

# THE MARTHA'S VINEYARD COMMISSION

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

MINUTES OF JUNE 10, 1993

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, June 10, 1993 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: John Abrams  
South Mountain Co., Inc.  
P.O. Box 359  
Chilmark, MA 02535

Location: Indian Hill Road  
West Tisbury, MA

Proposal: construction of woodworking shop and materials storage facility qualifying as a DRI since the proposal will have a floor area greater than 2,000 square feet.

There being a quorum present, the hearing was called to order. Linda Sibley, Chairman of the Land Use Planning Committee read the Public Hearing notice and opened the hearing for testimony at 8:02 P.M.

She then called upon the applicant for his presentation.

John Abrams explained the various aspects of the plan - a material storage building, a rehabilitated affordable housing unit, a future woodworking shop. He discussed the present location of the business and the reasons why he was looking at this site. He then discussed the past history of the site and the proposals that had been made for the site. He then discussed the present operation of the business, the immediate intentions of the plan and the 3 - 5 year future plan. He briefly discussed the issue of landscaping.

Mr. Abrams then discussed the issue of traffic impact and the numbers of vehicles expected.

He then discussed the issue of noise and how he expected to mitigate the situation. He discussed the location of the nearest neighbors and the attempt that he would make to eliminate noise as much as possible. He proposed no doors or windows toward the neighbors. He then discussed the issue of affordable housing and what he planned for the house on-site. He would rent for ten (10) years at affordable rates as per DCRHA.

Ms. Riggs asked for a clarification of the location. Mr. Abrams

explained the location.

Mr. Sullivan raised a question of the use of acoustical insulation .  
Mr. Abrams indicated that the entire building would be so treated.

Mr. Schweikert questioned why it was before the ZBA. Mr. Abrams explained the Zoning Ordinance requirements.

Mr. Briggs questioned the hours of operation. Mr. Abrams indicated 7 A.M. to 5 P.M.

Mr. Sargent questioned the noise factor and the distance to the nearest neighbor at the Chilmark location. A discussion of this matter followed.

Mrs. Marinelli questioned any added equipment that would generate noise. A discussion of a dust collection system followed.

Mr. Schweikert asked about moving to the new site. A discussion of changes to approved plans followed.

Mr. Best raised a question of offices. None was proposed. A discussion of septage requirements followed.

Ms. Riggs questioned the lighting. Mr. Abrams indicated that there would only be lights on the doors. A discussion of screening followed.

Ms. Riggs then asked about the trucks and asked about neighborhood problems with same. A discussion of this issue followed.

Ms. Sibley then called for a staff report.

John Schilling, MVC staff discussed the proposal, the lot coverage ratio, the zoning and the like. He then discussed the parking required, the affordable housing offer. He discussed the surrounding uses. He then discussed the various aspects of the proposal and the correspondence received. He then discussed the report on the decibel levels.

Mrs. Marinelli questioned whether there would be any wholesale or retail usage of the site. Mr. Abrams indicated none.

Mr. Briggs questioned the disposal of the sawdust. Mr. Abrams indicated that it was bagged and taken by persons for animal stalls and other uses, none was ever left on-site.

A discussion of the location of the neighboring structures followed. Mr. Abrams discussed the proximity to a day-care center.

Mr. Schilling discussed the proposed landscaping.

Ms. Sibley then called for testimony from Town Boards - there were none.

Ms. Sibley then called for proponents - there were none.

Ms. Sibley then called for opponents.

Mrs. M. Fontz, Jr. lives across street; discussed speeding in area and narrowness of roadway and fact that it will become a lumberyard.

Michael Fontz expressed concern over appropriateness of use. He discussed past proposals for site and suggested that the proposal would be better at Airport Business Park. A discussion of what the Decca proposal was followed.

Michael J. Flynn was favorable to plan and felt area could use fixing.

Beatrice Amaral, abutter, felt site was too crowded and expressed concern over safety of children.

Rufus Peebles, abutter, discussed frequency of trucking and the safety issue of children in area.

Ms. Sibley then read the correspondence that was in the file.

Ms. Sibley then asked the Applicant for any final comments. Mr. Abrams discussed the lot coverage permitted in the By-law and what his proposed coverage would be. He then discussed the issue of safety and the traffic that may be generated. He noted that this proposal was different than others that had been proposed for the site.

Mr. Sullivan raised a question of affordable housing and the issue of dollars vs the Applicant's offer.

Ms. Sibley questioned who would be driving the trucks. Mr. Abrams noted that some would be his employees, some deliverymen. A discussion of the outdoor storage area followed.

Mr. Sargent questioned the amount of usage of the site. Mr. Abrams indicated none initially and then daily when the shop was built.

There being no further testimony the hearing was closed at 8:48 P.M.

A brief recess was called.

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The Martha's Vineyard Commission held a Public Hearing on Thursday, June 10, 1993 at 8:30 P.M. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact:

- Applicant: Wampanoag/Aquinnah Tribal Housing Authority  
Gay Head, MA
- Location: off State Road on Tribal Trust Lands  
Gay Head, MA
- Proposal: to construct 30 units of affordable housing  
qualifying as a DRI since the proposal is for more  
than ten (10) dwelling units.

Linda Sibley, Chairman of the Land Use Planning Committee, read the hearing notice and opened the hearing for testimony at 9:00 P.M.

Mr. Clifford explained a legal procedural question from counsel and noted that the Commission needed to vote to accept the referral before proceeding with any hearing.

Mr. Hall noted that his family had transferred land to the Wampanoag Tribal Council and that the Wampanoag/Aquinnah Tribal Housing Authority was a totally separate corporation.

It was also noted that Jennie Greene had removed herself from the proceedings and had left the room.

Mr. Hall moved concurrence, duly seconded.

Mr. Sargent felt that the referral had been signed by the ZBA. Mr. Clifford noted that the signature was that of the Selectmen and not the ZBA.

Laurie White, Executive Director, WATHA, questioned the legal jurisdiction of the MVC. Mr. Clifford read the letter from legal counsel regarding this matter.

On a roll-call vote, the Commission voted 13 yea, 1 nay to accept the referral as a DRI.

Ms. Sibley then called for presentation by the Applicant.

Laurie White, Executive Director, WATHA introduced the members of the Housing Authority, declared that the Housing Authority protested the jurisdictional decision of the MVC legal counsel.

Dan Selline, L.A., presented the site plan and discussed the design on the site. He discussed the various aspects of the design, the resources in the area, the problems and mitigation measures being proposed. He discussed the various investigations that had occurred on the site during the planning process and design. He discussed the size of the parcel and its configuration. He then discussed the housing units, the style thereof and the other structures proposed for the site. Mr. Selline then discussed the other facilities and amenities that were proposed for the site. He further discussed the collection of wastewater and how it would be dealt with.

Mr. Sullivan asked for an orientation to State Road and Moshup Trail. A discussion of the location of the sites followed.

Mr. Hall raised a question of fire protection.

John Anderson, District Engineer, Environmental Health Service, discussed the issues of water service, sewer service and fire protection. He discussed the locations of proposed community wells and associated facility; the wastewater treatment facility and the associated lines and disposal area. Mr. Anderson then discussed the issue of fire protection and the provision of underground storage tanks as holding areas to be pumped in case of emergency. He then

discussed the need for operation and maintenance once it has been built.

Mr. Hall raised an issue regarding the quantity of water available. Mr. Anderson discussed the preliminary findings of the water tests.

Mr. Best questioned the disposal of the sludge from septic systems. Mr. Anderson discussed the various disposal methods available and then explained what a "galley" was. He then discussed the placement of the service lines and the types of backup electrical systems available to be used. He noted the treatment facility would have a built-in backup generator.

Mr. Sargent raised a question of the storage of any chemicals to be used. Mr. Anderson discussed where they would be stored and how they might be used.

Ms. Sibley raised a question of the wetlands crossings. Mr. Selline explained the lengths of each area and discussed the reasons that bridges were not considered further, in part due to cost of the type of wood being proposed for use.

Ms. Sibley called for staff presentation.

John Schilling, MVC staff discussed his comments on the proposal. He discussed the studies that had been done for the proposal, the access roadway, lighting, drainage and road surfacing. He indicated that there was no traffic data available.

He then discussed the wastewater treatment facility and noted that it was similar to the one at the Airport. Ms. White noted that there was traffic data available and that there would be a small amount of signage.

Jo-Ann Taylor, MVC staff, discussed the wetland areas and the relationship of the proposed development to them. She discussed the minimalization of the impact on the wetlands and felt that there may possibly be some way to further minimize further impacts. She discussed the wildlife habitats and means of lessening any potential impacts. She discussed the locations of various features of the proposal with respect to the wetlands. She then discussed the issue of replication of wetlands and the particular areas selected for such an activity. Ms. White noted that there were two barrier-free units proposed.

William Wilcox, MVC staff, discussed the soils on-site noting that there were no agricultural lands on the parcel. He discussed the water quality found on-site and indicated that he felt the solution chosen for water and wastewater issues was a valid and good one. He did raise an issue as to one of the items found in the comprehensive permits application. Ms. White clarified the question.

Mr. Best questioned whether the housing was to be reviewed. Mr. Schilling had not reviewed the units. A discussion of this matter followed.

Ms. Sibley asked for a review of the housing plans. Ms. White explained the plans. A discussion of the jurisdiction of the MVC followed.

Ms. White discussed the designs of the various units. She discussed the exterior designs and how they related to the cultural history of the Tribe.

She further explained how the design was selected. She then discussed the aspects of the modules that comprised the unit make-up. She noted that the designs chosen would not be visible from off-site.

Mr. Jason asked what the roof material would be. Ms. White noted that it would be a membrane, reinforced and stretched over the roof.

Mr. Sargent questioned whether any units were for elderly. Ms. White explained the various funding cycles of the federal agencies and how each had its own criteria. A discussion of this matter followed.

A discussion of energy efficiency units followed.

A discussion of the meaning of family unit followed. A discussion of the selection process followed.

Mr. Best raised a question regarding ancient ways or old ways. Ms. White explained where those features were in respect to the proposal. A further discussion of this matter followed.

Mr. Best questioned public access. Ms. White discussed this matter and noted that public access on Tribal Trust land was not proposed. A discussion of the usage of wood stoves followed.

A discussion of school bus shelters followed. Ms. White also discussed possible walking trails leading to the access road so that school buses would turn on the access road.

A discussion of the parking spaces for each house followed.

Ms. Sibley noted the hour and asked to move on to public testimony. She then called for town boards.

Elise LeBovit, Chair, Gay Head Zoning Board of Appeals (ZBA), discussed the process so far. She noted that her Board supported the plan. She discussed the acreage ratio and the land to structure ratio. She discussed the issue of payment in lieu of taxes and how any school children could impact the town. She further discussed the impact aid possible to the town and how it fluctuates. She discussed the other concerns of the Board. She discussed spreading the units out over a number of years, building along Old South Road, keeping Old South Road open as a walking trail.

Ms. LeBovit further discussed the issue of payments in lieu of taxes and the issue of how the checklist was made out.

Michael Stutz, ZBA, further stressed the issue of payments in lieu of taxes. He discussed the numbers of meetings that had been held on the proposal. He further discussed the potential impact on the Town and the financial ramifications that may occur.

Ms. Bryant raised a question regarding what the ZBA was really suggesting. A discussion of this matter followed.

Mr. Sullivan questioned the ratio of children to family in Gay Head now. A discussion of this issue followed.

Ms. LeBovit further discussed the issue of monetary impact on the Town. Jeff Madison, Assessor and former Selectman, was in favor of proposal. He discussed the Settlement process and the continued presence of the Wampanoag people in Gay Head. He further discussed his tenure of public service in the Town. He noted that the Tribe did not own land along Old South Road so could not use the area for housing. He then discussed the costs to the Town and noted that the Tribe was also concerned about impacts. He noted that Tribal members were also taxpayers in the Town and were as concerned but felt there was a greater question to be addressed - the need for this type of housing.

Ms. Sibley noted the hour and raised a question of adjourning to the following week. A discussion of this matter followed. Ms. White raised a question regarding the timing and the problem HUD was giving the Tribe. Mr. Clifford explained that HUD had already been contacted about the unique review situations on the Island.

Forrest Cuch, Tribal Administrator, also spoke to the issue of having to deal with the various sections of the federal agencies and how much of a problem was being created by delays. Mr. Clifford explained where the various letters and telephone calls had gone.

Mr. Colaneri expressed concern over delays and felt that the hearing should continue. Ms. Sibley asked how many remained who wished to testify. A discussion of this matter followed. Ms. Sibley discussed polling members. Ms. Bryant moved waiving rules and continuing, duly seconded; so voted by voice vote.

Mr. Sargent, testifying as member of ZBA, discussed previous testimony and sought clarification of some issues. He discussed matters related to the impact aid. A discussion of this matter followed. He noted that the ZBA wanted to let the proposal go forward but was concerned about impact aid.

Ms. Bryant questioned whether the request was for help from the MVC to seek additional impact aid. Mr. Sargent indicated personally yes. Ms. Sibley asked Mr. Clifford to explain what had been done already. Mr. Clifford discussed calls and letters that had been forwarded already to HUD and Bureau of Indian Affairs (BIA).

Ms. Sibley called for additional testimony. Berta Welch, in favor, discussed the Settlement and the proposed project.

Carla Cuch, in favor, discussed the Tribal proposal in relation to the rest of the Town.

Alfred Vanderhoop, ZBA member, discussed the proposal and the issue of taxes. He discussed the potential residents of the proposal and the

impacts upon Town services of the proposal.

Ms. Sibley then called for any opponents - there were none.

Ms. Sibley then called for any other testimony.

Deborah Yennie, West Tisbury, Discussed the grants that had been written for schools, day care and open space. She discussed school budgets in West Tisbury and the need for a good school system and should there be no expansion in West Tisbury, will Gay Head fund its own school? She further discussed the issue of quality education.

Ms. White discussed the figures based upon certain federal requirements. She noted that the Federal guidelines required that 10% of the rent or the amount equal to tax goes to the Town. She discussed what said monies would go toward. She discussed the comparison of impact aid vs taxes and how much would each system give the Town. She also noted that construction funds were available for school systems impacted by increases.

Mr. Best inquired as to how many students may come from other Island towns. Ms. White indicated about two thirds of those on the waiting list of 67.

Ms. Sibley noted that the LUPC was free on Monday. A discussion of what would be accomplished by meeting with the WATHA on Monday followed.

Ms. Sibley then read the correspondence from legal counsel for the Gay Head Taxpayers Association and one from Jeff Madison.

There being no further testimony, the hearing was closed at 11:49 P.M. with the record being kept open for one week.

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Mr. Donaroma asked that the LUPC report on the Meekins proposal be read.

Ms. Sibley discussed the LUPC meeting and the issue of a Flea Market proposed by Mr. Meekins. She noted that the LUPC members were unanimous in recommending that the referral was not a DRI. A motion to that effect was duly seconded. A discussion of this issue followed.

By voice vote the MVC voted that the referral did not constitute a DRI and therefore the ZBA could act accordingly.

A discussion then followed as to whether there should be an LUPC meeting or not. Mr. Clifford discussed the issues and the Commissioners felt there really was not any reason to meet and that Ms. Taylor should attend the Conservation Commission meeting to discuss the minor issues raised.

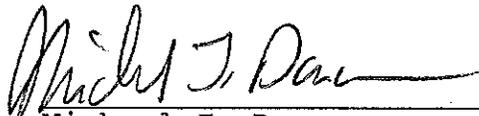
Mr. Sullivan noted that the Tisbury Selectmen had scheduled a public hearing on the Boch DRI and requested that the MVC not vote until they hold this meeting.

Mr. Best questioned whether the MVC would postpone the vote until the Town decided what should be done with the Boch DRI.  
A discussion of this matter followed.

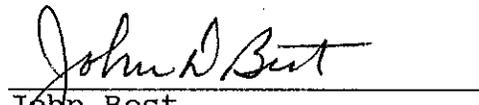
The Chair noted that the Boch DRI would be on the next MVC agenda and would decide then what to do.

There being no further business the meeting adjourned at 12:15 p.m.

ATTEST

  
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Michael J. Donaroma,  
Chairman

6/17/93  
Date

  
\_\_\_\_\_  
John Best,  
Clerk/Treasurer

6/17/93  
Date

Attendance

Present: Best, Briggs, Bryant, Colaneri, Donaroma, Greene, Hall, Jason, Marinelli, Riggs, Sargent, Schweikert, Sibley, Sullivan, Vanderhoop

Absent: Early, Clarke, Allen, Bolling, Chapin, Gallagher