

# THE MARTHA'S VINEYARD COMMISSION

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## Land Use Planning Committee Summary of April 5, 1999 Meeting Olde Stone Building

Members present: John Best, Christina Brown, Marcia Cini, Michael Donaroma, Jane Greene, Linda Sibley, Richard Toole, Bob Zeltzer

Staff present: Christine Flynn, Andrew Grant, Jo-Ann Taylor, David Wessling  
Bill Wilcox

Others present: See attached list

Meeting opened at 5:35 P.M. by Christina Brown

### **Tisbury Wharf DRI #474**

Christina Brown began the meeting by reading into the record a letter from the staff to the Tisbury Planning Board. The letter invited the Board to an LUPC meeting in order to clarify the referral of the Tisbury Wharf project. She then read into the record a prior letter from the Board which discussed the project referral.

Ms. Greene added that aspects of the project had been changed after the referral. Since there was no construction at the wharf, retail sales have ceased and the office trailer has been removed she concluded that the necessary conditions for referral no longer exist.

Mr. Barwick, Planning Board Chairman, introduced himself and answered several questions from the Committee members.

In reply to Ms. Brown, Mr. Barwick described the reasons for the Board's referral. He stated that the referral was based on the "observations of the Planning Board members" concerning activities on the property. The Applicant had not submitted plans to the Board.

In reply to Ms. Greene, Mr. Barwick added that the Applicant at the time of the first referral had not applied to the Planning Board for a Special Permit.

In reply to Mrs. Sibley, Mr. Barwick explained the essence of the Special Permit application: "water-based commercial activities".

The Committee members then discussed the Special Permit and its relevance to the Commission's definitions of "development permit", "development" and "material change".

In reply, Mr. Barwick explained that the Planning Board viewed the M.V. Schamonchi's use of the Tisbury Wharf as a new transportation service to the Island. While there are no physical changes to the wharf, the Planning Board (through its Special Permit review) is concerned with the pedestrian safety, traffic flows and additional commercial activities.

Mrs. Sibley suggested that the advice of the Commission's counsel should be sought to clarify the meaning of "development permit". The members discussed her suggestion and then discussed the Town's Special Permit criteria.

Mr. Packer addressed the Committee. He reviewed the discussions he had with Town officials and the planning considerations that led to his decision to allow the Schiamonchi to use the Tisbury Wharf. He then described the events that led to his filing of a Special Permit application. James Beckman, Mr. Packer's consultant also spoke.

Committee members continued their discussion of "development", "development permit", "change of use" and "intensity of use".

Mr. Orleans, a Planning Board member, explained the Board's view. The use of the Tisbury Wharf by the M.V. Schamonchi is a "material change in the use of the property". He suggested that LUPC refer the matter to the Commission's counsel.

Mr. Beckman and Mr. Packer rebutted Mr. Orleans' opinions and interpretations.

On a motion made by Mrs. Sibley and seconded by Mr. Toole, the members voted to seek the advice of the Commission's counsel as to the referral of the project.

Ms. Brown invited Tisbury Planning Board to discuss other matter pertaining to DRI referrals. Mrs. Laursen described past problems and difficulties as to the Commission's "checklist".

#### **Meeting House Golf DRI #471**

Ms. Brown summarized the previous LUPC - the staff will present a final summary report to the Commission members at a meeting (April 8<sup>th</sup>) at which time members will ask questions of the staff. Ms. Greene warned against asking questions which would introduce information not presented at the public hearing. Mrs. Sibley described the Commission's custom of accepting public information. Mr. Donaroma also offered a summary of the previous meeting.

Mrs. Sibley pointed out that the staff presentation/question period review would be limited to reviewing the submitted application materials and public comments. Intent is to "exhaustively review the materials".

Mr. Donaroma returned to Ms. Greene's comments.

Ms. Greene clearly stated that the staff's presentation is not to be construed as new testimony.

The members then discussed if the Applicant's final report (dated March 25, 1999) had changed the nature of the original submittal as to constitute a "new" project.

Mrs. Sibley discussed her expectations of the staff's answers to the members questions. Staff's remarks are to be based on the submitted materials.

Ms. Greene referred to the Applicant's March 25<sup>th</sup> document. Other members explained that the document had been submitted in a timely fashion.

Julia Wells, a Vineyard Gazette reporter, asked the member to clarify which report, dated March 25<sup>th</sup>, is considered part of the public record. She noted a difference in the documents. Staff explained the documents and cited one text difference.

Mr. Donaroma, Ms. Brown and Mrs. in response to Ms. Wells' question stated that LUPC's discussions have been related to subject matter that is in the public record.

Mr. Hearn spoke about the two documents dated March 25<sup>th</sup>. He contended that the public has not had an opportunity to comment on the full application.

Before adjourning, the members announced hearings with regard to pending legislation.

Meeting adjourned at 6:50 P.M.

Summary prepared by David Wessling