early requested that the Commission respond to 2 items in the Times today which he believes to be in error. There was some discussion on this issue. The Commission instructed the Executive Director to draft a letter from the Chairman's signature stating our position and the facts. This was agreed.

ITEM #8 - Correspondence - Ms. Greene read a letter from the Tisbury Conservation Commission in support of the Commission.

The meeting was adjourned at 11:06 p.m.

ATTEST

Jane A. Greene 5/02/91
Jane A. Greene, Chairman Date

Thomas Sullivan 5/02/91
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

Present: Best, Bryant, Colaneri, Donaroma, Early, Greene, Hall, Hebert, Jason, Lee, Schweikert, Sibley, Sullivan, Allen, Harney.

Absent: Briggs, Combra, Wey, Benoit, Clarke, Davis, Geller.