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## **Minutes of the Commission Meeting Held on February 19, 2015 In the Stone Building 33 New York Avenue, Oak Bluffs, MA**

### **IN ATTENDANCE**

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Commissioners: (P= Present; A= Appointed; E= Elected)

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P John Breckenridge (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
- Christina Brown (E-Edgartown)	- W. Karl McLaurin (A-Governor)
P Harold Chapdelaine (A-Tisbury)	P Katherine Newman (A-Aquinnah)
P Robert Doyle (E-Chilmark)	P Doug Sederholm (E-Chilmark)
P Josh Goldstein (E-Tisbury)	- Abe Seiman (E-Oak Bluffs)
P Fred Hancock (E-Oak Bluffs)	P Linda Sibley (E-West Tisbury)
- Leonard Jason (A- County)	P Ernie Thomas (A-West Tisbury)
	P James Vercruysse (E-Aquinnah)

Staff: Bill Veno (Senior Planner), Jo-Ann Taylor (Coastal Planner).

**Chairman Fred Hancock** called the meeting to order at 7:00 p.m.

### **1. ISLAND ROAD DCPC- SPECIAL WAYS IN WEST TISBURY - PUBLIC HEARING AND VOTE**

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Commissioners Present: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.

**Fred Hancock**, Public Hearing Officer opened the Public Hearing at 7:05 p.m. and read the public hearing notice for the DCPC Designation in the Town of West Tisbury for the Island Road District Special Ways Zone. The area under consideration for designation was noted.

#### **1.1 Staff Report**

**Jo-Ann Taylor** presented the following.

- The MVC accepted the nomination for consideration on January 22, 2015 and therefore a moratorium for development was created. The MVC has until March 23, 2015 to vote on the designation. It is the intention of the West Tisbury Planning Board to present an article for vote at the April 14, 2015 Annual Town Meeting.
- In making its determination on designation the MVC is guided by the Critical Planning District Qualifications.
- The nomination appears to present compelling statements regarding the need for a suitability of designation.

- Regarding the General Qualification, the nomination makes a case for the need for designation and for the appropriateness of the area for designation.
- When a way is added to a Special Way it is treated as a new designation.
- Two of the ways extend into Tisbury and all intersect with other old ways that are only lightly travelled by vehicles, if at all, and provide safe routes for walkers, bicyclists and horseback riders to connect with other trails and other towns.
- Each of the nominated ways show examples of how uncontrolled or inappropriate development can alter character or even eliminate evidence of route. With increased vehicle use the surfaces of these pre-automobile paths get widened, graded and stabilized with hardening materials to the extent they become just another very serviceable dirt road. Additional blockage of portions of these ways would further compromise the free flow of foot and hoof passage on these ways. Their loss would be irreplaceable.
- There are specific qualifications for a cultural or historic resource district as well.
- Pine Hill Road was a major route from the road presently known as Old County Road near the West Tisbury Center, across Doctor Fisher Road to Lambert's Cove Road.
- Red Coat Hill Road/Motts Hill Road are part of an old cart path and trail system in between State Road (Vineyard Haven/West Tisbury Road) and Lambert's Cove Road. In the 1700's and 1800's when the Island consisted mainly of farmland, Vineyard Haven Harbor could be seen easily from the highest point on Red Coat Hill. This lookout was used during the Revolutionary War to oversee the harbor. On September 10, 1778 a British force of Red Coats led by General Grey seized this high ground during a four day invasion leaving a red coat on a nearby hill.
- Shubael Weeks Road is named after Shubael Weeks, a Tisbury selectmen at the time of the British Grey's Raid in 1778.
- The Designation vote, if affirmative, should include Goals and Guidelines for Development, in this case the same Goals and Guidelines for the remainder of the Island Road District Special Ways Zone and are included in the packet of information. The Goals and Guidelines were reviewed.
- The packet of information includes the Critical Planning District Qualifications and the nomination. No correspondence has been received as of February 13, 2015.
- References include Chapter 831 of the Acts of 1977 as amended and the *Decision of the Martha's Vineyard Commission Designating the Island Road District as a District of Critical Planning Concern*

## **1.2 Testimony from Public Officials**

**Harriet Bernstein**, Chairman of the West Tisbury By-ways Committee said the Committee would like to protect the Special Ways keep them in perpetuity and keep them rural. The Committee would like the MVC to approve the nomination.

**Rez Williams**, Member of the West Tisbury By-ways Committee said the public rights of these ways have never been extinguished and it is important that those rights are maintained in this way.

## **1.3 Commissioners' Questions**

**James Vercruyse** said he noticed that Red Coat Hill and Shubael Weeks Road meet at the Tisbury town line and asked if there is any means to connect them in both towns as a Special

Way. **Harriet Bernstein** said they are not designated in Tisbury. It is her understanding that Vineyard Haven does not have a committee to do so but hopefully Tisbury will have a committee in the future to make it happen.

There was a discussion about notifying the abutters.

- **James Joyce** asked if all abutters were notified.
- **Jo-Ann Taylor** said there is not a direct notification to abutters but the designation is posted by the Town Clerk in all of the towns as well as being posted in the newspapers and the MVC web site.
- **Harriet Bernstein** added that the ways were before the MVC two years ago and it was approved but was not submitted at Town Meeting. At that time all abutters were notified and there was no objection.

**James Joyce** asked why Shubael Weeks Road ends at Beaten Path. **Harriet Bernstein** said it is overgrown, impassable and has been built on.

There was a discussion about development of these areas.

- **Ernie Thomas** asked if anyone has requested or applied for a permit for development for any of the areas.
- **Fred Hancock** said a moratorium is in effect, however the MVC has an application for a sub-division. If the MVC approves the designation the moratorium continues until it goes to Town Meeting for a vote.
- **Linda Sibley** said that LUPC agreed to proceed with the public hearing for the sub-division, but will not vote on it until after the West Tisbury Town Meeting.
- **Joan Malkin** noted that anyone who is an abutter does not lose any of their rights except that they may not be able to build a fence or wall within the twenty foot line.
- **Harriet Bernstein** confirmed that is her understanding.
- **Fred Hancock** said if someone builds there may be some access issue.
- **Linda Sibley** said as previously noted by Jo-Ann Taylor an abutter can apply for a special permit.

**Harold Chapdelaine** noted that since there is not a By-ways Committee in Tisbury the Tisbury Historical Commission advises the selectmen on special ways and they make the decision whether to proceed. Tisbury is working on the potential connection of the Special Ways being considered for designation by West Tisbury.

#### **1.4 Public Testimony**

**Joe El-Deiry** said he is the applicant for the Pine Hill sub-division proposal. The original meeting with the West Tisbury Planning Board was on November 17, 2014 and at that time the proposal was sent to the MVC. The staff applicant meeting was on January 8, 2015. The public hearing was re-scheduled a few times due to the storms. He asked for clarification on how this affects his application since the application was submitted prior to the nomination.

There was a discussion about the approval process.

- **Jo-Ann Taylor** said the timing of the application submission does not matter once a moratorium is applied.

- **Joan Malkin** said the MVC is not precluded from moving ahead, just the Town. The MVC just chooses not to take a final vote on the application. It is not prudent to move ahead without the Town vote.

**Fred Hancock**, Public Hearing Officer closed the Public Hearing at 7:30 p.m.

### **1.5 Vote on West Tisbury DCPC Designation Island Road District Special Ways Zone**

**Fred Hancock** noted that the MVC has a draft of the written decision and a vote on the designation can be done this evening.

***Linda Sibley moved and it was duly seconded that the MVC designate the Special Ways as requested by the Town of West Tisbury with all Qualifications and Criteria for Designation as noted by Jo-Ann Taylor and the Goals and Guidelines as included in the DCPC Designation.***

***Roll call vote. In favor: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.***

## **2. ISLAND ROAD DCPC- CONSIDER NOMINATION OF OLD COACH ROAD AS A SPECIAL WAY IN WEST TISBURY**

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*Commissioners Present: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.*

### **2.1 Staff Report**

**Bill Veno** reviewed the site and the map of the area in detail on the overhead screen.

**Doug Sederholm** noted that there is a clouded title on quite a number of the lots in the site area and none of them are developed. **Bill Veno** confirmed that information.

**Jo-Ann Taylor** presented the following.

- The proposed area to be considered for designation is within twenty feet of either side of the centerline of Old Coach Road beginning at the intersection with Old Holmes Hole Road a.k.a. Old Mail Road at the eastern corner of Assessors Map 16, lot 125.20 and proceeding southwesterly and westerly approximately 1,850 feet to the southwestern boundary of Assessors Map 16, Lot 118 between Lot 122 and Lot 123 of Assessors Map 16, Lot 16.
- The nomination was received from the West Tisbury Planning Board on February 5, 2015.
- These ways are visible remnants of the Island's history prior to the advent of motor vehicles.
  - Old Coach Road connected Holmes Hole (Vineyard Haven) with North Tisbury where there was a post office in the 19<sup>th</sup> and early part of the 20<sup>th</sup> centuries. The way was a public route for the delivery of the mails. More than two-thirds of the former route has been incorporated into modern roads servicing the Island Farms subdivision and the Town's landfill (Old Stage Road) or have been otherwise developed over. It is the remainder that passes through two undeveloped tracts of

land, linking Island Farms to Old Holmes Hold Road (a.k.a. Old Mail Road) that is nominated for Special Ways designation.

- The area shows examples of how uncontrolled or inappropriate development can alter the character or even eliminate evidence of the route.
- The vote to accept the nomination for consideration commits the MVC to hearing and making a decision on designation and institutes a development moratorium.
- Should the MVC vote to accept the nomination for consideration for designation, such vote would initiate a development moratorium in the area that would be under consideration for designation (exemptions may be granted under certain circumstances).
- This nomination is for a new way to be included in the Island Road District Special Ways Zone. Even though there is already an Island Road District and a Special Way Zone, the geographic area included in the nomination is newly proposed and the consideration is made in the same manner as a brand new nomination. The MVC has 45 days from February 5, 2015 (March 23, 2015) to vote on consideration. An affirmative vote would begin a moratorium and commit the MVC to hold a public hearing and vote on designation within 60 days from the consideration vote. If the MVC accepts the nomination on February 19, 2015 a public hearing could be held as soon as the MVC March 19, 2015 meeting and no later than April 21, 2015. It is the intention of the West Tisbury Planning Board to present an article for vote at the April 14, 2015 Annual Town Meeting.
- In making determination on designation the MVC is guided by the Critical Planning District Qualifications.
- The nomination appears to present compelling statements regarding the need for and suitability of consideration for designation.
- An affirmative vote should include reasons for accepting the nomination and the nomination notes that Old Coach Road connected Holmes Hole (Vineyard Haven) with North Tisbury where there was a post office in the 19<sup>th</sup> and early part of the 20<sup>th</sup> centuries. The way was a public route for delivery of the mails. The nomination notes these ways are visible remnants of Island history and are vulnerable to the impacts of unregulated development that could alter their character to that of any ordinary road.
- No correspondence has been received as of February 13, 2015.
- The packet of information includes the Critical Planning District Qualifications, full text of the nomination and the record of the Planning Board nomination. The nomination is also included.

## **2.2 Testimony from Public Officials**

**Harriet Bernstein**, Chairman of the West Tisbury By-ways Committee said the Committee was asked by the West Tisbury Selectmen to present the nomination for the same reasons as the Special Ways Designation that was just voted on by the MVC. This is a very special area with a great pine forest and the committee encourages the MVC to do whatever is needed to preserve it.

## **2.3 Commissioner's Questions**

**Josh Goldstein** said this is a piece of road that is a very special area to him. During his youth and when he was going to school he would ride his bike on this path and it is a beautiful path and safe for kids. He encouraged everyone to keep it as a Special Way.

**James Vercruysse** also felt it is important to preserve this path.

**James Joyce** asked if the way is just a foot path. **Harriet Bernstein** confirmed it is.

There was a discussion about future development and access of the area.

- **James Joyce** asked if all of the lots are a clouded title or is the area under single ownership and would the way stay as a footpath if it was approved.
- **Bill Veno** said it is believed that one person owns the property but that is still to be determined, if the title can be cleared. The way would stay as a path.
- **Fred Hancock** said it was noted that the nomination would not land lock the lots.
- **James Joyce** asked if you can go across the Special Way with a road.
- **Bill Veno** said it could and reviewed in detail how it can be crossed.
- **Doug Sederholm** said the designation would complicate the development of the land but not prohibit it.

**Linda Sibley moved and it was duly seconded to accept the nomination for Old Coach Road with the Qualification and Criteria for Designation as noted by Jo-Ann Taylor. Roll call vote. In favor: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

### **3. MINUTES**

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*Commissioners Present: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

**John Breckenridge moved and it was duly seconded to approve the Minutes of January 22, 2015 as written. Voice vote. In favor: 8. Opposed: 0. Abstentions: 5. The motion passed.**

### **4. NEW BUSINESS.**

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*Commissioners Present: T. Barnes, J. Breckenridge, H. Chapdelaine, R. Doyle, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruysse.*

#### **4.1 Executive Director Report**

**Fred Hancock**, Chairman presented the Executive Director Report in the absence of Mark London. The new MVC website is much improved and he encouraged everyone to take a look at it. The MVC is now able to change their own content on the website. In the calendar area click on the date and the user can then see the agenda and the documents.

**Bill Veno** said the MVC welcomes any comments and suggestions for "tweaking" the site.

#### **4.2 Reports from Committees and/or Staff**

Executive Director Search Committee

**Doug Sederholm**, Chairman of the Executive Director Search Committee presented the following.

- The period for submitting applications closed on February 13, 2015.
- The MVC received 33 applications including 5 from local Vineyard applicants.
- The Search Committee met on February 19, 2015 to review the applications and selected those to invite back for interviews. Nine applicants are to be invited for screening interviews to be held on March 14, 15, and 16, 2015.
- The Search Committee will meet on March 16, 2015 to make recommendations to the full Commission as to who should be interviewed.
- The next meeting of the Search Committee will be February 24, 2015.
- The MVC has received a very strong pool of applicants and resumes. Every member of the Search Committee attended the meeting to review the applications and worked with the recruiter.

There was a discussion about working with the recruiter.

- **James Joyce** asked whether the recruiter had any comments.
- **Doug Sederholm** said the MVC received one third of the applications in the last three days of the submission period and the recruiter noted that was typical. The recruiter was also impressed by the number of applications that were received.
- **Katherine Newman** noted that the consultant was extremely helpful and made the process very professional and smooth. It was well worth hiring a consulting firm.
- **Fred Hancock** added that he was skeptical about hiring a recruiter but is now convinced it was the right thing to do.
- **Tripp Barnes** asked if we know who the local applicants are.
- **Fred Hancock** said the names of the applicants are confidential at this point, especially since many are still employed.

#### PED Committee

**Joan Malkin** noted she is the Chairman of the PED Committee and she plans to meet with Mark London to review what has been done and what could be done so she will have a better feel of where the committee can move forward. She asked that the Commissioners please keep in mind that the committee will be welcoming participation.

#### Island Roads Committee

**Fred Hancock** said the committee was established last year and some members are no longer on the MVC. If any new Commissioners are interested to please let him know. Linda Sibley is the Chairman of the committee.

**Linda Sibley** said the committee encompasses protecting the scenic rural Island roads.

**Harold Chapdelaine** volunteered to be on the committee.

The meeting was adjourned at 8:00 p.m.

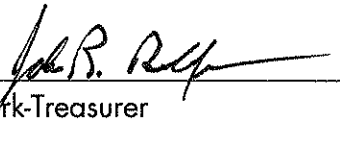
#### DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on January 22, 2015
- DCPC Designation in the Town of West Tisbury Island Road District Special Ways Zone, Dated February 19, 2015 MVC Staff Notes

- Critical Planning District Qualifications
- Town of West Tisbury Planning Board DCPC Nomination, submitted to the MVC December 29, 2014
- DCPC Nomination for Old Coach Road in the Town of West Tisbury Island Road District Special Ways Zone, Dated February 19, 2015 MVC Staff Notes
- Town of Tisbury DCPC Nomination Dated February 5, 2015

  
Chairman

3-26-15  
Date

  
Clerk-Treasurer

3/26/15  
Date