

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF AUGUST 11, 1988 MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, August 11, 1988 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Island Athletic Club
c/o Neils Gabel Jorgensen
Sam Sherman, Agent
P.O. Box 2530
Vineyard Haven, MA 02568

Location: Edgartown-Vineyard Haven Road, Oak Bluffs, MA

Proposal: Construction of a private recreational facility qualifying as a DRI since the floor area is greater than 3,000 square feet.

James Young, Chairman of the Land Use Planning Committee, read the Island Athletic Club's Public Hearing Notice and opened the hearing for testimony, described the agenda for this portion of the meeting, and called on Melissa Waterman, MVC staff, to make her presentation.

Ms. Waterman showed a short video identifying specific points of interest, i.e. proposed access, vegetation, view from road. Ms. Waterman then reviewed the following staff notes:

Project Construction of a private recreational facility of 14,800 sq. ft total on a 1.5 acre lot (65,340 sq. ft.).

Location on the Edgartown-Vineyard Haven Road in Oak Bluffs, Tax Assessor's Map 56, panel 13.1

Applicable Zoning (1) Project located in the R-3 district, Sec. 7.1.C, minimum lot size 60,000 sq. ft. Setback required, From Street Line 50', setback shown 62', From other lot lines, required 50', shown 50' & 56', Max. building height, required 32', shown 31' to roofline and 36' to top of chimney

(2) Project located within Island Road district Sec. 3.5 requirements:

-Building height in wooded area 24' for pitched roof
(3) Sec. 3.1.C, R-3 Use requirements state that no building shall be constructed for any purpose except "Private clubs,

except those whose chief activity is a service customarily carried on as a business".

Note: Applicant has applied to the Oak Bluffs Zoning Board of Appeals, July 7, 1988 for a special permit to construct a building higher than 24'.

Surrounding Land Uses: Across Edgtwn-VH road: Crossland Nursery, Meshaket Grove Subdivision, Handcarved Signs Business. Adjacent to property: Sylvia, Cole, & Gleason Funeral Parlor, MV Forest Farms Subdivision with green belt, Body Shop Aerobics Business.

Description of Project: Total Lot Area = 65,340, Bldg. footprint = 9,548 +/- sq. ft. (14.6% of total lot), Total Building = 14,800 +/- sq. ft., Paved Parking area = 30,164 +/- sq. ft. (46.1% of total lot), Vegetation = 25,628 +/- sq. ft. (39.2% of total lot).

Building will be 3 levels as follows: Lower Level - Containing 5 lane pool (approx. 24' x 60'), hot tub, male & female steam & sauna rooms, showers, bathrooms, & lockers. Free weights room, circuit training room, tanning cubicles, massage room, mechanical boiler room, staff room & bathroom, & at a future date, 2 racquet ball courts. Second Level (at ground floor) - Contains the following: Aerobics room, dance room, cardiovascular room, lounge, 2nd story of pool & racquetball courts below, office, Pro-shop, bathroom & laundry. Third Level - Contains the following: Pool roof w/skylights, roof over aerobics room, roof over racquetball courts, roof deck, approx. 1,344. sq.ft.

Parking & Drainage Project will have 57 parking spaces, including 4 handicapped spaces. Majority of parking area will be located at the rear of the property. The number of parking spaces was based on estimated 55 users at peak hours. Parking will be paved, with curbing. There will be 2 leaching catch basins and one overflow leaching basin for the rear parking area. There will be one drywell for the wheelchair ramp. Drainage plan based on 25 year storm.

Septic Property lies between 10 and 15 foot groundwater elevations. Project will use town water. Septic system is composed of the following: a 6,000 gallon septic tank, a 4,500 gallon pump chamber, a distribution box, 6 (six) leaching pits with manhole covers. Tank: Title V and town regulations require 5,625 gallons, the tank is 6,000. Pump chamber: There will be two pumps to move the liquid effluent of the tank uphill from approximate 82' elevation to between 84' and 86' elevations of leaching pits. An alarm system is built into the pumping chamber to alert operators if the pumps have failed. Leaching pits: The 6 (six) leaching pits will be located beneath the parking area. The pits are designed to withstand H-20 loading. Each pit has a reserve capacity area adjacent to it. Septic design based on 150 members/day at 25 gp/member = 3,750 gpd. Total number of toilets shown: 7

Pool system is composed of the following: a 1,000 gallon septic tank and a leaching pit. This system will be used for pool backwash and is entirely separate from the main septic system.

Soil Characteristics Property is a mix of Carver loamy sands and Riverhead sandy loam, with 3 to 8 percent slopes. The SCS Soil Survey, 1984, considers these soils to be a severe limitation to sanitary facilities due to poor filtering capacity and a moderate limitation to small commercial building development due to slopes.

Landscaping Area is presently Oak and Pine woods, with Huckleberry underbrush. Applicant will cut back existing vegetation at access to allow adequate sightlines along bike path for cars leaving the facility. Shadbush will be planted along the new edge of vegetation; scotch broom will be planted along edge of driveway. Parking area will retain selected existing Oaks. New Landscaping will include: Norway spruces, Dogwood, English holly, Japanese Holly, Winterberry, Paper Birch, Whitepine, Laurel, Groundcover: heaths, heathers, English Ivy, Bearberry, etc.

Lighting In the parking area, lighting will be low sodium vapor lights on poles. The lights will illuminate concentrated areas of the parking lot. Handicapped walkways will be illuminated by recessed lights in railings. Entrance will be lighted by recessed downlights. There will be no floodlights on the building.

Some development concerns addressed by Ms. Waterman follow:
Septic size: In order that the system, as designed, function properly, it must be carefully installed. The septic engineers should be on the property for the entire installation of the system. A copy of certification of proper installation should be forwarded to the Commission. There should be safeguards created to prevent backing up or overflowing if the two pumps in the pumping chamber fail. Drainage plan: There should be a maintenance schedule established to clear the leaching basins of accumulated debris. Access to Edgartown-Vineyard Haven road: A small sign alerting cars leaving to the bicycle path, similar to that at the funeral home, could be placed near the driveway. Other Concerns: Rear view from MV Forest Farms Subdivision roads, possible special permit requirement, Sec. 3.e.9, for "recreational, educational and community services uses which are not for profit".

Ms. Waterman then addressed questions from the commissioners.

Mr. Lee, Commissioner, 25 gallons per member, per day sounds conservative. Where do these figures come from? Ms. Waterman responded that they were based on Schofield Brothers Plans and assumes they are valid. Sam Sherman responded for the applicant that the plans were based on Title V. Noted that the outline of

the system was dealing with variable, i.e reasonable percentage of member's don't shower every time they visit.

Mr. Lee asked if the 150 members per day figure was year round. He was answered in the affirmative and then went on to ask what the linear distance was concerning the tank and pump chamber between the 82' elevation and the 84-86' elevation. Ms. Waterman responded that it appeared to be approximately 100 ft.

Mr. Wey, Commissioner, questioned the zoning as non-profit. Mr. Young restated the same question and Ms. Waterman responded by reading 2 pieces of correspondence. The first from Peabody-Arnold to Marilyn Scheerbaum summarized: addressed concerns over non-profit in residential district, sites similar cases, appears parallel. Operates under Chapter 180, long-term lease, principals won't receive profit, no dividends, the building and land is taxable. The second letter from the Oak Bluffs Zoning Board of Appeals expressed concern for this application in a residential zone. States the application interpretation may be liberal if non-profit. Taxable? Dangerous precedent may be set. Notes the application for a special permit by the applicant.

Mr. Lee asked if the paved asphalt, bituminous of approximately 3,000 sq. ft. was necessary. Staff noted no town specifications but assumed they would be necessary for fire lane and handicapped access.

Mr. Ewing, Commissioner, questioned the meaning of the soil severe limitation statement. Ms. Waterman stated that according to the SCS Soil Survey there could be problems with the stability of the soils or that the effluent might not be filtered as well as in other soils. Mr. Ewing asked if there were any figures on the flow for these soils and Ms. Waterman stated there were no such figures.

After the commissioners' questions Mr. Young called upon the applicant to give his presentation. Mr. Sam Sherman, Applicant's agent, showed a model of the proposed construction pointing out the view of the site and the attempts to conceal from road using curved drive, utilization of existing site slope, concealment and screening of paved parking by placing in rear. Stated that the building was low, within 2 ft of the 24 foot requirement and that the difference wasn't tremendous. Mr. Gabel Jorgensen then described 3 additional points on the model, the site from the road, the aerobics and weights rooms, the middle 2 levels were sunk to reduce external view of the pool and racquetball courts and the deck located in the front of the building not directed at the street.

Mr. McCavitt, asked what the exterior materials would be and was told it would be mostly white cedar. He then stated that he was troubled by the view from the street and the number of windows visible.

John Early, Commissioner, asked about the roof materials and was told that it would be a composition roof, although they would love to use wood they don't feel it would be the best.

Mr. Early commented on the view from buffer in the rear in that the plan had a thin buffer and could additional screening be considered? Mr. Sherman said it was certainly possible but noted that it was a green belt on the M.V. Farm subdivision. However they might do it in cedar.

Mr. Wey requested the applicant address the non-profit issue. Ms. Marilyn Scheerbaum stated that their lawyer's have presented their position and he feels it is realistic. Mr. Sherman then stated that based on concerns over this issue it was recommended they consult an attorney, they did and they feel his opinion is valid. Mr. Wey stated that he is concerned with a change of venue in the future and questioned the constraints that would be placed on this issue.

A conversation followed among commissioners Wey, Ewing and Eber regarding the existing businesses in the area. Crosslands exists as a farmplot, the other business are home business since the owner/operators live on property. Questions if anyone lives at the funeral parlor. Mr. Ewing questioned the application for a special permit and Ms. Waterman stated the only permit necessary and applied for is height. That according to the attorney's letter the use is permissable in this zone.

Mr. Ferraguzi, Commissioner, asked about the total membership and whether it was restricted, or family oriented. Mr. Sherman replied that the membership is anticipated to be 600-700 yearly, with some seasonal variances and that they were setting up programs, specifically for handicap and special needs groups.

Mr. Morgan, Commissioner, asked who the members of the board of directors where and the response was John Nason, Marilyn Scheerbaum, Rosalie A. Norton, and Ruth K. Meyers (Burnham).

Mr. Ewing asked about the pool and if it held more than 1,000 gallons? Response was yes. Will it be pumped out all at once. Response was no pumping system only for backwash, pool is of an energy conservation design.

Mr. Early questioned the positioning of the outdoor lights and was told they would be directed downward.

Mr. McCavitt wanted to know how much of the lot was within the Island Road District. The maximum height may be 24' but with the roof at 31' and the chimney at 36' it is over the zoning restriction of 32' for this district. Mr. Sherman stated that about half of the building is in the Island Road District but that the priority over the roof height was to put the parking lot in the rear of the building, if the building was moved back for

the roof height the parking would have been move visible from the road.

After these questions were addressed Mr. Young called on Town Boards for comments, when there was no response Mr. Young called on public response in favor of the proposal.

Linda Marinelli - 15 to 20 years ago she might have been opposed but to call this area a residential district is ludicrous, siting the Goodale's pits and various other commercial properties in the area. It already has a non-profit unit, the Masonic Hall. That set the precedent. She is totally in favor of proposal, to limit when others have been allowed would be unfair.

David Vinio, Vineyard Employment Options, Manager, supports the project, submitted handouts of his programs and stated that they have 6 clients and 1 Cerebral Palsy patient currently and that the club now has a couple of members on physical therapy. Stated the advantages to the indepedence and social integration of patients. Said the programs supports teams, ski trips, etc that have been sponsored by the Health Club and Marilyn Scheerbaum.

Michael Ovious, West Tisbury Building Inspector is sympathetic to the zoning but this meets the needs of the community and fills a vacuum.

Karen Kukolich, Registered Physical Therapist, stated that it is important for the lap pool to be built. Best therapy in the winter. No good facility existing, very desirable.

John Nason: Presents a letter to the commission supporting the project for Elise Elliston, a lap swimmer.

Maryann Lamont, as a health club it is good for the children, healthy-mind healthy-body sentiment, good for students, business is morally ethical not detrimental or offensive. It benefits the Vineyard not for growth of tourism but growth of residential economy.

Mr. Young then called on opposition statements.

Susan Convery, owner of present health club property. 2 points addressed. 1. Is there a need for another health club. They want to build a pool but have been unable to get a long term lessor to help defray construction costs and with the club in Edgartown in existence with 400-500 members they don't feel they could stay in business if 2-3 clubs operated. 2. The current operators are a profit business. They will be a direct opponent to the existing business and will take away members.

Mr. Young then called on neutral statements.

Burton Engley, Design is too tight for the lot, not enough

screening for parking, felt it should be arranged involving the nearest neighbors.

Mr. Young again called on the applicant to address the hearing.

Marilyn Scheerbaum for 3 years the 4 of us have provided health and recreational services that the Island needs. Our programs address High School students, special needs, and families. We are committed to excellence. When we moved to the current building it had a small membership which we built to 500. Members wanted a lap pool, locker rooms, dry & wet area, cardiovascular workout areas, social meeting clubs, lounge without alcohol. The existing facility is too small. She urges a favorable response.

Ms. Harney, Commissioner, inquired about the costs. The response was approximately \$375 per year for membership and the philosophy is for low fees, they'll try to parallel existing fees.

Upon no further testimony, Mr. Young stated that the record would remain open for one week and closed this public hearing for a short recess at 9:10.

Mr. Young reconvened the meeting at 9:18 and opened the public hearing regarding the following Development of Regional Impact (DRI):

Applicant: Elizabeth R., Alexander R., and Andrew F. Morey
PO Box 695
Edgartown, MA 02539

Location: 30 South Water Street
Edgartown, MA 02539

Proposal: Change of use greater than 1,000 square feet qualifying as a DRI since the proposal is the subject of a previous DRI.

After reading the public hearing notice Mr. Young opened the hearing and called upon Ann Skiver, MVC staff to give her presentation.

Ms. Skiver pointed out the location on the assessor's map and showed a short video pointing out the setback, driveway, and general layout on the street she then read the following staff notes:

PROPOSAL: Applicant proposes to change use of existing 3,735 sq. ft. residence to commercial use as an Inn. Existing Morey residence: 1st floor - 2,102 sq. ft., 2nd floor - 1,633 sq. ft., Totalling 3,735 sq. ft. NOTE: Applicant proposes no facade changes.

LOCATION: Town of Edgartown, Assessor's map 20d, Lot 185, (Lot area = 7,940 sq. ft. or .18 acre), 30 South Water Street

ACCESS: Existing access/egress onto South Water Street

DESCRIPTION OF PROPOSAL: Proposed is to convert existing 3,735 sq. ft. single family residence (10 bedrooms/3 bathrooms) to an 8 guest room Inn (8 bathrooms). Bedroom #4 is designated for year round, full time resident manager. Limited continental breakfast will be the only food service provided. Applicant proposes to operate Inn on a year round basis. NOTE: Currently, during the summer season, 631 hotel rooms are available in 19 establishments in Edgartown. Off season there are 234 hotel rooms available in Edgartown. (According to survey conducted by the applicant.)

ZONING: Located in B-1 District, Minimum lot size - 5,000 sq. ft., Front setback - 10 feet, side and rear yard setback - 5 feet. NOTE: Proposal also located in Edgartown's Historic District.

PERMITS REQUIRED: Applicant has applied for special permit from Zoning Board of Appeals under Section 9.2a, 9.2b of Edgartown ZBL which needs: Conditionally Permitted uses by Special Permit from the Board of Appeals. a. Business use of more than 1,500 square feet floor area not in such use January 1, 1984, whether through new construction, addition, or conversion to business from residential use. b. Inn or hotel

PARKING REQUIREMENTS: Per Edgartown Zoning Bylaws for B-1 District: For Inn and Hotels: (1) space for each guest unit plus (1) space for each 8 guest units or fraction thereof. Equalling 9 spaces required. Applicant proposes to construct a gravel parking lot in rear yard for 4-5 vehicle spaces. (Specific plans and location not noted on site plan.) NOTE: 2-3 parking spaces exist on property driveway. In addition applicant's plan include purchase of minivan for delivery of supplies and transportation of guests.

WASTEWATER: Existing residence and proposed Inn utilize Town sewerage facilities. Sewage flow estimates: (Based on Title V) Existing Residential use: 10 bedrooms x 110 gpd = 1,100 gpd Proposed Inn: 8 bedrooms x 110 gpd = 880 gpd

WATER SUPPLY: Town water

TRAFFIC IMPACTS: Trip Generation (Source: ITE, 1983), Existing single family residence = 10 vehicle trips per day, Proposed Inn (10.2 vehicle trips per day per room) = 82 vehicle trips per day. Traffic counts completed by MVC staff: 141 vehicles - peak A.M. hour, 182 vehicles - peak P.M. hour

PEDESTRIAN TRAFFIC: NOTE: Downtown Edgartown (B-1 District) traffic history is mainly pedestrian oriented. The 1986 Downtown Edgartown Transit/Traffic/Parking study revealed pedestrian

volume of 1,300 persons per hour between 11:00 A.M. & 3:00 P.M. on Main Street on a July weekday. Study estimated that 1,600 pedestrians per hour for a typical weekday in August. In addition pedestrian traffic increases substantially during inclement weather. The study also noted that pedestrian flow is often impeded by narrow sidewalks, parked cars, and moving vehicles in the street. A police office is stationed at the intersection of lower Main Street and Water Street to control the vehicular/pedestrian movements. Applicants have offered to contribute a significant portion of the cost of sidewalk completion directly across the street from the property.

ADDITIONAL TRAFFIC INFORMATION: Applicant has submitted additional traffic impact analysis. Trip generation: Existing single family resident: Annual 25 trips per day, Seasonal 35 trips per day. Motel (8 bedrooms): Annual 67 trips per day, Seasonal 94 trips per day. Traffic counts completed by applicant: 77 vehicles - peak morning hour, 97 vehicles - peak afternoon hour. Applicant conducted survey of 15 Inns in Edgartown to determine length of stay and guests' transportation mode. (Attached to staff notes)

The following are development concerns raised by Ms. Skiver: Increase in pedestrian and/or vehicular traffic impact on neighborhood. Pedestrian access - specific provisions for additional sidewalk facilities? Specific plans for gravelling/landscaping of rear yard.

Following is a summary of correspondence received by the Commission for entry into the record:

TO: Carol Borer, Executive Director, MVC, FROM: Albert Sylvia, Chief Edgartown Fire Department, DATE: July 29, 1988, RE: Does not believe the proposed conversion of residence to Inn will have a significant or detrimental impact with reference to fire protection or public safety. TO: Carol Borer, Executive Director, MVC, FROM: George Searle, Chief of Police, Town of Edgartown, DATE: July 25, 1988, RE: Does not believe the proposed change in use will adversely or significantly affect the municipal services provided by the Police Department, provided that off street parking is provided. TO: MVC, FROM: Benjamin Hall, Jr., Attorney for Vietors (Abutters), DATE: July 13, 1988, RE: Represents the Vietors, abutters directly across the street, has reviewed application and is unable to determine scope of proposal. Given previously expressed concerns about vehicular and pedestrian traffic in the vicinity, must reserve any objections or concerns until they are able to more fully discern the extent and impact of proposed changes. TO: MVC, FROM: Edward Kopec, Richard McCarron, Edwin Gentle, Edith Khayatt, Genevieve Rostad, Robert Convery, Kathryn Bettencourt, Edwin Tyra, Ellen Houser, Yvonne Sylvia, Paul Sheehan, Lewis Kiesler, Carol Fligor, Robert Carroll, Arthur and Nancy Young, James Rankin, and Isabelle Cook., DATE: July 21, 1988, RE: All have sent separate letters stating same: This letter is written in

support of the application of the above property owners for permission to convert their property from a residential use to an 8 bedroom Inn. We feel the proposed change in use will contribute to the diversity of services available in the district and will provide service and employment to the year-round population to the Island. Such use is appropriate for that location, and will provide favorable economic impacts.

After Ms. Skiver's presentation Mr. Young called on the Commissioners for questions.

Mr. Early, Commissioner, How many spaces required? Response was 9. That means they'd have to come up with 6-8 spaces given the 2-3 available in the drive.

When there were no further questions from the Commissioners Mr. Young called upon the applicant to give his presentation.

Patrick Butler, Attorney for the Morey Family, First wanted to clarify that the previous application to zone the building as commercial was for another applicant not the Morey Family. Previous application was contingent upon sale of property. Went on to point out that the parking requirement was as follows: 7 guests rooms = 7 spaces plus 1 for the resident manager = 8 spaces total. He stated parking plan will be submitted. That it does not use the existing drive for parking. That with the exception of the minivan which will be parked directly behind the house all spaces will be located in the rear. Concerning the traffic issues there have been 17 letters supporting the proposal, 2 direct abutters and 3 others within the block, in addition he has a list to submit of 10 other people in support who did not submit individual letters. He also sites the letter from the assistant assessor stating the double valuation and tax base that will be created. Stated this is a Historical District and this is an appropriate use for this site. Also sites the Cape Cod Planning and Economical Transportation's program manager's favorable opinion on the firm they hired to do the traffic studies. Concerning the public safety eluded to by Ms. Skiver, he used maps to show exact uses of the surrounding sites, the most used transportation patterns. He pointed out that a large number of rooms in Edgartown were seasonally in nature. Stated a number of benefits from this proposal as follows: Additional accommodations, year-round employment of a couple at a salary far exceeding the medium, construction and renovation jobs of \$15,000 - \$17,000 will be created, and the additional employment created by the day-to-day operation. He stated that they will advise patrons about the transportation issue and request they not bring their vehicles. The submitted studies show that close to 50% use transportation modes other than private auto. He hopes the slight traffic increase can be countered by the use of the minivan. He went on to state the majority of the pedestrian traffic goes from Main onto North Water street not down South Water street. He then called on a member of the Atlantic Design Staff.

Judy Kittson,, Atlantic Design, Stated that their calculations were based on the 1987 edition of ITE and that it contained more information than the 1983 edition used by MVC staff. Figures 25 trips, 12 1/2 in 12 1/2 out for peak hours for the Inn not the adjacent road. Stated that the Inn/Motel has a different peak than the Main street and that the staff had gathered there information based on different peak hours. They applied CCPED seasonal figures which is a conservative approach and the 5-8% increase in traffic does not consider that 50% are not bring their cars. Stated that the rear yard was adequate for 9 vehicles and suggests that some grass surfaces will be left for use in the future if needed. The summary report mentions the conversion will not significantly impact the sewage conditions.

When this presentation was over Mr. Young called on the Commissioners for questions to the applicants.

Mr. Early, Is there any information on the number of guests that arrive in a taxi and later hire a car. Response from Atlantic Deigns' Judy Kittson that the manual does have some random sampling but felt it would be higher than on Martha's Vineyard.

Mr. Early then asked what the average length of stay was. Mr. Butler responded that the minimum was 2-3 days but the average was 3-4. Also wanted to respond to Mr. Early's question about rental cars, that they hope to encourage the use of the minivan and hope this will alleviate the need for rental cars and delivery vans. Mr. Early still assumes that if a guest wants to go to Gay Head or Vineyard Haven they will want to rent a car. Mr. Butler said he hopes to educate the guests on the need to restrict car use.

Mr. Young then asked about the plan to continue the sidewalk across the street from the applicant's site. Mr. Butler responded that there were really 2 issues. 1 that the sidewalk on the side of the proposal was continuous, and 2 that the applicant had indicated to the Town Board his plans to contribute up to 50% of the cost of the proposed sidewalk across the street and that the selectman were still considering this issue since the road width varies from 23-25 feet. However he still feels there is plenty of room for the sidewalk, and he submitted photos to show this.

When there were no further questions or comments from the Commissioners Mr. Young called on Town Boards for comments, there were none. He than called upon public statements in favor of the proposal.

Louis Oliver, from the Vietor Family, stated basic support of the proposal says she has lived there since birth. Stated that Morey property has always been well maintained and as long as the exterior isn't changed she is satisfied. Stated that she supports the no food service except for limited breakfast. Stated that after living there for 44 years she was fascinated by

the traffic figures and with 6 families and 23 children living across the street is somewhat concerned by the narrow driveway, want cars to come out of the driveway headfirst and that sufficient room to turn around should be provided in the rear of the house to prevent people from backing into the street especially with the width around the Pagoda Tree the street is very narrow. Stated that this is the first she has heard about construction of the sidewalk in front of her property. Said they lost a parking spot when the last sidewalk was constructed and feels that the current gravel surface is sufficient. Doesn't support the sidewalk issue and is intrigued by the applicant's offer to pay 50% of the costs. She also understands that after 5 years as an inn it can convert to retail use and wants protection from this incorporated into the decisions before conversion.

Mr. Young stated that such a conversation would come back to the MVC as a DRI.

When there were no further public statements, in favor, opposed, or neutral Mr. Young again called upon the applicant.

Mr. Butler, attorney, stated that the sidewalk issue is apart from the application. That the applicant was simply trying to make the street safe. Stated that the sidewalk on the applicants side of the street is sufficient and the sidewalk across the street is a moot point. Also points out that South Water Street is a one-way and that they will submit a parking plan.

Mr. Young called on additional questions from the Commissioners.

Ms. Eber, Commissioner, How many occupants for each room. Response was 2 occupants basically, but 2 rooms might be single because of size restrictions. 14 would be the maximum occupancy 12 plus the manager. Presently it is a 10 bedroom with a maximum occupancy of 15-20. Ms. Eber asked if there had been 15-20 occupants. The response was that he could say that the recent average was 4-5 but that was based on the Morey occupancy and pointed out that it was previously a 10 bedroom Inn.

Mr. Ewing, commissioner, asked if the cars would have room to come out of the drive forward. The response was that there was plenty of room to turn-around.

Mr. Young closed the public hearing at 10:20 and stated that the record would remain open for 1 week. The applicant requested notification of the upcoming Land Use Planning Committee meeting.

Mr. Early reconvened the meeting at 10:25 after a short recess.

Item #1 - Chairman's report Mr. Early pointed out the questionnaire in the commissioners' packet regarding the comprehensive plan and reminded them of the 2 public meetings and

their locations, and urged them to fill out the questionnaires and get constituents to fill them out also. Brought attention to the Boston Globe article and picture of the Executive Director.

Item #2 - Old Business - There was none.

Item #3 - Minutes of the August 4, 1988.
Motion to approve. Seconded. The motion carried with one abstention (Ferraguzzi).

Item #4 - Committee Reports

Mr. Young chairman of the Land Use Planning Committee stated there was no meeting this week and that the next scheduled meeting was August 22nd, to discuss the Maillet, Deer Run Trust proposal and Doyle, change envelope of Nat's Farm subdivision. Also noted there are 3 pending DRI's on the agenda and they will be scheduled when the applications are deemed complete.

Ann Skiver reported on the Joint Transportation Committee. She gave handouts of the Transportation Development Program and Traffic Counting Reports. Transportation development summarized all issues including bike, moped, airport, ferries, priorities, etc. The traffic counts since 1981 are incorporated as Appendix A. Makes special note of the Moped Accident Report and the Origin Destination Study.

Mr. Early approves report.

Mr. Widdiss, commissioner, questions why only 5 towns are counted. Gay Head does have traffic. Ms. Skiver said they would try to incorporate Gay Head next year and Ms. Borer asked for suggested roads for study, the response was Gay Head Cliffs roads, Moshup's Trail, and Lobsterville.

Mr. Early asked if there were any new issues with the Lagoon Pond DCPC. Mr. Young stated there were 3 exemption requests, 2 granted and 1 not.

Mr. Early reminded everyone about the Katama DCPC Meeting at 6:45 pm on August 18th at the Commission offices to discuss 2 exemptions.

When there were no other committee reports Mr. Early moved to item #7.

Item #7 - New Business - South Beach Ordinance Removal Fence

Mr. Early stated that the plans for emergency fencing are being distributed and due to temporary DCPC Moratoria they must be approved by the commission and read the proposed resolution as follows:

"Acting pursuant to Section 9 of Chapter 831 of the Acts of 1977 as amended:

"Whereas, there is a serious public safety and welfare problem on South Beach in the Town of Edgartown; and

"Whereas, the Moratoris under Chapter 831 may have delayed the permit process; and

"whereas the Martha's Vineyard Commission is determined to protect the Island's residents and visitors from any hazards that may occur on South Beach; and

"Therefore, without compromising the intent of the legislation and the Critical Planning District under nomination consideration, the Commission certifies that there is an existing Public Safety and Welfare Emergency, and intends to declare the erection of a fence the type of development which is necessary to protect the public safety and Welfare of the Island. Said fence will be installed pursuant to agreements and permits from the Department of Environmental Management and the Town of Edgartown."

Motioned for approval and seconded. The vote was called and was unanimous. There were no abstentions.

Item #5 - Discussion -Peaked Hill Mr. Early stated that discussion is between the Commissioners and Staff with the public being heard only through questions put to the chair.

Mr. Saxe, MVC staff, reviewed the updated staff notes that follow

Peaked Hill Pastures, 141.2 acres in Chilmark accessed off Tabor House Road, 22 residential lots, total 81.04 acres, size range 3.1-4.8 acres, 2 Youth Lots (2.76 and 2.5 acres), 2 horse pasture lots 14.4 acres, 6 Open space lots 32 acres, public recreational trail system, overlook area publically accessible, 2 ponds for fire protection.

Concerns raised in public hearing, by Commissioners, correspondance, Town Boards, and staff. Each of these concerns can be addressed in the conditions. (1) View-changes to covenants to involve a professional in lot design, construction, and specifically to address view onto site and from Peaked Hill. (2) Water Quality and Erosion-Condition drafted to require annual impact reports and to make applicant responsible for remedial measures where necessary. (3) Further subdivision off access easement - condition drafted to require Form C for development on Flander's property. (4) Peaked Hill Access - condition drafted requiring submission of plans for access upon resolution by involved parties. (5) Guest Homes - MVC may decide to prohibit.

Mr. Saxe stated that the Vineyard Open Land Foundation was still negotiating for the access to the Hill.

Commissioner's then posed questions of Mr. Saxe.

Mr. Ewing, Commissioner, is the access the same as before, response was in the affirmative. What about the issue over mineral rights. Response was that that issue has been cleared up and that the larger percentage of rights were there and that a letter from the applicants lawyer sees no problem with access road. A discussion of this issue continued between Mr. Ewing, Mr. Ferraguzzi and Mr. Saxe.

Mr. Ferraguzzi asked about other access. Mr. Saxe responded that it was still under negotiations that no legal public access would be available and that Vineyard Open Land was negotiating for Handicapped Vehicular access only.

Mr. Saxe then stated that the applicant does plan to remove the paved parking area at the top of the hill and put it at the bottom.

Mr. Ewing, will the view change be decided by the Homeowners Association? Mr. Saxe responded that it will be decided by the Architectural Review Committee and their hope is the discretionary meadows will maintain a view from the house. There will be a 3rd party planner who will be involved in the vote.

When there were no further questions Mr. Young went over the LUPC recommendations highlighted here (1) Responsibility of applicant and/or homeowners association to submit annual environmental status report addressing specified issue, (2) To add the changes in the covenants as proposed in the August 3rd letter to Ms. Borer into the total covenants prior to the conveyance of any lot, (3) That the resolved agreement on the issue of access to Peaked Hill be submitted to the MVC for inclusion in the file.

Mr. Early asked if there were only 3 conditions and Mr. Young responded that there were possibilities of several more.

Mr. Ferraguzzi, asked about the phasing lots to accommodate youth lots. Mr. Young asked when lots should be turned over to the Regional Housing Authority. Ms. Borer stated prior to Conveyance of any lots, this was agreed upon.

The Commissioners also agreed there should be language about further subdivision to Form C which would act as a red flag. This was agreed to.

Mr. Ferraguzzi, What is the Build out rate? Response 10% for formula. Mr. Ferraguzzi, Are youth lots exempt. Response, Yes.

A discussion followed about the access issue and whether to condition.

The Planning Board requested that further subdivision be Form C. Commissioners agreed this should be addressed.

Mr. Young asked if concerning build out rate should we specify exemption for youth lots? Mr. Morgan wanted to know if the existing build out rates for Chilmark were in effect. Mr. Early responded that yes they were subject to these.

Mr. Morgan then stated that Chilmark Planning Board wanted no Guest Houses. After discussion several commissioners agree this is needed.

Mr. Filley asked if the view changes were addressed in the Covenants? Mr. Morgan stated that LUPC had worked out. Mr. Saxe restated the changes and said he was satisfied with them. Stated the changes include a 3rd party planner who would do none of the design but would have a vote. It was asked of the applicant, a vote out of how many total votes. Mr. Dennison replied 1 out of 4. Mr. Saxe then stated that the planner would only be involved with certain lots, specifically those lots around the hill, that were taken from the public hearing and LUPC meetings as being of concern.

Ms. Scott then asked if the planner was a permanent member. The response was they hoped to get an islander but that the involvement would be for the 6 lots through submission of plans approval of the Architectural Review Board and through construction and certification. Ms. Scott then asked if the planner would give input regarding other lots and if the homeowners bore the cost for this planner. Mr. Dennison responded that the planner was not considered necessary on other lots and that the cost is born by the lot owners.

Mr. Ewing then asked questions whether a lot could cut everything within the building envelope and the response was yes, with covenant restrictions. Mr. Ewing then restated the questions of the mineral rights on the access property and Mr. Denison stated that the consultant had no problem and they had been given title insurance. That the deed was issued in February and since then they have acquired 75% of the mineral rights and aren't worried about the other 25%.

With the discussion completed Mr. Early moved on to item #6.

Item #6 - Possible Vote Peaked Hill

Motion to approve with conditions. Seconded.

Ms. Borer, Executive Director, listed conditions as:

1. Environmental Status Report to be submitted for specific periods.
2. Changes to covenants incorporated and recorded prior to conveyance.
3. Resolved access agreement given to MVC.
4. 2 Youth Lots to housing authority.

