

THE MARTHA'S VINEYARD COMMISSION

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

MINUTES OF APRIL 16, 1992

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, April 16, 1992 at 7:30 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA. for the purpose of determining whether or not the proposed regulations as proposed by the Town of Oak Bluffs conform to the guidelines for development within the Ocean Park District of Critical Planning Concern (DCPC).

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, and opened the hearing for testimony at 7:45 p.m. He asked if everyone had read the draft that had been handed out.

Mr. Clifford noted that he had read the document several times and felt that it was in conformance with the guidelines. He discussed some minor adjustments that had been made by the Town but the copies that were before the Commission were the correct copies.

Mr. Hall questioned the definition of a structure and felt there was a problem. A discussion of this matter followed. Mr. Bradford indicated that there was a typographical error and it would be corrected at a later date. A further discussion of this matter followed. The Town Warrant was checked to determine if the wording was identical. It was.

Mr. Schweikert called for testimony from town boards.

John Bradford, Chairman of the Oak Bluffs Planning Board, spoke to the matter and noted that the regulations were a cooperative effort between his board, local citizens and the Commission staff. He also noted that the regulations had passed the Planning Board unanimously.

Mr. Colaneri questioned the make-up of the review board mentioned in the regulations. The make-up is listed in 22.6D.

Mr. Hall questioned whether there were any comments on 22.6B regarding the landscaping. Mr. Bradford discussed those comments and indicated that the real problem was in major changes to the landscaping in the area. A discussion of this matter followed.

Mr. Schweikert asked for proponents - there were none.

He then asked for opponents - there were none.

He asked if anyone wished to comment at all - there was no response.

A discussion of the regulations and the district followed.

Mr. Colaneri felt the time to create the district and the regulations was a very reasonable amount of time. A discussion of this matter followed.

Ms. Greene felt the Oak Bluffs board had done a commendable job.

Mr. Hall questioned why the regulations did not apply to the park itself. Mr. Bradford explained the reasons for such, indicating that the Town had well protected the area and the Planning Board felt it should be excluded. A discussion of this matter followed. Mr. Best questioned what could happen if the park were left out. A discussion of this issue followed.

Mr. Briggs questioned how these regulations would be amended. It was noted that the amending of these regulations would have to follow the statutory requirements.

Mr. Lee expressed his feelings regarding the park and whether it should be covered by the regulations or not. Mr. Schweikert felt that the spirit of the process was important and that the evolution and change of the regulations would occur over time.

Ms. Greene discussed the conflict between the district description and the exclusion of the park from the regulations. Mr. Bradford indicated that the Planning Board would be hard pressed to approve regulations that contained the park.

Mr. Jason discussed the purpose of the DCPC and the relationship to the park. A discussion of this matter followed.

Mr. Colaneri felt it was unreasonable for the residents to have to play by certain rules and the Town by others. Mr. Sullivan felt the regulations were fine.

Mr. Friedman discussed the purpose of the regulations. Mr. Hall again questioned why the Town should not play by the same rules.

Ms. Marinelli felt the regulations were good. Mr. Bradford felt that the park was well protected and had been for the past 100 years and he envisioned no change at all.

There being no further testimony, the hearing was closed at 8:14 p.m.

The Martha's Vineyard Commission held a Public Hearing on Thursday, April 16, 1992 at 8:00 p.m. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA. on the following development of regional impact (DRI):

- Applicant: Town of Tisbury
- Location: Vineyard Haven Harbor

Purpose: the dredging of some 30,000 + cubic yards of material from the harbor qualifying as a DRI since the proposed activity is within the waters of Vineyard Haven harbor.

Mr. Schweikert read the Public Hearing notice and opened the hearing for testimony at 8:15 p.m.

Tom Linden, Executive Secretary of the Town of Tisbury, spoke to the proposal. He explained what the Town proposed to do; the areas to be dredged, the steps involved and the status of the proposal to date. He discussed the area that had been closed and that needed dredging. He also noted that there would be three phases to the project: removal of sand from behind the jetty and then removal along the shore. He indicated that the need was to dredge before moorings were lost. He also felt there was a safety factor. He indicated that a draft of releases from abutters had been approved. He indicated that there were six sites for disposal under consideration but none had been approved as yet. He indicated on the map where the six sites were.

Mr. Linden again noted that the project was not yet complete and a part hadn't even been started yet.

He discussed the support of the Corps of Engineers.

He then discussed the smell of codium and the fact that the Town didn't know what the result would be.

He discussed some of the items that the Land Use Committee had asked for.

He then discussed the water quality in the area and how it was better in the inner harbor than the outer.

He then discussed the type of material being removed and noted that the Town Meeting had approved monies contingent upon receiving matching funds.

Jo-Ann Taylor, MVC staff, noted that there were still questions regarding the material, method of dredging and transport.

Ms. Marinelli questioned whether the proposal was premature. Mr. Clifford felt that the project had changed directions since the submittal to the MVC was for the shoreline and not what was discussed this evening. Mr. Linden explained what was being asked and he knew the MVC did not have all the needed plans but when those plans are available, that the MVC approve removal of materials behind the breakwater just as phase one and then the other parts as phase two and three.

Mr. Jason questioned what date the applicant expected to be ready. Mr. Linden indicated after Memorial Day would be alright unless there was a need to indicate where the materials could be placed.

Mr. Early questioned whether the groin was to be removed or not. A discussion of this matter followed. The groin was to remain. A discussion of the routes to be used by trucks moving the sand followed.

Mr. Early felt the truck routes were important to know.

Mr. Jason questioned how the search for a disposal site was moving and when there would be one. Mr. Linden discussed the matter at length. Mr. Jason felt that there needed to be an approval of a site prior to dumping. Mr. Linden discussed what the Town expected to have done by Memorial Day.

A discussion of further water quality testing followed.

Ms. Sibley questioned whether the recipient sites would be DRIs. Mr. Clifford explained how the process would work. A discussion of this matter followed.

Mr. Colaneri questioned whether the proposal could be reviewed and approved with conditions or not. A discussion of this matter followed.

Mr. Lee felt the proposal was premature and discussed his feelings on the matter.

Ms. Sibley felt that the government agencies needed to be held to the same standards as private individuals.

Mr. Wilcox discussed problems with moving spoils from one side of the jetty to another.

Mr. Schweikert discussed the options available to the applicant. Mr. Linden asked to wait until all information was in hand and further discussed this matter.

Mr. Clifford suggested that the applicant may wish to withdraw.

Mr. Briggs asked if each disposal site was to be a DRI. Mr. Clifford indicated no.

Mr. Sullivan asked about the migration patterns of sand so that there would be no future problems. Ms. Taylor discussed this matter. A discussion of being careful not to place the spoils in an area that would cause problems followed.

Mr. Wilcox further discussed the potential problems of moving codium to locations where it doesn't exist.

Mr. Colaneri questioned the need to withdraw since there were only a few items missing. He hoped the MVC would assist the proposal forward. A discussion of this matter followed.

Mr. Early felt there were advantages to withdrawing the application. Mr. Briggs questioned the advantages and the disadvantages. Mr. Clifford explained the procedure and how it would be of benefit to the applicant to have everything ready to submit all at once. There would be no time difference since the next hearing would require a new legal notice either way.

Mr. Linden felt that the suggestion was entirely reasonable and the application was withdrawn pending resubmittal of a complete applications.

Mr. Schweikert asked if anyone in the audience wished to comment.

Miles Carpenter corrected an historical point regarding the closure at the jetty.

Mr. Linden reemphasized the point that there was a great deal of uncertainty about whether there would be a codium smell after the work or not.

Mr. Briggs raised a question about the codium with respect to the term noxious. Mr. Wilcox discussed this matter further. A discussion of this matter followed.

Since the application was withdrawn, the Public Hearing was terminated by Mr. Schweikert at 9:07 p.m.

The Commission took a brief recess.

Jennie Greene, Chairman of the Commission called the Regular Meeting to order at 9:22 p.m.

ITEM #2 - Review discussion

Ms. Marinelli discussed the approval of something that was faulty. She felt it should be corrected before an MVC vote. A discussion of when there would be a special town meeting followed.

Ms. Sibley expressed here concerns over the matter.

Mr. Bradford questioned when the deadline for a vote would occur. Mr. Clifford noted October 24, 1992.

Ms. Sibley expressed her concerns over the missing wording. A discussion of this matter followed. She felt there was no pressing need to vote now until things are corrected.

Mr. Lee discussed the draft and the final regulations and then discussed the procedure used in the Gay Head Cliffs DCPC.

Ms. Sibley discussed the process and gave further reasons as to why she felt uncomfortable about voting at this time.

Ms. Marinelli discussed potential interpretation problems with the regulations.

Mr. Briggs felt that the items should be corrected. A discussion of whether town counsel had reviewed the proposal followed.

Ms. Marinelli discussed the problems of the regulations with the words missing. A general discussion of this matter followed.

Mr. Hall discussed the section on demolition and questioned whether the review board would rule on demolitions.

Ms. Greene questioned whether there were any structures that may greatly change in the near future. A discussion of this issue

followed.

Ms. Sibley noted that the timing of the Commission approval was the only issue.

Mr. Clifford explained that if the Commission wished to have the corrections made prior to the vote then the matter should be tabled. A discussion of the options available followed.

Ms. Marinelli moved to table, second Mr. Lee. The vote of those present was 6-6; the motion failed. A discussion of the vote followed.

Mr. Hall further discussed the guidelines and regulations. He discussed the issue of lighting and public lands and the exclusion of the park itself and spoke to the issue.

Mr. Sullivan spoke against including the park itself.

Mr. Schweikert asked John Bradford a question regarding lighting. Mr. Bradford discussed the matter further. A discussion of this matter followed.

Mr. Donaroma questioned the exclusion of the park itself and spoke to the issue.

Ms. Marinelli questioned the intent of the guidelines and regulations. Mr. Bradford discussed the feelings that come out of the public hearings on the regulations.

Mr. Lee discussed the matter of the intent of the regulations.

Ms. Sibley felt the Town had expressed a desire and that it should be accepted. She further discussed the Town following its own rules.

Ms. Marinelli discussed the possibility of unwanted items being placed in the park. A discussion of this issue followed.

Mr. Colaneri discussed the role of the regulations and felt that the Town should follow its own rules.

Ms. Greene discussed the issue of lighting along the highway.

A discussion of whether the regulations conformed to the guidelines followed.

Mr. Lee read certain paragraphs from the guidelines as related to the proposed regulations.

Ms. Greene questioned whether more discussion was needed or could the issue be voted in ITEM #5.

Ms. Marinelli felt the park should be in the regulations or the title should be changed. A discussion of what had been put forth at public hearings followed.

Mr. Schweikert discussed the intent being that of architecture. Mr. Donaroma noted that there was also landscape architecture to be considered. Mr. Hall further discussed the issue of the park being included and moved to table the matter. Second by Mr. Lee.

Ms. Sibley moved a point of order and questioned whether there would be any interplay between the Town and the MVC. A brief discussion of this matter followed.

Mr. Colaneri questioned whether the motion to table was proper. Mr. Jason agreed and asked for a five-minute recess to permit the review of Roberts Rules. Following discussion, the motion and second were withdrawn. Mr. Donaroma moved continuance to the next meeting, second Mr. Jason. By role call vote the motion passed.

ITEM #3 - Minutes of April 9, 1992

Mr. Hall moved approval as drafted, duly seconded. Mr. Colaneri questioned the usage of the word `sad` in his comments. By voice vote the minutes were approved with 4 abstentions (Lee, Sibley, Jason, Donaroma).

ITEM #4 - Reports

Chairman's Report

Ms. Greene reported on the legislative hearing on the crosstown referral. Ms. Greene asked for any other legislative information. Ms. Marinelli discussed the SSA meeting and the traffic corridor study to be done.

LUPC

Mr. Schweikert discussed the meeting regarding mopeds. He noted there was no referral. A discussion of this matter followed. He then discussed the Wintucket Cove dredging in Edgartown.

PED

It was noted that there was to be a meeting on Wednesday, April 22, at 5:30 p.m.

ITEM #5 - Discussion - passed over

ITEM #6 - Possible Vote - passed over

ITEM #7 - Old Business

Ms. Greene discussed the generic letter being sent to Christopher Dallmus, regarding Ocean Park architecture. A discussion of this matter followed. Mr. Sullivan felt that a generic letter would be of no value given a specific request. He felt that the MVC should not

condone a specific issue. A further discussion followed. Mr. Jason moved signing the letter and mailing, duly seconded - so voted.

ITEM #8 - New Business - there was none.

ITEM #9 - Correspondence

Ms. Greene read a letter from the Oak Bluffs Selectmen seeking information from the MVC on solid waste issues and she noted it was referred to the PED.

There being no further business the meeting adjourned.

ATTEST

Jane A. Greene
Jane A. Greene, Chairman

4/23/92
Date

Thomas Sullivan
Thomas Sullivan,
Clerk/Treasurer

4/23/92
Date

Attendance

Present: Best, Briggs, Colaneri, Donaroma, Early, Greene, Hall, Jason, Lee, Schweikert, Sibley, Sullivan, Marinelli, Chapin

Absent: Bryant, Alley, Vanderhoop, Benoit, Clarke, Allen, Bolling, Gallagher