

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS
02557
(617) 693-3453

MINUTES OF AUGUST 4, 1988 MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, August 4, 1988 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: Deer Run Trust
Joseph L. Maillett, Trustee
1620 Sudbury Road, Suite 6
Concord, MA 01742

Location: Off Barnes Road &
Edgartown/Vineyard Haven Road
Oak Bluffs, MA

Proposal: Request for modification of the August 27, 1987
DRI Decision qualifying as a DRI since the
development is the subject of a previous DRI
Application.

James Young, Chairman of the Land Use Planning Committee, read Deer Run Trust's Public Hearing notice and opened the hearing for testimony. Mr. Young went on to remind members that this had come up before and that there was insufficient information. The proposal addresses 2 issues. (1) The proposed change in recreational areas from previous DRI and (2) a change in the affordable housing requirement. Again insufficient information has been provided. Requests a continuation. The requested was based on (1) further refinement of the clubhouse plans needed and (2) Position of Oak Bluff's Resident Homesite Committee and additional meetings with the Dukes County Regional Housing Authority to address modification of previous DRI condition. Requested for continuation was granted.

John G. Early, Chairman of the Martha's Vineyard Commission, opened the Regular Meeting of the Commission at 8:15 p.m.

ITEM #1 - Chairman's Report Chairman introduces new staff member, and informs the commissioners that State Ethic Disclosure forms are available in Norman Friedman's office.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of July 21, 1988
Motioned to approve. Seconded. The motion carried with one abstention (West).

ITEM #4 - COMMITTEE REPORTS:

Land Use Planning Committee Summary James Young summarized and remarked on the improved attendance at the LUPC meetings. The Peaked Hill application is fairly close to a recommendation. Although no decision is due until early September they might make a recommendation sooner. Other topics discussed were Morey House applicant for a change of use to an Inn, and also met with Island Athletics Club applicants.

Mr. Early asked Ms. Borer, Executive Director, to comment on the Task Forces.

Ms. Borer brought attention to the flyers in the evenings handouts stating the time and place of the Publics Meetings to be held at the end of August as a part of the process in drafting a Regional Comprehensive Plan. Ms. Borer pointed out one meeting is up-island, one-down island. Since the meetings are to discuss issues with concerned citizens she urged all commissioners to attend. The issues will be drafted into a Phase 3 report after meetings with the Town Boards.

Mr Early requested Ms. Skiver, MVC Staff, comment on the Joint Transportation Committee.

Ms. Skiver stated there would be a meeting of the JTC Wednesday, August 11, 1988 at 4:30 p.m. to be held in the Commission Office. This meeting will include discussion on (1) Preliminary Moped Accident Report, (2) Origin Destination Survey (compiled from questionnaires distributed at the boat docks), and (3) 1988 Transportation Development plan.

Mr. Young and Ms. Borer reminded commission to note the agenda for Public Hearing Schedules located in the meeting materials. Bringing special attention to the Katama Airport DCPC on August 25th.

Following a short recess Mr. Young convened the Public Hearing at 8:32, regarding the following Development of Regional Impact (DRI):

Applicant: Wesley Trust
Peter Martell, Trustee
One Lake Avenue
Oak Bluffs, MA 02557

Location: Lake Avenue and Commonwealth Square
Oak Bluffs, MA 02557

Proposal: Demolition of existing hotel and construction of new hotel qualifying as a DRI since the proposal has a floor area greater than 3,000 square feet.

After reading the Public Hearing notice Mr. Young opened the hearing for testimony and described the agenda for this portion of the meeting as follows:

- Staff presentation
- Rev. Cleasby's brief statement
- Applicant's presentation
- Commissioner's questions to staff and applicant
- Town Board's questions
- Public questions and input. Positive, negative, then neutral.
- Rev. Cleasby's prepared statement from the MV Campmeeting Association.
- Applicant's response.

Mr. Young then called on Mark Adams, MVC Staff, to make his presentation. He than showed a short video and gave descriptions of details showing Wesley Hotel and Arms with access roads, main entrance to Arms, patios (with no access to street), rear setback view, existing 25 car parking lot (pointing out that the # for each bldg. was not specified), interior views, existing fire escape/window, and existing view window of the harbor (explaining that the proposed plans would negatively modify the view window).

Mr. Adams referred back to the maps to point out he felt that the elevations were not exact on the maps.

Mr. Adams stated that the owner of the property was the Campmeeting Association and that the cottages held ground leases and did not own the land. Stated that Mr. Martell held a 25 year lease. He then read his staff notes as follows and referred to the posted assessors maps and plans to point out various points of interest.

PROPOSAL: Demolition and reconstruction of Wesley Arms Hotel, located directly to the west of the Wesley Hotel on Lake Avenue and Commonwealth Square, Oak Bluffs. The existing building is 2 1/2 stories with 20 rooms, built about 100 years ago and presently described as being in a state of decay.

The new building is proposed to be 3 stories with 33 hotel rooms (an increase of 13 rooms or 65%). The new building would be modelled after the Wesley Hotel with similar materials and exterior treatment. Construction will upgrade the structure to meet all building and fire codes. An elevator will be added for handicapped and elderly access.

SITE PLAN: The building site lies within the campgrounds, a large undivided lot approximately 30 acres which includes numerous cottages, churches and several Circuit Avenue businesses. The Wesley Arms has a ground lease that covers land immediately under the structure.

SEPTIC SYSTEM: The DEQE has requested that the Oak Bluffs Board of Health withdraw the applicants septic permit. The permit has been rescinded as of August 4, 1988. The DEQE wishes to review the status of all septic systems within the "Campgrounds". Any single lot which discharges more than 15,000 gallons of sewage is subject to DEQE

review before expansions are allowed (the campground property is one lot according to tax assessor maps). DEQE and the Campmeeting Association will be meeting in September to inventory the area.

The proposed septic system consists of one 6,000 gallon septic tank, 3 leaching pits with a total capacity of 4090.4 gallons per day and 3 additional leach pits with 2613.8 gallons per day of additional capacity. Total capacity is 6704.2 gallons per day. This total amounts to more than double the minimum capacity of 110 gallons per unit. Septage would be pumped uphill (a few feet) to reach the 3 additional leach pits.

The septic plan as currently approved would not meet Title V standards, particularly due to the inadequate depth to groundwater, but would be an improvement over the existing system in capacity. Additional sewage flow would be created by expansion of the existing use by 65%.

The existing building has 5 toilets, 2 showers, and a bath. The proposed building would have 33 toilets, and unspecified shower facilities.

SITE TREATMENT: Land surrounding the building is controlled by the Martha's Vineyard Campmeeting Association. The applicant holds a 25 year ground lease on the land beneath the building. Site treatment including lighting, landscaping, and paving would be subject to approval by the MV Campmeeting Association. Landscaping is proposed to follow the example of the Wesley hotel itself. Lighting would approximate the existing condition, according to the applicant.

The new building footprint would be approximately the same areas as the existing Wesley Arms. (New footprint area is 3,588 square feet; Old Wesley Arms footprint is approximately 3,200 square feet.)

The new building envelope would move 2 feet towards Lake Avenue and allow 10 feet setback from its southern neighbor (existing setback is less than 2 feet).

BUILDING INTERIOR: 33 Hotel rooms with bathrooms, approximate square footage of each room is 247.25 including bath. The plan also shows an elevator, decks and balcony. Access, egress stairways are shown both internal and external. No dimensions are given.

PARKING: 25 parking spaces off Commonwealth Square would be shared by the Wesley and Wesley Arms guests. An additional 13 parking spaces (or 7 car and 2 bus spaces) have been offered for lease on Dukes County Avenue on Campmeeting grounds land, less than 1/4 mile from the Wesley Arms.

ZONING AND MASTER PLAN CONFORMITY: The Wesley Arms site lies partly within the B-1 business district and partly within the R-1 residential district.

Permitted uses within the B-1 business district include all uses permitted with the R-1 district. Hotels are allowed only by special permit by the Zoning Board of Appeals. (see Section 3-1, e, (4), Oak Bluffs Zoning By-Laws).

The existing Wesley Arms may be a pre-existing nonconforming use, which would invoke the following zoning by-laws:

Section 6: Pre-existing, Non-conforming uses and structures shall be changed, moved, or extended ... or replaced by a new building unless upon application to the Board of Appeals it can be shown that if not carried out it would work a substantial hardship. And the Board of Appeals has made a finding that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.

Other Oak Bluffs By-Laws: (conformity with these provisions is unclear from applicant's plans)

Section 7: Setback from street shall be at least 20 feet.
Maximum building height is 35 feet.

Section 13: Coastal Regulations:

13-1 Floor level shall be not less than 10 feet above mean sea level.

13-2 Septic system/leaching areas shall be not less than 50 feet inland of the 10-foot elevation contour. (Proposed septic system is located below the 10-foot contour).

13-7 Provisions for non-conforming uses in Section 6-2 shall apply. Provisions for non-conforming uses in Section 6-1 shall not apply.

Mr. Adams then posed the following Questions and Concerns.

Is the existing building a valuable historical resource? What will height and floor area be for the new building? How will access/egress and stairway circulation function? Where will the elevator be located? What standards are necessary for demolition and removal of existing building? What is depth to groundwater and percolation rate? Are septic setbacks adequate for adjacent structures and neighboring building? Is increased intensity of land use (65% increase) appropriate considering wastewater issues and proximity to harbor and Sunset Lake? Is Zoning Board of Appeals permit necessary, considering the site location below the 10-foot contour elevation and potential status as a pre-existing, non-conforming use? Applicant has not supplied lists of materials, exterior finish, landscaping, parking landscaping. Interior plans are not sufficient to show access and egress specifications, sprinkler systems, or fire extinguishers. What is finished floor elevation? Need copies of lease boundaries and lease agreements for parking lots and leach pits. Will the applicant provide any employee housing? Exterior plans are not adequate to show finished height and building dimensions. What are potential impacts of off-site bus parking? How many car parking spaces are exclusively dedicated to use by Wesley Arms guests? Where will hotel loading zone be located? Will it conflict with residential access and use of campgrounds?

Following is a summary of correspondence received:

TO: Peter Martell, FROM: Kathleen McKechnie, Sec. of MV Campmeeting Assoc. DATE: 31, May 1988, MVCMA approves demolition and reconstruction of Wesley Arms not to exceed 3 stories, a 35 foot roofline (not including decorative cupola) subject to all other approvals with final plans to be approved by the Campmeeting Association.

TO: Peter Martell, FROM: Gordon MacGillvray, MV Campmeeting Assoc. DATE: 22, June 1988, Offers a 65' x 85' parking lot for the Wesley Arms, located on Dukes County Avenue.

TO: MV Commission, FROM: Robert Connelly, DATE: 11, July 1988, Objects to the Wesley Arms proposal because of the following:

- 1) An environmental impact statement is needed.
- 2) Foul odors from harbor and Sunset Lake cause concern about new bathrooms in Campgrounds buildings.
- 3) Traffic and commercial congestion will encroach on residential campground areas.
- 4) Building footprint does not show all porches and extensions.
- 5) No new lighting should be permitted.
- 6) Inadequate review by Town Boards.
- 7) Septic system should be 50 feet from cottages.
- 8) Handicapped access should include main hotel facility.

TO: MV Commission, FROM: Robert Connelly, DATE: 15, July 1988, States that all testimony and documents from the 1987 application to rebuild the Wesley Arms be incorporated into the present record since the only change in the application is reduction in size. Copy of a previous letter is also included.

TO: MV Commission, FROM: Robert Connelly, DATE: 14, July 1988, Voices concern about Wesley Arms as a firetrap and unsafe for guests. Asks for cease-and-desist order to close the hotel. Asks that Wesley Arms be demolished and the space used to alleviate parking problems created by the Wesley Hotel. Notes the delicacy of the "campgrounds" and its status as recognized by the National Register of Historic places, which suggests that an environmental impact study is justified. Asks that commercialism be excluded from the "Campgrounds" itself. Suggests that hotel expansion should instead be linked to the existing Wesley Hotel building. Several attachments include revisions of letters previously submitted. These letters claim that the Wesley Hotel expansion was not sufficiently reviewed. The letter also requests that the new building footprint not exceed the line of existing frontage of neighboring cottages, that side doors be used for emergency access only, that traffic congestion on Commonwealth Square be relieved, that no additional exterior lights be added and that any new hotel be kept in the same ownership as the main Wesley Hotel.

TO: MV Campmeeting Association, FROM: Jeffrey Gould, Water Pollution Control Section, DATE 22, July 1988, Advises the landowner that DEQE regulations require that any single lot discharging in excess of 15,000 gallons of sewage per day are required to submit for a DEQE permit. Any disposal works permit issued by the Town of Oak Bluffs should be revoked. The DEQE requests a complete list of businesses and residents on campground land for their initial review.

TO: MV Commission, FROM: Robert Connelly, DATE: 28, July 1988, Objects to the MV Commission hearing. He views the application as inadequate since plans are not properly drawn and certified, already completed expansions of Wesley Hotel septic system haven't been considered, parking plan is inadequate, and as-built specifications for both the Wesley and Wesley Arms Hotels are not available. New plans have inadequate fire egress, especially for elderly customers. Abutters have not been properly notified.

TO: Carol Borer, FROM: Valerie Talmage, State Preservation Office, Mass. Historical Commission, DATE: 2, August 1987, Copy of letter addressing previous application for demolition of Wesley Arms and adjacent Pullman House. Strongly urges consideration to save historical structures. Listed on State and National Registers of Historical Places. This letter resubmitted for the record at the request of the Mass. Historical Commission.

TO: Peter Martell, FROM: Ken DeBettencourt, DATE: 3, August 1988, All permits issued by Oak Bluffs Board of Health for campgrounds septic systems are rescinded until further notice.

TO: Peter Martell, FROM: Oak Bluffs Board of Health, DATE: 4, August 1988, Permission for deposit of demolition material into Oak Bluffs landfill. Copies of applications and previous demolition permits for 1987 application.

Mr. Adams concluded his statement and Mr. Young called on Rev. Cleasby to make a brief statement.

Rev. Cleasby, President of the MVCMA, stated that on May 30th the Board of Directors of the Campmeeting Assoc. had unanimously approved Mr. Martell's proposal.

Mr. Young called for questions and comments.

Mr. Ewing, Commissioner, Is septic on the plan also serving the Wesley Hotel and where are the current systems located? Mr. Adams responded that this plan shows no connection and without a septic plan for the Wesley Hotel he cannot accurately describe location of the system.

Mr. Ewing asked if Mr. Adams knew how many rooms are in the Wesley Hotel? Mr. Adams answered in the negative.

Mr. Early, Commissioner, stated that it appears there is information lacking that usually exists in a normal review and requested that Mr. Adams state what additional information would be required.

Mr. Adams listed: main site plan to scale indicating access/egress, a detailed zoning district map with scale, interior scale plans to scale showing dimension, and a list of materials. Plans meet only basic requirements, are not professional and have not been certified by architects and engineers the way a final plan usually is. Notes the hand drawn in additions and lack of scales and contours on plans.

Mr. West, Commissioner, questioned that if the 30 acres are unsubdivided are the abutters outside the 30 acres area? If one lot the abutters would lie outside lot. Mr. Adams responded that several hundred cottages who share the lot could be considered abutters. Mr West expressed concern over the applicant's submitted abutters list and felt something was wrong.

Mr. Widdiss, Commissioner, questioned why this is being reviewed if the information provided was inadequate?

Mr. Young, Commissioner, stated that when it came to the LUPC Mr. Martell had been warned that the information did not meet what was customarily submitted. Mr. Martell indicated that he had submitted all he cared to submit and technically it met with our basic requirements.

Mr. Ewing questioned if this application is under our domain if the DEQE rescinded the applicants permit. Isn't the 65% increase in septic usage a major consideration? Mr. Young and Mr. Adams responded in the affirmative.

Mr. Young stated the MVC will proceed with the public hearing stating that the belief is the information submitted was inadequate. Specifically the septic information. However he chooses to proceed due to the significant public turnout. If after the public hearing we decide information is inadequate we can continue the Public Hearing until adequate information has been submitted based on the MVC giving the applicant a list of specific particulars he should submit.

Mr. McCavitt, Commissioner, questioned, which item on the checklist triggered this referral and can a septic permit require referral. Mr. Adams, MVC Staff, stated that the proposal is over 3,000 sq. ft. and that the septic permit was previously granted. Mr. McCavitt noted that the project did not get referred to us at the point where O.B. issued a septic permit.

Mr. Jason, Commissioner, asked what zone the additional parking falls in, commercial or residential? Staff responded B-1.

There was further discussion among staff and commissioners regarding the adequacy of submitted plans.

Mr. Young read memos to Mr. Martell, in file, previously requesting additional information.

Mr. Ewing stated that criteria for Environmental Impact Statement may be important.

It was stated that in the past they have been provided voluntarily by the applicant for the staffs thorough analysis, or as a requirement for a Town Board or State Agency.

After calling for further questions Mr. Young called on the applicant to give presentation.

Mr. Ed Coogan (Counsel for Wesley Trust including George Fisher, Richard Kelley as well as Mr. Martell): Wants to clarify for the people Mr. Martell's intent. Mr. Martell originally proposed a larger plan consisting of 60 rooms, conference facilities, 4 stories high. After several meetings back and forth with the Campmeeting Association the plan was downgraded to a scale close to the existing footprint. It seemed clear to them that the public would want to attend the hearing. Considering this issue it was of more benefit to hold hearing during the season while everyone was here even if by Commission standard all questions were not answered. Stated the questions could be easily answered.

The first consideration is that the Arms is in danger of being demolished by order of the Fire Marshall, whoever that may be. Arms is a problem and something must be done. Owner addressed specific problems being that senior citizen groups can't stay anywhere else on the island. Because of the price ranges and the access. Tours need existing arrangement for the purpose of seminars and meetings. The original included these facilities, but they were changed. 4 stories to 3, 60 to 33 rooms, designed intentionally to be of most benefit to this type of patron.

He stated the plan was the same on all floors and that any additions or changes can be stamped by the engineer. All will be as shown. Plan does show fire egress, stairs, elevator locations. Specific points is the building is same footprint moved 10 feet forward to separate from rear building.

The Board of Health problem has long existed. The proposed meeting about Title V will not just effect hotel but entire Campmeeting Association. This is an old issue dating back to the Mid-70's. This issue will never die until the town sewers. Regarding the questions not previously answered the materials to be used will be the same as the Wesley Hotel. Exactly the same.

Zoning district is B-1. Will sort of stake his reputation on it. Regarding zoning district, disputes MVC display map, not currently accepted version. States district is B-1 and parking is B-1 with the

purpose of this lot to be tours. Reinforced the point that the intention was not to bring insufficient materials to the meeting. The intention was to have the hearing while residents could attend. Although Mr. Coogan was not sure he'd answered all questions he stated Peter could answer dimension questions more clearly.

Mr. Martell said he would answer questions rather than giving a presentation.

Mr. Geller, Commissioner, asked questions to Mr. Martell from staff notes. Is building historical resource? Response, It may have been feasible 50 years ago but now there is no chance for complete restoration since sills sit directly on the site and there is no way under or around the building because of the site. Also there have been no major restorations in 50 years other than painting.

Are Septic setbacks adequate for adjacent structures and neighboring buildings? Response, because 90% of the septic does not meet Section V, most setbacks don't exist. Some are only 4 feet back. You use what's available. Also stated that he had not received letter revoking licence that MVC staff had referred to. Said part of the leach pit is less than ten feet to cottage behind Arms.

Is increased intensity of land use (65% increase) appropriate considering wastewater issues and proximity to harbor and Sunset Lake? Response, doesn't agree with 65% increase in usage Hotel has 58 rooms, old total both units was 78 rooms plus 13 room increase, only 15% overall. DEQE Dye study did find pollutants but none from Wesley and surrounding area. All from a milk plant.

Is Zoning Board of Appeals permit necessary, considering the site location below the 10-foot contour elevation and potential status as a pre-existing, non-conforming use? Response, stated with his reputation as a member of the planning board he feels under B-1 not under ZBA jurisdiction. Permits are not necessary. When asked to point that out on the map he questioned where we got map and stated it isn't adopted map. It was agreed it wasn't approved. When asked to have his attorney confirm his view and stake his reputation on that. The attorney was not present.

Will the applicant provide any employee housing? Response, states that he already does have a 7 bedroom house, sleeps 15, for chambermaids since they are the lowest paid.

What are potential impacts of off-site bus parking? How many car parking spaces are exclusively dedicated to use by the Wesley Arms guests? Response, In general Hotel gets very little auto traffic. Most guests stay 2-3 days and can't or don't want to pay to get boat reservations for their vehicles. Currently has 25 spots. Adding 13 rooms and potential 14 spaces feels this is adequate.

Where will hotel loading zone be located? Will it conflict with residential access and use of campgrounds? Response, doesn't think

there will be a conflict. Buses won't be allowed on campgrounds. In spring and fall there are only 1-2 per week.

Mr. West stated that according to what Coogan said, sooner or later the campgrounds septic is going to be a disaster. With only 4 feet between septic, 15,000 flow, and talk about adding 33 toilets etc. Doesn't think adequate answers have been given to these concerns. It seems the attitude is build now, suffer later.

Mr. Martell, applicant, notes that the DEQE study of the campgrounds set of regulations paint the picture as the same intensity year round when in reality the area is in a 10-12 week intensity. No projections since 70's come close to actual. Yes according to the DEQE plan the system should have failed 50 years ago. The town did a new plan in late 70's, it exists and is accepted but not implemented, not necessary.

Mr. Young stated that based on current DEQE discussion, are they likely to implement them.

Mr. Martell, response, take former hotel, the form existing CG exists as 1 lot, The basics needed to be understood is that a 12 month system is not the same as a 10-12 week use. The problem is we're dealing with different problems. Believes a similar plan to the one mentioned above will be implemented.

Mr. Filley, Commissioner, Are there any current problems with the Lake and Harbor Water that may be construed as having to do with anything in the surrounding area? Mr. Adams, MVC Staff, responded that several tests were done, none recently. A study done in 1980 with dye identified some problems but the problems were linked to a user not present. Sporadic test of the water indicate no problems. But to his knowledge tests have never been done on a systematic basis.

Mr. Jason questioned why this is not being presented to the Zoning Board of Appeals? Mr. Coogan responded that this need only be done if site is not in B-1. He thinks lot is B-1 although this doesn't show on our maps.

Further discussion followed between Mr. Jason and Mr. Coogan regarding the lot as 1 unit and if so entire zoning district or breakdown if more than one. Mr. Coogan now says a portions is in B-1. Specifically the Wesley and Dukes County Avenue.

Mr. Jason questioned the road behind the Wesley, and Mr. Coogan: They can be accessed. If private owners allow they can be used for public way.

Mr. Jason questioned occupancy of building if it is in danger of collapse.

Mr. McCavitt stated interest in the 10-foot elevations contour question. The hand drawn plans don't show the 10-foot contour line. Staff responded that the best reference is the zoning map, as the

10-foot contour places the entire building site lower than this contour. A discussion between McCavitt, Coogan and Adams followed stating it was impossible to tell if feasible to relocate building out of 10-foot without location of the existing septic and that this should have been deemed important by the engineer. Mr. Coogan believed the engineer wouldn't have left out the 10-foot elevation line if it was relevant. All others agreed it was indeed relevant. They agreed that locations of septic must be added before DEQE hearing.

Ms. Harney, Commissioner, stated that last time there was a question on the possibility of purchasing the adjacent structure. Mr. Martel indicated this was out of the question at this time. The building position was the only one possible considering the view windows.

Mr. Widdiss questioned why distance was not improved between other adjacent house from 5 feet as it was on the rear adjacent house?

Mr. Young called for further questions.

Mr. Ewing stated that the septic was still bothering him. Just because there haven't been disasters it doesn't mean it's not failing. These systems are pumped out several times every year. If there were no pump outs there's no telling that the system wouldn't pollute things 65% more. If it comes within coastal district or the 10-foot contour it really can't come there at all so there are alot of unanswered questions about that.

After no further questions were asked by commissioners Mr. Young called on Town Board's for comments.

Ann Mechur, Oak Bluffs Zoning Board of Appeals. Questions the mentioning of zoning. If B-1 applicant still needs to get permit for demolition in B-1. Questions structure and pre-existing structures. Stated there is a formula for the number of units per area land opposed to the amount of open land. Feels there are sufficient questions to warrant a ZBA hearing. Although there are only 2 questions now (10-foot contour and flood plain regulations) feels there are sufficient questions in her mind. Is suprised that the application hadn't been received yet and looks forward to receiving it. States before we can act we must get recommendations locally.

Mr. Young restated questions and asked if they were considered. Mr. Coogan stated that they must first answer which zone it falls in and then look at the zoning laws for that district.

Ms. Mechur than questioned the time frame we worked under and the chair informed her that the end of the Public Hearing was when the town time clock started. Young corrected previous statement that Boards cannot consider until we close hearing but that MVC likes to see application made before the MVC public hearing to get the town boards opinion during the hearing. Mechur looks forward to seeing the application and if it isn't forthcoming in the near future perhaps there are ways to make sure it happens.

With no further questions, Mr. Young called for proponents.

Gene Laxso stated he hopes the project can proceed but only within acceptable guidelines. While he sympathizes with applicants complaint that architects services are costly he hopes commission insists on detailed and professional information before making decisions. Thinks Martha's Vineyard deserves this. Points out the view window is a very sensitive subject and a few inches could be several feet to a view window. Copy of letter in DRI folder.

Mr. Young then called for opponents.

Mr. Robert Connelly spoke and stated he wants to review several letters which were already incorporated into the DRI file (see summaries in the Staff Notes Correspondence section). After approximately 20 minutes Mr. Young stated that he had read 1 5-page letter and was now on a 4-page letter. That all his letter were on public record already. Restricted further testimony to new issue. Calling Connelly's speech a filibuster which was agreed by several commissioners. Connelly went on to address specific items in his letters. Mr. Young stated that he would have to call him out of order because he was again going over material already in the letter and gave Connelly 2 more minutes. Connelly again tried to add more existing material regarding abutters. Mr. Young stopped him again after approximate 5 minutes, refused his request for further time and stated other people had the right to have their say. Connelly requested Commissioner get complete copy of his letters and was informed they are on file for review by anyone who might care to read them.

Linda Marinelli Spoke. She read from a prepared statement, a copy of which is on file. Summarized as follows: Addressed the attitude and the unwillingness of the applicant to comply with the request of the LUPC to produce additional information that would allow the LUPC to complete this application. Questioned specific points: Why wasn't application referred to the conservation commission so that a determination could be made whether or not it falls within the 10-foot contour and whether the proposed parking lot is a wetland? Does the proposal require a Flood Plain Permit? States that according to the Zoning By-laws this must go before the Board of Appeals for permission. States that the Hotel and Arms should be considered one unit for the DEQE gallons per day requirements. Requests that the MVC requires an environmental impact statement addressing the concerns on Sunset Lake and the Harbor before making a decision. Questions why the building hasn't been condemned since the Firemarshall, who is also the applicant, has made a statement that the Annex is a Class A Fire Trap.

Earl Engley #9 Commonwealth Square spoke. States his lack of knowledge and questions how anything can be built without a plan. Since the applicant has done numerous restorations in the community it doesn't make sense that he doesn't know to prepare adequate plans. States that plans are also for his protection as a landowner/leaser.

Plans would eliminate many questions. States that the reluctance of the applicant to submit specific plans makes this thing suspect.

Linda Murdock #25 Commonwealth Square spoke. Direct abutter whether or not this has legally been determined. Stated that the people of Comm. Square are already suffering from the effects of the previous renovations to the hotel and the increased usage this caused both in pedestrian traffic and illegal parking. Issues that no one seems to want to consider. Says there are at least 16 illegally parked cars every night, so the 7 proposed spaces would take care of this but will not be sufficient to take care of the new ones, besides who is going to walk a quarter of a mile in the dark after parking their car. States that 2 way traffic is already existing on a 1 car width street. Said that parking spaces are marked as reserved and these seem to be used for staff parking. Feels there are real inconsistencies. States that although postings say no moped that the square area is consistently used as a moped staging area. Wants consideration that this is a residential area and that their children play in this area.

Pam Laxso #14 Commonwealth Square supports Linda Murdock's views. Says that Commonwealth Square is now like route 128. Keeps hearing there are 25 spaces, where are they. There are consistently illegally parked cars making it almost impossible for residents to park, always a lot of mopeds in the area, noise until 1-2 in the morning, no longer a residential area. States that since they as lease holders must follow the rules, the hotels should be made to adhere to them also.

Mr. Young asked for any more opposition statements or neutral statements, when there were none he called on Rev. Cleasby.

Rev. Cleasby, President of MVCMA, read a prepared statement, copy on file. The basic gist is that Mr. Martell has always been a good neighbor and that he is a man of his word. He has no reason to believe that he will be otherwise as he upgrades the Arms under the watchful eye of the Special Lease committee. States that the Board of Directors of the Campmeeting Association unanimously and earnestly pray that Mr. Martell's petition to rebuild and upgrade the Wesley Arms be granted.

Mr. Young calls on the applicant for his statement.

Mr. Coogan stated that Mr. Connelly's suggestion to tear down that building and make it a parking lot is not a solution in this case. Most importantly the intention wasn't that we didn't understand what was going to happen that the intention was to allow residents to attend. They realize that they can't do anything before the DEQE and the Oak Bluffs board gives the o.k. There's no question about this. The purpose of bringing it here was to bring it out into the open. The Public Hearing, Board of Appeals could have been avoided by simply restoring the existing structure but that is not what the applicant has decided to do. The applicant was interest in the public's opinions and they look forward to their meeting with the DEQE.

Mr. Young stated that the Public hearing would be continued and that the staff will submit a list of all further information needed to assess the project, including a detailed site plan to scale, etc. Stated that the letter to Mr. Martell will indicate a time frame requested. Said the public hearing will be rescheduled and that all the abutters will be notified.

Mr. Filley asked if the stance of the directors of the CMA referred to was that of the whole Campground meeting association or is it not determined? Rev. Cleasby stated that the directors are the Campmeeting Assoc. period. Mr. Young question if the Campmeeting association represented the view of the entire Campmeeting residents. An almost unanimous NO response came from the public crowd. Mr. Young posed the question to Mr. Gordon McGilvery, Vice-President and Chairman of Grounds & Maintenance Committee, MVCMA, does the CMA represent the residents. Mr. McGilvery said no. That the residents are not members of the CMA. They are leaseholders period. Mr. Young requested that the CMA submit copies of their by-laws to the MVC. So we can understand the how the CMA works. This was agreed to.

Mr. Young again stated that the Public Hearing would be contined to a later date.

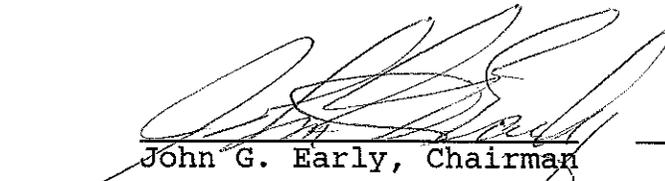
Mr. Early reconvened the regular meeting.

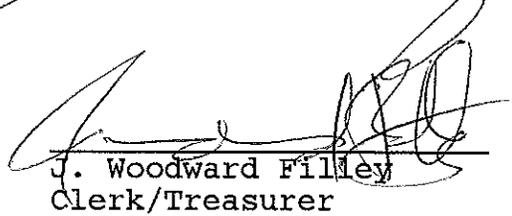
Item # 5 New Business - None

Item # 6 Correspondence - 1 piece from Mr. Dunkl to Ms. Borer. Regarding Millbrook Trust litigation. Briefly stated that in his opinion that the MCV acted responsibly in accordance with the law and in the best interest of the community with regard to both Chilmark and the West Tisbury submissions. Feels the MVC deserves the confidence and support of the community. States his willingness to assist the the committee in what he feels is a groundless lawsuit. (copy on file)

Motion to adjourn was seconded and the meeting ended at approximately 10:35.

ATTEST


John G. Early, Chairman 8/11/88
Date


J. Woodward Filley 8/11/88
Clerk/Treasurer Date

Attendance:

Present: Jason, Lynch, Widdiss, Filley, West, Young, Eber, Evans, Scott, Early, Wey, Ewing, Lee, Morgan, McCavitt, Geller, Harney.

Absent: Custer, Delaney, Ferraguzzi, Allen, Harris.