

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JUNE 20, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular Meeting on Thursday, June 20, 1991 at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma.

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

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of June 13, 1991

Mr. Jason questioned the wording of the part which referenced the opinions of the Oak Bluffs Selectmen regarding the height of the proposed elderly housing structure. An explanation and discussion followed which noted the Selectmen wanted nothing higher than three stories.

Mr. Colaneri questioned the wording of a response given to his inquiry regarding continued usage of a proven design. Mr. Colaneri wished to have the minutes to reflect that the issue had not satisfactorily been addressed and that other issues had been addressed instead.

On a voice vote, the minutes were approved as amended with two abstentions, (Hebert and Schweikert).

ITEM #4 - Committee and Legislative Liaison Reports

LUPC - Mr. Schweikert discussed previous meeting. He read a letter from Richard Barbini requesting an extension until July 26, 1991. A discussion of the extension followed. It was moved and seconded to grant the requested extension and so voted, abstention, (Lee).

Mr. Schweikert then read a letter from the agent of the Cape Cod Company requesting a 30-day extension to permit the owners to address the issues from the LUPC. The extension was granted to July 26, 1991. A discussion of the request from the LUPC to Cape Cod Company followed.

Mr. Schweikert noted that he would make some recommendations later in the meeting.

Mr. Schweikert then discussed the problems with the design of the proposed elderly housing. Mr. Clifford discussed his conversation with the Regional Office of HUD in Boston. He also discussed his

conversation with Gerry Studds' office regarding this matter and noted that there would be a meeting on Monday with the applicant to discuss possible changes to the proposal. Ms. Bryant suggested a letter to Rep. Studds thanking him for his assistance. A discussion of the roles of Councils on Aging followed.

PED - Mr. Early noted that the Committee would be meeting with the Oak Bluffs Selectmen on Tuesday, June 25, 1991 at 4:30 p.m at the Town Hall to discuss a possible Ocean Park DCPC. He invited all to attend.

Ms. Bryant raised an issue regarding the County Charter Commission preliminary report and read a letter that she had received and asked when the Chairman might wish to discuss the matter. A discussion of whether had ever received any reports on Charter Commission work followed. None had ever been received.

Ms. Bryant discussed various aspects of the preliminary report. A discussion of some of the points she had read followed. She also read the list of public hearing dates and where they were to be held. She noted that there were certain comments in the draft that pertained to the MVC and its Master Plan and the implementation effort of the County.

ITEM #5 - Possible Discussion

Boch DRI - Ms. Greene noted that this item had previously been postponed.

Cape Cod Company DRI - Ms. Greene also noted that this item had been postponed.

Hugh Taylor DRI - Mr. Schweikert read the recommendation of the LUPC - approval with conditions.

- handicapped access approved by Access Board
- Zoning Board of Appeals (ZBA) set hours of operation
- ZBA to review septic approval and system
- parking on-site and not encumber any Right Of Way (R.O.W.) or easements.
- seating not more than 36.

He also noted that the Committee suggested a recommendation of providing space for a bus turnout. Mr. Lee discussed his feeling on the issue of a bus turn-out. Mr. Jason explained the reasoning behind the recommendation for future transit usage.

Mr. Colaneri discussed the possibility of a bike path as an option. A discussion of the normal placement of bike paths in existing rights of way followed.

Ms. Bryant questioned the need for a final report on the actual septic system in place. A discussion of the two reports from Kent Healy regarding the system followed. Ms. Bryant further raised an issue regarding the use of a water meter. Mr. Lee discussed the water meter that was installed at the Aquinnah Shops. Ms. Bryant felt that the Commission needed to receive a report from the Architectural Access Board prior to permitting the restaurant to operate.

A discussion of this matter followed.

Mr. Jason explained the reason for the condition regarding the Architectural Access Board. Mr. Hall raised to question regarding the functions of the Architectural Access Board. Mr. Jason explained the Board's functions. Mr. Early expressed concern regarding the ability of the MVC to determine compliance and secondly questioned whether there was an ongoing business at this time.

Mr. Lee felt that there was such an operation. A discussion of this matter followed. Mr. Early discussed incentives to comply. Mr. Hebert noted that the business was functioning within the present limits of the law and that there was no policing of the town by-laws. Mr. Early discussed the issue of none enforcement by local boards. Mr. Colaneri questioned whether any means existed to ensure compliance in the MVC decision. A certificate of compliance discussion followed. A further discussion of clear conditions being sent to the applicant followed. A discussion of whether the restaurant was functioning at the present time followed. A discussion of the similarities between the Oak Bluffs (Robinson) and this proposal and who would be the final inspector in the town followed.

Mr. Clifford suggested certain specific wording for the condition regarding access, discussed other potential wording for the remaining conditions and also the wording that might be used with respect to compliance. A brief discussion of this matter followed.

A discussion of the potential for wedding parties and their size and whether they should be permitted or not followed. It was agreed that this should be a local matter.

Mr. Hall raised a question regarding the size of the septic system. Mr. Clifford explained the methods used by the applicant engineer to calculate the size and capacity of the system. Mr. Sullivan questioned how the engineer could develop two different numbers. Mr. Jason explained the procedures that might be used - i.e. as-builts.

A discussion of noise and light pollution followed. A discussion of regulating hours of operation followed in addition to not permitting any outside seating.

Mr. Lee discussed the matter of down sizing the proposal and at what point that might be dealt with. A discussion of the non existence of a business district in town and the ability of the town to be more restrictive followed.

Mr. Early questioned the reason for the condition on parking. Mr. Schweikert noted that it was to protect any existing easements. A discussion followed.

Mr. Jason suggested the lighting should be handled locally. Mr. Lee indicated that the Commission had dealt with these issues before. A discussion of the regional aspects of lighting followed. It was the consensus that this matter was better handled on the local level.

Mr. Lee discussed the issue of the proposal in light of the Rockwood case. A discussion of this matter followed. It was noted that the

lighting plan should be sent to the plan review committee of the town. A discussion of this matter followed.

It was duly moved and seconded to approve this DRI with the conditions as stated. Ms. Greene asked that the conditions be reviewed. Mr. Clifford read the proposed conditions.

Mr. Colaneri asked for a clarification of the condition regarding the restaurant seating. Mr. Hebert expressed concern over the number of seats and how to differentiate between those for bed and breakfast and those for the restaurant. A discussion of this matter followed.

A further discussion of the use of a water meter to monitor the usage followed. It was determined that this matter was better handled at the local level.

Ms. Bryant questioned the Architectural Access Board and where there documents would be sent. A discussion of this matter followed. A discussion of the installation of a water meter followed. Ms. Bryant indicated that a water meter should be a condition and that it should be monitored weekly by the Board of Health and reported to the MVC.

Ms. Greene called for the vote and by a vote of 11 yes, a nay with 2 abstentions (Jason, Hebert), the Taylor DRI was approved with conditions.

Goals and Policies -

Ms. Greene noted the changes in black boxes. She asked how the Commissioners wished to proceed. Mr. Clifford noted that most of the changes came from Jack Clarke of Coastal Zone Management (CZM) with other changes coming from the various parties that had reviewed the proposed goals and policies over the past year.

All present agreed to go page by page.

Ms. Greene reviewed each change one by one. A discussion of beach access for the public followed. Mr. Hall discussed the issue of user fees and services and felt that the wording should be eliminated. He discussed his feelings. A discussion of this matter followed. Mr. Early suggested the wording change to encourage the establishment of "fair fees".

Native

Mr. Briggs questioned the wording as related to transit. A discussion of this matter followed. Ms. Bryant noted limitations of services due to budgetary constraints and that it is necessary to continue to support the MVTA. A discussion of inn keepers using the transit system followed. A discussion of passes and fees for the system followed. Mr. Sullivan noted that the policies were general in mature and should be broad enough to satisfy all.

A discussion of environmentally safe dredging followed.

Mr. Hall discussed the need to recognize the importance of nursery stock as a part of the agricultural picture and the use of the term agricultural picture and the use of the term agricultural products would be better. Mr. Donaroma agreed. Mr. Colaneri raised the issue

of need for better programs for youth with respect to the fishing industry.

A discussion of the "rhythm" of street scope followed.

A discussion of the meaning of "full build-out" followed. Mr. Clifford felt that it meant commercial build-out. Others felt that it could mean residential. Mr. Clifford suggested a clarification by adding the wording commercial build-out to the sentence. Mr. Hall suggested new wording for the action of reviewing zoning ordinances and explained his reasonings. A discussion of this matter followed. Mr. Sullivan agreed with the idea but felt there were problems of our interpreting for towns. A discussion of this matter followed. All agreed to the change.

Mr. Hall discussed the need to address the issue of access to older structures which would be rehabilitated. A discussion of this matter followed. Mr. Jason felt that there were problems with the law and felt that tax incentives would be better.

Ms. Greene continued to read the changes. Many received no comments. Mr. Colaneri questioned the meaning of the wording dealing with drinking water. It was agreed that the intent was not to harm well areas with incompatible uses. A brief discussion of this matter followed.

With respect to cooperative working with agencies across the Sound, it was suggested to include Southeastern Regional Planning in place of individual towns. All agreed.

Mr. Hall suggested a change to page 8 by adding the wording affordable to energy supplies. All agreed.

Ms. Greene then discussed Section H. which related to the Coastal environment. Everyone then took a moment to read the section. There were a number of objections to many of the items noted in this section. Part 49 was deleted; part 53 was deleted following long discussion; part 56 was discussed and it was suggested to delete specific habitats by name and use more general terms. Mr. Donaroma discussed the issue of how the plains had changed over the years. Mr. Colaneri questioned the specific era being chosen. Ms. Harney was bothered by the word restoration. Mr. Donaroma suggested the terms encourage maintenance of coastal habitats. A discussion of these items followed.

Mr. Briggs questioned waiting to discuss the matter with Mr. Clarke. Mr. Jason suggested tabling this section until actions could be written. Mr. Hall felt that a wildlife management plan should be developed. A discussion of this matter followed. It was agreed that Section H should be put on the table pending further discussion.

Ms. Greene read the remainder of the policies on page 28. There were no comments.

She then read the items on page 25. There were no comments.

A discussion of what was being decided followed. Mr. Early moved adoption with corrections and the deletion of the Coastal Environments section. Duly seconded. Mr. Hall raised issue of the use of the term exactions and asked for different terms being used. A discussion of the matter followed. A discussion of the term impact fee followed.

Ms. Greene repeated the motion and called the vote. The motion carried with one abstention (Hall). Mr. Jason suggested a letter of thanks to all participants of the Task Forces.

Ms. Bryant discussed the preliminary Charter Commission report She read various parts of the report. She read in particular the part related to the MVC Master Plan and the county needing to be an implementor of the same. A discussion of this matter followed. A discussion of the implementation procedures of the county and towns and MVC followed.

Ms. Greene suggested discussing the matter with the members of the Charter Commission directly. A discussion followed.

Mr. Schweikert felt the idea was worthwhile. Mr. Jason had a problem with the wording and implications of the paragraph and felt a meeting would be useful. Mr. Early felt a formal discussion with the Charter Commission was needed. All felt a meeting with both Commissions was necessary. A discussion of whether any of the Charter Commission members had ever been with the MVC followed. Mr. Colaneri further felt that a meeting was warranted.

It was agreed to try and schedule a meeting for July 18, 1991 between the MVC and the D.C. Charter Commission.

ITEM #6 - New Business - There was none.

ITEM #7 - Correspondence - There was none.

The meeting was adjourned at 10:26 p.m.

ATTEST

Jane A. Greene 6/29/91
Jane A. Greene, Chairman Date

Thomas Sullivan 6/29/91
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

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

Absent: Combra, Sibley, Benoit, Clarke, Davis, Geller