

# THE MARTHA'S VINEYARD COMMISSION

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

MINUTES OF AUGUST 6, 1992

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, August 6, 1992 at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Marianne's, Inc.  
P.O. Box 2177  
Vineyard Haven, MA

Location: 24 South Main Street  
Vineyard Haven, MA

Proposal: conversion of residential dwelling to commercial use qualifying as a DRI since the proposal was the subject of a previous DRI application

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice and opened the hearing for testimony. He called upon the applicant for their presentation.

The applicant discussed what they wished to do; all business use, no residential. It was noted that the structure had been vacant for several years and that there would be no change to the exterior of the structure except for the addition of a handicapped access ramp. Parking to be for employees, the existing garage to be used for storage. The issue of affordable housing was discussed and the applicant noted that a waiver had been requested since the structure had been vacant and that the business employed year-round persons. A discussion of the non use of hazardous materials followed. The applicant discussed the hours of operation and the fact that there would be minimal traffic disruption since it is a wholesale business operating 9-5 with no weekends.

John Schilling, MVC staff, reviewed the proposal using the plans as submitted. He noted the various features of the plan, the fact that the Board of Appeals would have to issue a special permit. He discussed the curb cuts and whether the MDPW would have to be involved. He discussed the surrounding uses and any other permits needed.

He explained the added landscaping, various impacts on town services.

Ms. Bryant raised the issue of handicapped access to the second floor. A discussion of this matter followed.

Mr. Colaneri discussed the traffic issue as related to reducing the number of curb cuts along the State Road. The applicant felt that a single in and a single out driveway was best. A discussion of this issue followed.

Ms. Marinelli questioned whether there were any plans to use the five rooms on the second floor as anything other than storage. The applicant explained that the second floor was not for storage and went on to explain that the second floor would have a dark room, screen room, computer room, etc.

Mr. Sullivan questioned whether staff had reviewed the plan for traffic issues. Mr. Schilling explained that the review had been done when the proposal was for a bank and that this was of lesser impact.

Mr. Early questioned the number of spaces shown vs. the number of employees. A discussion of this matter followed.

Mr. Colaneri questioned any retail uses. The applicant indicated no retail.

Mr. Colaneri questioned whether the proposal met the Town of Tisbury zoning with respect to parking. Mr. Schilling indicated yes. A discussion of creating a reserve for additional spaces followed.

Ms. Marinelli questioned whether anyone would live in the building or would any rooms be rented. The applicant indicated no to both.

Mr. Jason questioned where the spot lights would be placed. The applicant indicated the proposed location and the fact that the spot light could be put on a timer.

There being no other questions, Mr. Schweikert called for comments from town boards - there were none.

He then called for proponents.

John Benoit, Edgartown National Bank, spoke on behalf of the bank as a proponent of the project and explained why.

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

He then called for all other comments - there were none.

Mr. Donaroma discussed the lack of a landscape plan for the banks. The applicant indicated plantings would be placed along the fence. The rear of the property would be graded, grassed and, shrubs planted as funds become available.

The applicant indicated that there were no drawn plans yet.

Mr. Lee discussed the history of the building and his feeling that the proposal was a benefit to the area.

Ms. Bryant felt it was important that employee parking always be on-site. Mr. Schweikert felt it had been addressed and that landscaping

needed to be addressed. A discussion of this issue followed.

There being no further testimony, the hearing was closed.

Jennie Greene, Chairman of the MVC, opened the Special Meeting of the Commission.

ITEM #2 - Review Discussion  
A number of procedural questions followed.

Move to ITEM #5

ITEM #5 - Possible Vote - Marianne DRI

Ms. Greene read the request for waiver of the housing policy.

Ms. Marinelli discussed the fact that the business was bringing money to the Island.

Mr. Colaneri questioned what value was being waived should the waiver be granted. The figure of \$1,000 was noted.

Mr. Jason felt that if the figure would cause the deal to fall through then it was not a good deal. He felt the policy was fair and the waiver not be granted.

Mr. Best discussed the Wright DRI and how the policy affected them, and he felt the waiver should not be granted.

Mr. Sullivan felt that if the proposal would not have come to the Commission except for the fact that it was a DRI previously, then the waiver should be considered.

Mr. Schweikert agreed.

A discussion of this matter followed.

Mr. Hall raised a procedural question as whether the concurrence of the Commission had occurred. A discussion of this matter followed.

Mr. Donaroma discussed the housing policy with respect to the proposal and felt it should be waived and felt the benefits out weighed the detriments.

Ms. Bryant discussed the fact that the structure had once been a dwelling and should fall within the policy.

A discussion of deferred fee or lessened fee followed.

It was moved and seconded to waive the housing policy fee. It was voted not to grant the waiver of the housing policy fee.

ITEM #6 - Possible Vote - Marianne DRI

It was moved and seconded to approve with conditions:

- The housing fee to be staggered as follows:
  - \$500.00 at the end of the first year
  - \$500.00 at the end of the second year
  
- a planting scheme be sent to the LUPC for approval

A discussion of whether the lighting for the parking area should be conditioned followed.

- a number of reserve parking spaces be created in case the future nature of the business warranted same.

A discussion of any future usage of the garage other than for storage followed.

- in event garage be utilized for expansion of existing Marianne's business then LUPC and Commission should be notified.

A discussion of the drainage being a part of the landscape plan followed.

On a roll call vote, the Commission voted to approve the DRI with conditions.

- ITEM #3 - Approval of Minutes of July 16, 1992  
It was moved to approve as written, duly seconded.  
Ms. Greene asked that the minutes reflect that she was not present for the vote on the Land Bank DRI but returned soon after.  
It was so voted to approve as amended with 2 abstentions (Hall, Bryant)

- ITEM #4 - Chairman's Report - there was none.

LUPC Report - there was none.

PED Report

- Economic Development Task Force and Agricultural Task Force - there were no reports.

Legislative Liaison - there was no report.

Ms. Greene discussed the meeting between the LUPC and Ernie Boch and Gino Montessi. Mr. Boch has decided to have his own traffic analysis done to ensure that the intersection is not degraded further.

A discussion of this meeting followed. All who were present at the meeting felt it was very useful and that having Mr. Boch present was very beneficial.

Mr. Hall raised an issue of changing MVC legislation to have representatives designated as municipal employees rather than special municipal employees.

A discussion of this matter followed.

Mr. Colaneri asked for clarification. Mr. Hall gave several examples. Mr. Hall then discussed what opinion he had received from what Eric Wodlinger had stated and how he felt the Ethics Commission was not correct. He felt the change was needed to the legislation to permit the representatives to be special employees. Mr. Friedman noted that there were several letters from the Ethics Commission with their interpretation of the issues.

A discussion of these matters followed.

Ms. Greene felt that the material should be clarified by legal counsel. A discussion of this matter followed.  
Mr. Colaneri felt that all should file disclosure forms and that the matter should be discussed further with counsel.  
A discussion of the filing of disclosure forms followed.  
Ms. Greene reminded everyone who had to file disclosure forms needed to do so as soon as possible.

ITEM #5 - Discussion - Written Decision - M.V. Land Bank Commission  
Jennie Greene removed herself from the proceedings.  
Mr. Lee took over the Chair.

Mr. Colaneri discussed the issue of how the wording of the conditions were written with respect to the negotiations with the Bayers.  
Mr. Jason suggested moving the sentence regarding the conditions being undertaken prior to construction to only apply to the conditions which relate to Mass. Natural Heritage and Mass. Historical and not to the condition as pertains to the Bayers.

ITEM #6 - Possible Vote - Written Decision - M.V. Land Bank Commission

Mr. Jason moved approval of draft written decision as amended, duly seconded.

The motion was approved on a roll call vote with four abstentions (Vanderhoop, Hall, Greene, Bryant)

A discussion of whether Ms. Bryant could vote or not followed. It was determined that she was eligible to cast a vote and thus was recorded as a yea instead of abstain.

Ms. Greene returned to the room and resumed the Chair.

ITEM #7 - Old Business - there was none.

ITEM #8 - New Business -

Ms. Greene discussed a memo from the Executive Director regarding an amendment to Cronig's Market.  
Mr. Schilling explained the proposed changes.  
A discussion of the proposed roof line followed.  
Mr. Early discussed the size of the proposal as nearly doubling what was submitted.  
A discussion of whether the proposal was significant or not followed.  
Mr. Lee moved the proposal come back to the MVC as a full DRI.  
Mr. Colaneri asked that there be a meeting to further discuss the matter. All were concerned about the size of the proposal.  
A discussion of the height of the proposal followed. Mr. Best wanted to see a better plan than was submitted.  
Ms. Greene asked if it should be to the full Commission or to LUPC for a recommendation.  
Mr. Donaroma discussed the original proposal and one of the conditions therein regarding a landscape plan.  
A discussion of what was needed for the LUPC and what was before the

Commission followed.

Mr. Lee withdrew his original motion and moved that the proposal come before the LUPC to answer any questions, duly seconded and so voted by voice vote. Mr. Jason, having left the room prior to discussion, returned.

Ms. Greene discussed the update from the Cape Cod Company regarding the archeological investigation. She read the letter of transmittal as well as a response from the Carnegie Museum of Natural History. Copies of same are to be made available for next meeting.

Ms. Greene read a memo from the Executive Director regarding correspondence from the Land Bank regarding a trail across the Harthaven property as per MVC DRI decision. She then read the Land Bank letter.

A discussion of what had been done on the property and what the time frame was to accomplish followed.

Ms. Greene read the condition in the DRI decision and suggested the Executive Director contact the Land Bank and indicate that it was inappropriate to push for the trail until such time as the development begins to move forward.

Mr. Jason indicated that he felt the Executive Director should move to straighten this matter out.

Mr. Lee suggested elimination of the blue folders for each representative. A discussion of this matter followed.

ITEM #9 - Correspondence - there was none.

There being no further business the meeting was adjourned.

ATTEST

  
Jane A. Greene, Chairman

8/20/92  
Date

  
Thomas Sullivan,  
Clerk/Treasurer

8/20/92  
Date

Attendance

Present: Best, Bryant, Colaneri, Donaroma, Early, Greene, Hall, Vanderhoop, Jason, Lee, Schweikert, Sullivan, Marinelli

Absent: Briggs, Alley, Sibley, Benoit, Clarke, Allen, Bolling, Chapin, Gallagher