

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JUNE 16, 1994

MARTHA'S VINEYARD COMMISSION MEETING

Linda Sibley, Chairman of the Land Use Planning Committee (LUPC) called the meeting to order at 8:10 p.m. and noted that prior to reading the Public Hearing notice she wanted to introduce some guests. She noted that there were two dignitaries from Hungary, Katalin Ivansco and Susan Varne. She also introduced Sarah Laverty, intern for the summer. (Also present was Peg Brady, Director of Massachusetts Coastal Zone Management, who came in just as the notice was being read).

The Martha's Vineyard Commission held a continued public hearing on Thursday, June 16, 1994 at 8:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Peter Sharp
P.O. Box 351
Westport Point
Newark, MA 02791

Location: North Water Street
Edgartown, MA

Proposal: construction of a dwelling qualifying as a DRI since the proposal has been so designated by the MVC in accordance with Section 14(e) of Chapter 831 of the Acts of 1977, as amended.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the hearing notice, and opened the hearing for testimony at 8:15 p.m. She called upon the applicant for his presentation. Ken Hurd, agent for the applicant, submitted a model of the proposed dwelling for all to review. He discussed the history of how the proposal got to the present stage. He discussed the new design and how it addresses the various issues including flooding. He noted that there was a set of facade poles set on the property to help people visualize the proposed building. He further discussed the numerous boards that still needed to review the proposal. He noted that should there be any disapprovals from local boards if the MVC were to approve the proposal, then the applicant fully expected to return to the MVC again.

Ms. Sibley noted that the proposal had been before the MVC for a number of meetings and if memories needed refreshing those questions would be acceptable.

Ms. Greene questioned the number of bedrooms. Mr. Hurd indicated three. She then asked about the chimney heights. He indicated three feet above the ridge.

Mr. Best questioned whether the proposal was on-sewer. Mr. Hurd indicated the permit had lapsed and not been renewed as yet. A discussion of the sewer commission actions followed.

Ms. Rubinoff raised a question regarding flood mitigation. Mr. Hurd explained how flood hazard issues were addressed. A discussion of the state building code and the measures taken to meet the safety requirements followed.

Mr. Sargent raised questions regarding footings related to storm mitigation. A discussion of this issue followed.

Mr. Best discussed construction elsewhere in the Island that contained mitigation measures and further asked if additional measures had been taken. Mr. Hurd discussed again the measures proposed. Mr. Colaneri raised questions about the measures taken elsewhere. A discussion of this matter ensued.

Ms. Rubinoff raised a question about the possible use of pilings. Mr. Hurd explained why they were not and the possible issue of erosion.

Mr. Hall discussed the past history of the lot and its approvals. Mr. Sargent also discussed this matter.

Mr. Early questioned the roofing materials proposed. Mr. Hurd indicated wood shingles.

Mr. Donaroma asked if the Historical Commission had spoken to the new plan. Mr. Hurd discussed his meeting with the Ed. Historical Commission.

There was no staff report.

Ms. Sibley discussed the meetings that had been held between the applicant and the LUPC throughout the process.

Mr. Colaneri discussed the issue of viewshed preservation and the property owners right to use the land.

Ms. Sibley then called for Town Boards presentations.

Steve Ewing, Ed. Conservation Commission, discussed the plans that had been submitted. He discussed the concern regarding the scale of plan. Mr. Best questioned the feelings of the Ed. Conservation Commission in viewshed protection.

Ms. Sibley read a letter from the Ed. Conservation Commission regarding the matter.

Mr. Early questioned the viewpoint of a photograph that was being used. George Brush explained where the picture was taken.

Townsend Morey explained what the MVC had approved in 1986.

Ms. Sibley called for proponents.

Townsend Morey, abutter, explained where his land was and its relationship to the proposal. He felt the proposal was a good one.

Ms. Rubinoff raised a question about past floods. Mr. Morey indicated that the living room of their cottage had never flooded.

Gene Barbatos, North Water Street, asked if there was a plan to put up so that all could see.

Ms. Sibley then called for opponents.

George Brush, agent for an abutter/neighbor discussed the various meetings that had held and discussed alterations that he would suggest. He then discussed various aspects of the new plan being offered and the neighborhood.

He offered possible mitigation measures that would, he felt, resolve remaining issues.

He further discussed changes to the view and means of preserving said view further. He offered suggestions for conditions as approved.

Joe Eldridge, architect, discussed the proposal and the scale of the structure. He discussed various architectural details that he felt could be altered to improve the design. He discussed the potential of building in the floodplain.

He then discussed the structure in relation to the view and the horizon line.

Mr. Donaroma questioned whether the in-field depiction was accurate. Mr. Eldridge felt it was. A discussion of the pitch of the roof followed. A discussion of the use of flat roofs followed.

Ms. Sibley then called for other testimony.

Gene Barbatos, North Water Street resident discussed the batter board that had been placed and questioned what they represented. Mr. Hurd discussed the points of the structure that the boards represented.

There being no further public input, Mr. Hurd summarized the proposal. He showed a section of the plan enlarged and asked Glenn Provost, R.L.S. to explain the plan. He explained how the framework was installed. He also discussed how eye level was established.

Mr. Best raised a question as to the height of the master bedroom. Mr. Provost indicated fourteen feet. A discussion of the reason for that followed.

Ms. Rubinoff asked how far the bedroom was from mean high water. About 225 feet was the response.

Mr. Best questioned the difference between the proposal and previous submittals. A discussion of this matter followed.

Ms. Greene asked for the applicant's reaction to suggestions being offered. A discussion of this matter followed.

There being no further testimony, the hearing was closed at 9:20 p.m. and the record was kept open for one week.

The Commission took a brief recess.

The Martha's Vineyard Commission held a Public Hearing on Thursday, June 16, 1994 at 8:15 p.m. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, pursuant to Chapter 831 of the Acts of 1977 as amended and MGL Chapter 30A § 2 and the Standards and Criteria for designating Districts of Critical Planning Concern regarding the amending of the boundaries of the Cape Pogue DCPC. Mr. Clifford noted that each member had a boundary description and map as reference.

A discussion of the boundaries description followed. - the boundary being mean high water.

Ms. Sibley noted that the nomination had been submitted by the Planning Board and then read the description.

Ms. Sibley called upon the ponds Committee for testimony.

Steve Ewing, Edgartown Ponds Advisory Committee explained the reason for the nomination and noted that the main aim was to prevent piers in the pond. He discussed the problems created by the construction of piers. He further noted that the pond was a major scalloping area and further discussed the related issues and problems.

Mr. Ewing then discussed recent applications for piers in the area. He also discussed the regulations currently in effect in the town.

Paul Bagnall, Shellfish Warden, further discussed the issue of protection of the shellfish resource.

A discussion of the requested wording of the guidelines followed. The wording was to be "all non municipal piers".

A discussion of the process of amending DCPC boundaries and guidelines followed.

Ms. Rubinoff raised a question as to what the current regulations allowed. A discussion of this matter followed.

A further discussion of what the request for the hearing was followed. Mr. Clifford explained how the guidelines followed the district designation and were considered a part of the same procedural steps.

Ms. Sibley called for testimony from proponents - there was none. She then called for testimony from opponents - there was none. She called for all other testimony - there was none.

There being no further testimony the hearing was closed at 9:56 p.m.

The Martha's Vineyard Commission held a Public Hearing on Thursday, June 16, 1994 at 8:30 p.m. in the Commission offices, Olde Stone

Building, New York Avenue, Oak Bluffs, Ma., pursuant to Chapter 831 of the Acts of 1977 as amended and MGL Chapter 30A § 2 regarding the determination that proposed regulations amendments conform to the guidelines established by the MVC for the Edgartown Great Ponds DCPC.

Ms. Sibley then read the proposed change to the regulations currently in existence in Edgartown. Steve Ewing, Edgartown Ponds Advisory Committee explained the change and the reasons for the change. The change would delete boathouses as a use by special permit. He further discussed the issue. He discussed the purpose of the DCPC for the Ponds.

Mr. Ewing then discussed the reasons why the Committee would like to see boathouses eliminated. A discussion of the use of such structures as living units followed.

Ms. Sibley asked to have the guidelines read. Mr. Clifford did so. A discussion of whether the special permit process could also serve the same purpose followed.

Ms. Sibley called for testimony as to conformance with the guidelines - there was none. She then called for testimony as to non conformance with the guidelines - there was none.

There being no further testimony, the hearing was closed at 10:09 p.m.

Following the public hearings the Martha's Vineyard Commission held a Regular Meeting of the Commission.

The Chairman moved to ITEM #5.

ITEM #5 - Written Decision - *North Tabor Farm*

It was moved by Mr. Colaneri to approve as written duly seconded.

Mr. Clifford noted that both escrow accounts had been established. A brief discussion of the decision followed. So voted.

Written Decision - *Pearlson and Sturges*

Mr. Sullivan left the room. On a motion by Mr. Hall, duly seconded the written decision was approved with one abstention (Sullivan).

Written Decision - *Taylor Bicycle Ferry*

A motion was made by Mr. Colaneri, duly seconded to approve as written. A discussion of the conditions followed. Mr. Sargent raised a question regarding the time limits set. A discussion of this matter followed. Mr. Best moved to amend the written decision to read sunrise to sunset - duly seconded.

A discussion of when sunset occurred followed.

A discussion of the usage of the ferry around sunset and problems in the area followed.

On a roll call vote the motion to amend failed 6 yea 6 nay.

Mr. Hall felt that the Gay Head Selectmen should not have a say in setting a fee schedule.

On a roll call vote, the Commission voted to approve the written decision as written with two nays (Hall, Sargent).

ITEM #3 - Approval of Minutes *April 21, 1994*

On a motion by Ms. Greene duly seconded the minutes were approved as written (abstention: Rubinoff)

Approval of Minutes *May 19, 1994*

Mr. Colaneri moved approval, duly seconded. Mr. Clifford noted that Ms. Lazerow had not been listed as present and should have been.

ITEM #4 - Chairman's Report

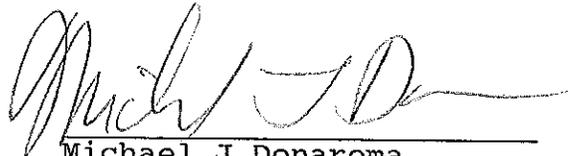
Mr. Clifford noted that Peg Brady, Director of Mass. CZM had been present but had to leave. He then reported on the status of John Schilling and his recovery. He then gave a brief update on the Herring Creek suit. Mr. Best discussed the anti slap suit legislation pending in the State House.

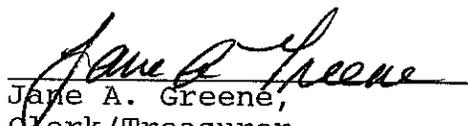
David Wessling, MVC staff, discussed a proposed grant submittal and asked for Commission support. The grant will be to hire an engineer to work for the three down-Island towns to develop plans.

On a motion by Ms. Greene, duly seconded, the MVC voted to support the grant application.

There being no further business the meeting adjourned at 10:35 p.m.

ATTEST

 7/21/94
Michael J Donaroma, Date
Chairman

 7/21/94
Jane A. Greene, Date
Clerk/Treasurer

Attendance

Present: Best, Colaneri, Donaroma, Early, Greene, Hall, Jason, Lazerow, Sargent, Sibley, Sullivan, Rubinoff, Allen, Chapin

Absent: Briggs, Bryant, Riggs, Schweikert, Bolling, Gallagher Vanderhoop