

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 24, 1991,

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, October 24, 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: Kelly's Kitchen
Great Atlantic and Pacific Tea Company
Richard McCarron, agent
P.O. Box 1270
Edgartown, MA 02539

Location: Upper Main Street
Edgartown, MA

Proposal: Demolition of a structure qualifying as a DRI since the property was the subject of a previous DRI

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice and opened the hearing for testimony, at 8:05 P.M. He called upon Richard McCarron, agent for the A & P to explain the proposal.

Mr. McCarron discussed the proposal and noted that Richard Barbini, engineer, was present to discuss any technical issues regarding the proposal. He explained the past history of the proposal and the reasons why the previous approvals had never been completed. He described the lot, the surrounding uses, the zoning in the area and the requirements of the B-II zone. He discussed the structures that were on the site previously, the reasons for the demolition of some and what now remained. He discussed the use of a portion of the site for employee parking. He explained what was in the structure presently.

He discussed the present application and the reason therefore, the past history of that application and why it came to the Commission. He then explained the process of demolition on a step by step basis, the time involved, the equipment to be used and the method to be employed to bring the site to level grade. He discussed the disruption to the Upper Main Street traffic during demolition.

He then discussed the future usage of the site, indicating that the A & P was not ready to commit to any kind of a future plan at this time. He further discussed this matter in light of the Planning Board letter relative to the future use of the site. He discussed what would be

submitted when the A & P had finally decided what it wanted to do. He indicated that the alternative was to leave the building. He indicated the A & P felt there was vandalism taking place and therefore, the building needed to be removed. He indicated some were interested in purchase and removal but nothing could be done without a demolition permit. He then discussed the joint access/easement for access to Upper Main Street.

Ms. Bryant questioned the apartment unit on the second floor. Mr. McCarron explained the apartment unit and the fact that it was uninhabitable at time of purchase.

Mr. Schweikert asked for staff comments.
Mr. Clifford noted that comments were contained in the handouts.

Mr. Schweikert then called for Commissioner questions.
Ms. Greene asked about plans for long-term maintenance of property should the building be demolished.
Mr. McCarron indicated that a previous application had addressed the issue but nothing was proposed at this time with respect to beautification or anything else.
Ms. Greene asked if continued usage for parking was anticipated.
Mr. McCarron indicated yes for continued employee parking.
A discussion of possible usage of the front lot for parking followed.
Mr. Wey further questioned the possible parking usage.
Mr. McCarron indicated that there was no permission to use the front of the lot at this time and assumed a permit would be needed to do so.

Ms. Greene asked to hear from the Planning Board representative.
Mr. Donaroma discussed the letter from the Planning Board regarding this matter. Mr. Schweikert read the letter from the Board, as well as a letter from the Board of Health in Edgartown and one from an abutter, Melvin Scott.
Mr. Colaneri raised a question regarding Section 10.6 of the zoning ordinance.
Mr. Donaroma explained the Sections and what the reference meant.
A discussion of this issue followed.

Mr. Best questioned the reason for demolition at this time.
Mr. McCarron indicated no immediate reason other than liability.
Mr. Best asked whether the value and taxes would be lower with demolition.
Mr. Jason indicated yes.

Ms. Sibley questioned rental possibilities.
Mr. McCarron indicated some had inquired but the owner was not willing to rent. A discussion of this issue followed.

Ms. Greene questioned whether the structure was sound.
Mr. McCarron believed it was. Ms. Greene asked if any thought had been given to giving the structure to the housing Authority. Mr. McCarron indicated that the offer had been made but no response had been forthcoming.
A discussion of the usage of the structure for housing followed.

Mr. McCarron believed it to be just prior to foreclosure.

Mr. Donaroma questioned what the final site would look like - seeded and graded or just graded.

Mr. McCarron indicated simply graded.
A discussion of this issue followed.

Ms. Bryant questioned the assessed value of the store/dwelling unit.
Mr. McCarron indicated that he would get the figure.

Ms. Greene questioned whether the Boys and Girls Club would be allowed to sell Christmas trees there after demolition.
Mr. McCarron saw no problem after demolition.

Mr. Schweikert asked for comments from Town Boards.
Mr. Donaroma spoke for the Planning Board. The Board felt a plan was in order since there was no application of the Dodson plan. He discussed the post workings - between the A & P and the Town. The Board felt it should be a special permit.

Ms. Sibley asked Mr. Donaroma if the existing building were consistent with the Dodson plan.
Mr. Donaroma indicated yes and explained why.

Ms. Gallagher questioned when the Kelly's Kitchen was a previous DRI and discussed the previous conditions.
A discussion of the previous DRI followed.

Mr. Jason questioned whether the Planning Board was concerned about a landscape plan or an overall plan.
Mr. Donaroma felt an overall plan was needed and explained why. Mr. Jason discussed possible park creation and access linkage to the A & P.
A discussion of these ideas followed.

Mr. McCarron discussed the traffic pattern problems and the relationship between the A & P and the Planning Board. He discussed past plans that had been proposed to the Town, past activity on the A & P lot and the lack of communications between both parties.

Mr. Donaroma further discussed the feelings of the Planning Board with respect to past workings and what was now being sought.

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

Mr. Schweikert called for any other comments.
Mr. Combra asked if there was any problem with leaving the building until a firm proposal could be put forth.
Mr. McCarron felt no other than eyesore.

Mr. Schweikert called for any comments from the applicant.
Mr. McCarron had none.

Mr. Jason discussed the options before the Commission and felt there

was no reason to rush to close the hearing.
Mr. McCarron discussed the possibility of working with all to secure a better overall traffic flow.

Mr. Colaneri questioned the need to rush to a decision and felt the Commission could force the issue.

Mr. Combra felt that the MVC needed to consider what was best for the Town and the area and further discussed this matter.

Ms. Greene discussed a long-term plan and when it may be ready.
Mr. McCarron had no idea.

Mr. Schweikert raised a procedural issue regarding the closing of the hearing.

Mr. Early discussed a lack of regional issue and the fact that any future plans would return to the Commission.
A discussion of this matter followed.

Ms. Greene noted that the LUPC had asked for a full plan.

Mr. Schweikert discussed the options and asked for comments.
Mr. Jason discussed what appeared to be a modification of a previous DRI. Mr. McCarron felt there would be no plans in a week but possibly a common middle ground for discussion. Mr. Donaroma discussed the next meeting of the Planning Board.

Mr. Schweikert noted that the hearing would be continued for one week.

The Commission took a brief recess.

Jennie Greene reconvened the meeting at 9:13 P.M.

ITEM #2 - Discussion Review

KELLY'S KITCHEN PUBLIC HEARING REVIEW

Mr. Best felt it was best to hold off on the discussion to see what happens.
Mr. Early questioned what actions could be taken if there was no movement on the issues.
A discussion of this matter followed.
Mr. Lee discussed the loss of a housing unit and felt that he saw no offer of any mitigation measures to compensate for that loss.
A discussion of what may happen followed. Mr. Donaroma discussed the Dodson plan and what it anticipated. He then discussed the need for working together.
Ms. Sibley discussed the issue of regional impact with respect to the proposal.
Ms. Gallagher discussed the economic viability and stability of the A & P in Edgartown.
Mr. Schweikert discussed the issue of what the MVC could do. He discussed the relation of the proposal to the Housing Policy.
Mr. Colaneri discussed the proposal with respect to the regional

issue and expressed his feelings on the matter.

Ms. Bryant discussed the whole issue of the A & P and what had been sought last time around.

ITEM #3 - Minutes of October 3, 1991 - it was moved and seconded to approve as written. All agreed that the minutes should be provided in the notebooks. It was so voted to approve the minutes.

ITEM #4 - Chairman Report - Ms. Greene noted that Mr. Schilling of the staff was home from the Hospital and may return to work within the week. A discussion fo this matter followed.

LUPC - Mr. Schweikert reported on the meeting regarding the housing Policy.

PED - no report

DCPC - report to be later

LEGISLATIVE LIAISON - Ms. Bryant discussed the Falmouth meeting regarding the shipping of petroleum products via the Steamship Authority (SSA). A discussion of the meeting followed. A discussion of the Transportation Symposium held last Fall and Spring followed.

Mr. Combra reported on the All Island Selectmen's meeting with the Falmouth Selectmen regarding mutual problems.

ITEM #5 - Possible Discussion - Ocean Park DCPC
Ms. Greene asked to see a part of the video of Oak Bluffs with respect to the park area. Ms. Taylor discussed the video and what to look for.

Mr. Early discussed the various meetings of the DCPC committee and were prepared to recommend certain items. He discussed the issue of boundaries and which was the final one that the Committee recommended. He then discussed the proposed guidelines.

Ms. Taylor discussed the recommended changes to the Guidelines as proposed by the Committee.

Ms. Gallagher discussed the issue of the boundary line cutting lots in half. Mr. Early discussed the potential problems of administration and the differences between the regulations for business and residential areas.

Ms. Taylor read the height restrictions in the B-1 zone as found in the Oak Bluffs zoning ordinance.

Mr. Jason asked to move to Item 6 for a vote on the DCPC.

ITEM #6 - Possible Vote - Ocean Park DCPC

Mr. Colaneri moved to designate the Ocean Park areas as a DCPC - seconded by Mr. Lee.

Mr. Early asked if there could be comments from Nancy Penn of the Oak Bluffs Park Commission.

Ms. Penn discussed the boundaries and which had been shown at the public hearing and the feelings of the Park Commission regarding the same.

Mr. Early discussed the issue and noted that the boundary had evolved

from discussion and appeared manageable.

Ms. Greene discussed volunteer inclusion in the district.

Mr. Combra noted that all three maps had been shown at the Public Hearing and discussed the reasons for the change to the zoning boundary.

Ms. Penn indicated a feeling of relief knowing all possible boundaries had been shown on the wall.

Mr. Schweikert discussed the reason for separation of business and residential. He discussed the hope for a future business and residential. He discussed the hope for a future business DCPC.

On a roll call vote, the Commission voted to designate the Ocean Park area of Oak Bluffs as a District of Critical Planning Concern.

Mr. Early thanked all participants of the Committee for the active involvement.

ITEM #5 - MVC Housing Policy

Ms. Greene noted that all had copies of the proposed housing policy which contained both a residential and a commercial section.

Mr. Colaneri felt the policy was fine and hoped for a vote.

Mr. Schweikert discussed the recommendation of the LUPC and noted that there may need to have some fine tuning done to the policy.

Mr. Best discussed replacement being based upon differences between rentable and value.

Ms. Greene asked for comment on the residential portion of the policy. She noted that a change was needed on Page 2 of the policy - a word correction was needed.

Since there was no comment on the first part of the policy, Ms. Greene moved everyone's attention to the second part and indicated a number of word corrections which were needed. She also noted that a ratio was needed to deal with off-site units.

Ms. Sibley discussed the reasons for the ratio and units on-site. She discussed alternative reasons for not having any ratio.

Ms. Greene noted where the changes had occurred and how the wording had changed.

Mr. Schweikert discussed the reasons for having alternatives available. He noted there was no attempt to hamper but to ensure the meeting of an obligation and responsibility.

Ms. Sibley discussed the further elimination of additional wording and explained how.

Mr. Best discussed the creation of off-site housing and the complex nature thereof.

Ms. Sibley discussed the potential number of time the issue of demolition may occur.

Mr. Colaneri asked about the dollar numbers on the draft.

Mr. Lee discussed a problem with the dollar amounts shown in the draft.

Mr. Early also noted that there were problems with the figures shown.

Mr. Clifford explained how the proposed numbers had been developed. A discussion of this matter followed.

Mr. Donaroma felt that the issue of no loss of a unit should be eliminated from further consideration.

Mr. Jason disagreed and explained why.

Mr. Donaroma explained his reasoning for not wanting to come down too hard on the business community.

Mr. Best discussed the issue of conversions of residential to hotel or

transient housing. He felt conversions were going to be a problem in the future.

Ms. Sibley spoke to the issue of commercial vs. housing problems. She discussed the summer vs. year-round businesses issue and the seasonal impact upon year-round affordable housing.

Mr. Schweikert felt that any policy should be simple and not a burden to the small businessman.

Mr. Colaneri felt that the small businessman should not bear a burden but that the A & P had set a procedure and discussed why.

Mr. Early discussed the issue of storage areas causing problems and felt there were problems.

Mr. Donaroma felt the first part of the non-residential policy was good but had problems with the rest. He discussed the issue of mixed uses.

Ms. Greene discussed the usage of the policy and also mentioned the last paragraph which permits variations.

Ms. Sibley felt the whole matter would be returned to the LUPC to work out the problem areas. She further discussed this matter in relationship to the size of the proposal.

Mr. Colaneri discussed the issue of status-quo in the policy.

Mr. Best felt that it should be returned to the LUPC to be refined.

Mr. Jason felt that all needed to agree on the responsibility of commercial and housing.

Mr. Early felt that the full Commission should consider the matter and return to the next meeting to discuss the matter again.

Mr. Schweikert agreed and asked the members to give input at the next meeting.

A discussion of possibly voting on the proposal in parts followed.

Ms. Greene indicated that it would all be voted at once.

The discussion would be taken up again at the October 31 meeting.

ITEM #7 - Old Business -

Mr. Best noted that a pond was being built by Paul Adler. A discussion of this matter followed.

ITEM #8 - New Business -

Ms. Greene noted that the November meeting would be a presentation by Coastal Zone Management (CZM) on their revised policies.

ITEM #9 - Correspondence - There was none.

There being no further business the meeting adjourned at 10:50 P.M.

ATTEST

Jane A. Greene
Jane A. Greene, Chairman

10/31/91
Date

Thomas Sullivan
Thomas Sullivan,
Clerk/Treasurer

10/31/91
Date

Attendance

Present: Best, Bryant, Colaneri, Combra, Donaroma, Early, Greene, Jason, Lee, Schweikert, Sibley, Wey, Gallagher

Absent: Briggs, Hall, Sullivan, Benoit, Clarke, Allen, Geller