MINUTES OF November 3, 1988

MARTHA'S VINEYARD COMMISSION MEETING

Mr. Early, Chairman, opened the special meeting of the Commission on Thursday, November 3, 1988 at 7:30 p.m. at the Olde Whaling Church, Main Street, Edgartown.

ITEM #1 - Chairman's Report

Mr. Early, As you remember from our meeting last week there was some discussion about the ordinance removal plan on South Beach, you have in your packet a document relating to that and Ms. Borer, Executive Director, is going to explain.

Ms. Borer, I drafted for the Commissioner's review an exemption to the moratorium that is presently in place at the Katama Airport as a DCPC. We also have with us this evening Richard Delaney who in addition to being a Commissioner is a representative of Coastal Zone Management (CZM). I will say that CZM, as well as myself, the Edgartown Conservation Commission, (ECC), Department of Environmental Management, DEQE, Army Corp. of Engineers, and MEPA have been, since last week, meeting by phone and corresponding, updating each other on the status of this project. We have reached a consensus that if work were to occur right now it should only occur on the area behind the dunes, saving the area under the dune and seaward of the dune until the Spring. This is incorporated into this exemption declaring an emergency. She then asked Mr. Delaney to update us further.

Mr. Delaney, This position would be consistent with every other agency that has some jurisdiction with this beach and this project. I have, in the last 48 hours, called several agencies and then sat down with the Army Corp. and its various division to try to bring some kind of consensus together as to how to deal with the ordinances on South Beach. There is complete agreement that it has to be removed. It is a public safety hazard. The method that the Army Corp. of engineers has proposed which is 3 part. Part 1) cutting the grass from the back half of the dunes, so they can run their scanners over the top of that, and if necessary excavate to remove ordinances there, Part 2) the same thing on the beach side. Part 3) the dunes themselves will have to be removed section by section, about 200 feet at a time and as they move down the line replace the dune as closely to the original position and revegetate it. While, the technical people who I have been in contact with, coastal geologist, marine biologist, feel that that is probably the best method to use, everybody is concerned with the ability of the beach grass to reestablish itself during the winter months. Therefore, we have made strong recommendations to wait until March when there is more likelihood that the beach grass could reestablish.
That seems to be the consensus opinion and this exemption reflects it and I suggest it be appropriate to move forward with this. The troublesome part in the whole situation is that the Army Corp. has mobilized its teams. The Army and the Navy are anxious to get out here. I've been in serious discussions, the problem is that they have trouble conceiving it as an emergency if they wait until March. An emergency to them means you drop everything. So the logical solution is this one, start with the landward side of the dunes, and stage it so they don't disturb the dune structure until early March. They haven't agreed to this yet and we are still at a standoff. I'll keep you posted though Ms. Barer.

Mr. Ewing, Commissioner, How soon would the plans be forthcoming? Mr. Delaney responded that they have agreed to go through the MEPA process which means they would have to submit the plans 10 days after project commencement. They have submitted to 2 state agencies, as well as Ms. Borer, MVC, the narrative plan with some description as to how they would do the seaward side and the dune but we still had some questions. Such as, they are going to lose beachgrass, do they have beachgrass stockpiled to replant? Is there a source of replacement materials such as beachgrass and sand nearby? I don't think they've investigated these things. The other issue, if the defense department has instruments that tell when someone sneezes inside the Kremlin why can't they just scan, say from a truck, and see what's under a 20 foot dune. The response is that all the equipment they have that is geared toward detecting explosives, metal detection, has a range of only 3 feet at best, 2-3 feet because that is the only need they have for that, to detect landmines, only things a few feet deep. I asked if they could find the technology elsewhere but I didn't get a positive response from that.

Ms. Harney, I know that Mel Fisher is using equipment that goes down further than 3 feet. Mr. Delaney, said he had spoken to a colleague who is very concerned about natural resource protection and he was in the Navy Seal, the best trained navy group and worked for the Explosive Ordinance Demolition team for the Army and confirmed that both groups only have a 2-3 feet range equipment and that there really is a limitation to what they can do.

Mr. Geller, Commissioner, Someday the solution for South Beach is to have boardwalks running from Atlantic Avenue to the Ocean in certain places where there would be entrances to the beach. It seems foolish that we are doing all this work when that additional work could probably be done at the same time. Has anyone given any thought to this at all and is there anything the Commission can do to give some input to some people who have the responsibility to have this done at the same time?

Ms. Harney, Commissioner, Is this a DRI? Ms. Borer, Yes, it would be considered a DRI. We will just consider the emergency certificate now but when the State applies for a permit from the Conservation Commission it should be referred to us.

Mr. Ewing, If the work on the dunes is started in the Spring of '89 does this mean that the beach will be closed for next Summer? Mr. Delaney responded, no, that portion of the work is projected to be 6 weeks. The beach work, how long will that take? The beach itself which the Navy will do is as much as 5 months. Would the beach be open during that part
of the work? They propose to start on the western end so that they will have most of it, or a good portion of it done by the Summer, they may still be working on the far end.

Mr. Early, some of these concerns like Mr. Geller's can be addressed during the DRI process.

Mr. Delaney, When the ENF is filed there will be a more formal review and if we see that things are going astray there can be corrective actions made. We should monitor it closely.

It was moved and seconded to adopt the draft emergency resolution for the Katama Airport DCPC. This motion carried with no opposition and no abstentions.

ITEM #2 - Old Business

Mr. Early stated that in the Commissioner's packet there is a letter from the Tisbury Planning Board regarding a Form A for the Tisbury Marketplace. Ms. Borer went on to explain that the Tisbury Planning Board has asked if this Form A request is the subject of a previous DRI. I have included site plans and tax assessors sheets in your notes which shows the lots. The staff notes reflect that the Tisbury Marketplace application was lot 21, from looking at the site plan it was unclear as to where the bound was for lot 21 so this is before you to determine if you think physically changing the lot line, creating lot 2, would warrant a public hearing. Mr. Dunn has indicated to me that he recently leases this property to an abutter and the abutter has an interest in purchasing this lot, he cannot sell him the lot until it has been subdivided. He also indicated that he feels that lot 2 is not within the future plans of the Tisbury Marketplace and it is to his advantage to sell this to the abutter. It could appear that this new request for lot 2 was part of the previous proposal, however the staff notes indicated that lot 21 was the subject of the DRI. Lot 2 is almost entirely on lot 23. Ms. Borer referred to the benchmark on the original site plan and the benchmark on the proposed lot 2.

Mr. Jason, Commissioner, Why is it a Form A? Mr. Dunn has submitted a request to the planning board. Mr. Jason then asked, Lot 23 existed? Ms. Borer responded yes and Mr. Dunn owns it as he does lots 20, 22 and others in the area.

Ms. Eber, Commissioner, In Tisbury if contiguous lots are under the same ownership we treat them as one lot. So 23 and 21 would be one lot if they are the same ownership. Mr. Morgan, Commissioner, asked even if they are substandard? Ms. Eber said that had nothing to do with it. If you own 2 lots side by side, same ownership, they are considered one lot. Mr. Morgan, even if one lot meets the zoning requirements. Ms. Eber you would have to sell one of them to separate them. Mr. Morgan asked Ms. Eber what her opinion of the question was. Ms. Eber stated the reason she sent us this proposal is that she understand that anything that was the subject of a previous DRI had to come back to the Commission as a DRI.

Ms. Borer restated that the question before the Commission is, Is the lot line change or the creation of this lot significant for a DRI public hearing?
Mr. Evans, Commissioner, Is there a building on this lot? No.

Mr. Geller, if we say it is not part of a previous DRI then clearly we have no jurisdiction over this new lot. Ms. Barer, What I'm asking is, is this request, modifying a DRI decision, significant enough to hold a DRI public hearing on?

It was motioned by Mr. Geller and seconded by Mr. Jason that this modification was not sufficient to warrant a public hearing provided we don't lose jurisdiction.

Mr. Early asked for further discussion.

Mr. Evans, It seems there are so many questions here. Any development in this area deserves close scrutiny. It sounds like we don't have enough information.

There was further discussion regarding the MVC losing jurisdiction if the lot is sold. Mr. Early stated it will still be part of a previous DRI.

Mr. Evans stated that a great deal of effort had gone into controlling the traffic problems in that area. If the lot is separated, he assumes it will be sold, then they have the right to a curb cut. So it is not as simple as a lot line.

Mr. Jason and Mr. Geller withdrew their previous motion.

Tr. Lee, Commissioner, asked what is the current use? Ms. Borer responded parking. Ms. Eber said they had rented mopeds on this site.

Mr. Jason moved that this Form A be referred as a DRI. This motion was seconded and passed with no opposition and no abstentions.

ITEM #3 - Minutes of October 27, 1988

It was motioned and seconded to approve the minutes with one correction (page 4, para 2). The motion passed with no opposition and two abstentions (Jason, Delaney).

ITEM #4 - Committee Reports

Mr. Young, Chairman of Land Use Planning Committee (LUPC), reported that they had met regarding the Cottage City Supply, the Chadwick House, which we will be discussing under Item #5 and the Morey House regarding a new parking plan. The parking plan was rejected by LUPC with a request that the applicant submit a new plan being more conservative with the use of yard space. Next week we will meet on the Morey/Bourne, Vineyard Crossing, and Pessotti DRIs.

Mr. Early then skipped Item 5 and moved to Item #6.

ITEM #6 - Possible Vote - Written Decision Mass. Audubon

It was moved and seconded to approve the draft decision as written. This motion carried with a vote of 13 in favor 1 opposed, 2 abstentions (Medeiros, Delaney). (Harney and Geller were in favor).
ITEM #5 - Discussion - Cottage City, Roger Wey.

After Mr. Wey removed himself from the table, Mr. Early introduced Mr. Bales, MVC staff to review the proposal.

Mr. Bales reviewed updated staff notes, filed with the DRI record. Mr. Bales then answered questions from Commissioners.

Mr. Ewing, Commissioner, Clarify the statement that the Attorney General had struck down the Oak Bluff parking requirement. Mr. Bales explained that one section of the bylaw stated that if any business was unable to provide the parking that the Board of Health must provide a variance. This section was struck down. Mr. Ewing then asked about zoning and land use maps as a business was in a residential district.

Mr. Evans, Commissioner, Regarding Ms. Sylvia's letter, what is the committees plans for Hiawatha. The Parking and Traffic Committee felt Hiawatha should not be a one-way because of its width and the fact that a tree is in the layout. Therefore they recommended Uncas be one-way in the direction of Pocasset. I don't believe they plan to make Hiawatha a one-way.

Mr. Early said if there are no more questions we will ask LUPC for its recommendation.

Mr. Young, Chairman LUPC, stated that there was no LUPC recommendation. His personal view is there is a problem with traffic created by the spot zoning, commercial mixing with residential. The Parking and Traffic Committee is trying to deal with this. There may be ways to mitigate the impact. We can ask the Parking and Traffic Committee to address making Hiawatha a one-way. We could condition approval to ask the applicant to direct traffic. The problem here is enforcement. Considering the traffic impact, making Uncas a one-way is ill advised. This expansion will add to the traffic problem and there is no way out of that.

Mr. Jason, Commissioner, asked if the applicant had read the correspondence. Mr. Wey responded yes. Can you respond to the request to use space available on Tuckernuck? Mr. Wey responded that Tuckernuck was not zoned B-1.

Mr. Widdiss, Commissioner, Concerning drainage, is there a problem now? Mr. Bales responded that according to the applicant there was no existing problem.

Mr. Ferraguzzi, Commissioner, If there is parking on Hiawatha will the lumber storage be eliminated. Mr. Bales responded no, some lumber would be stored there.

Mr. Morgan, Commissioner, It is important to consider the continued encroachment of businesses in a semi-residential area. There is a loss of light, the residents say we've encroached enough.

"S. Eber, Commissioner, Handicap spaces are not required by Oak Bluffs but there are still State requirements. Would it cause a hardship to provide at least one handicapped space? The applicant responded no problem.
Mr. Morgan asked what is the size and use of the building on Tuckernuck? Mr. Wey responded about 2,500 sq. ft. used for storage.

As the time for the public hearing was approaching, Mr. Lynch, Commissioner, asked what the timeframe was on this? Ms. Barer responded that we can wait until next week for an oral vote, the written decision is due 2 weeks from tonight.

Mr. Early asked if the applicant was willing to grant an extension. Mr. Wey responded it was no problem. Mr. Early asked if December 15th would be ok? Mr. Wey asked if it could be any earlier? Mr. Early suggested December 8th. This was agreeable to the applicant.

Mr. Early recessed the special meeting at 8:38 p.m. for the public hearing and called a short recess to allow staff to prepare for the presentation.

The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, November 3, 1988 at 8:00 p.m. at the Olde Whaling Church, Main Street, Edgartown, MA regarding the following Development of Regional Impact (DRI):

Applicant: MVY Realty Trust
c/o Roche, Carens, & DeGiacomo
One Post Office Square
Boston, MA 02109

Location: State Road
Tisbury, MA 02568

Proposal: Modification of June 18, 1987 DRI Decision qualifying as a DRI since the proposed modified access is a development on property which has been the subject of a previous DRI. The following issues in connection with the modification have been identified and placed on the hearing agenda. The Applicant, the staff, and the public are requested to address the following:

1. Traffic issues arising from change in location of access road to site.
   a. Impacts on potential or future use of Old Holmes Hole Road as it runs northerly and southerly and at intersection of State Rd;
   b. Proposed improvements to State Road and impacts on traffic pattern.

2. Parking issues arising from change in location of access road to site.
   a. Reconfiguration of parking spaces.
   b. Drainage as it relates to parking area and access within and to the site.
c. Size of parking areas.

3. Landscaping issues arising from change in location of access road to site and changes in southerly parking lot.
   a. Location, quality, and quantity of species.

4. Is condition 5b of June 18, 1987 DRI Decision viable? Are there any desirable alternatives in light of this modification and Tisbury's actions?

5. Issues relating to conditions 5, 5a, 5b and 5c of June 18, 1987 DRI Decision as they relate to the Town of Tisbury in fulfilling Master Plan Goals.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the MVY Realty Trust Public Hearing Notice, opened the hearing for testimony, and gave the following opening remarks:

Before we begin I would again like to caution Commissioners and the public regarding the scope of this hearing. The issue before the Commission is the modification of a previously approved Development of Regional Impact. The Commissioners, in deciding whether to approve or deny the proposed modification, must determine whether or not the modification significantly impacts the project, as approved.

The public hearing notice makes clear the areas of possible impact open for discussion tonight. These areas were determined by the full Commission at a public meeting held on October 6th. They are: traffic; parking; landscaping; drainage; and how the modification addresses conditions 5(a), 5(b), and 5(c) of the June 18, 1987 MVC decision.

Please be advised that we will not entertain arguments regarding certain legal issues which may be involved with the modification; if anyone wishes to address a legal issue they should do so in writing, and submit it to our Executive Director who will forward it to Commission counsel for review.

Mr. Young then described the order of the public hearing and introduced Ann Skiver, MVC Staff, to give the presentation.

Ms. Skiver described the location and the modification on maps and showed a short video depicting the site. Ms. Skiver then reviewed staff notes for this DRI application, filed with the DRI record.

After Ms. Skiver made her presentation she answered questions from the Commissioners.

Mr. Ferraguzzi, Commissioner, What is a perched water table? Ms. Skiver introduced Greg Saxe, MVC Staff, who answered that it meant there was a confining layer of clay holding the water closer to the surface.

Mr. Jason, Commissioner, What has MVC counsel had to say about the Bernstein, Bronstein, O'Neill letter and brief of October 25th? Ms. Borer
responded that they had been sent a copy and they were analyzing the issues. Mr. Jason asked when they would render a decision? Ms. Boris 

ated that although the letter was dated October 25th they just received it today. Mr. Young added that by the time of deliberation the MVC would have counsel's decision.

Mr. Widdiss, Commissioner, Wanted a comparison between the 2 chamber pits of the catch basins and the ones previously proposed. Ms. Skiver stated that Mr. Hoehn would cover this during the applicant's presentation.

When there were no further questions for Ms. Skiver, Mr. Young introduced John Gahan to start the applicant's presentation.

Mr. Gahan, applicants agent, Roche, Carens, & DeGiacomo, introduced himself and stated that following him would be consultants who are here to address issues that are affected by the modification, not things which have not changed. We will address everything that is in the agenda but there are a couple of things which would be unfair to ask the consultants to address so that's why he's here. 1) as it relates to the ownership of Old Holmes Hole Road, the portion which Ms. Skiver has labelled lot 4, where it cuts through the site, we have also submitted information to your MVC counsel in addition to town counsel claiming ownership of that road by MVC Realty Trust and we will leave it up to your counsel to decide. As Holmes Hole Road comes into play with State Road, Doug Hoehn and David DeBaie will explain how that relates to traffic on State Road and the use of Old Holmes Hole Road and our proposed improvements. A couple of things need to be emphasized. 1) What is shown as lot 7.2, 40' right of way purchased by the town is not Holmes Hole Road, it's not the dirt road, its not Old Holmes Hole Road, it isn't used as a way and it wasn't purchased as a way. Mr. Hoehn and Mr. DeBaie will show you with diagrams exactly where the old access road was and where the new is. If our access road is approved, there cannot be 2 access roads off of State Road unless 1 of 2 things happens. The Town puts a road where it previously rejected it twice or they put a road where there isn't even a dirt path now. Those are the only 2 choices. Because 90-95% of what we will show you is Old Holmes Hole Road is on Trust owned property. The access has changed, but Old Holmes Hole Road and what we own hasn't changed. With respect to the $400,000 it is clear that the condition as written as it pertains to getting the Town's approval was rejected twice. The Trust's commitment to fulfilling condition 5b. remains. We are submitting, or will submit, it is on its way down here, a letter to the Commission in which we say 3 things. 1) We will implement condition 5b. exactly the way it is written by donating the money to the County Commissioners, which was in fact in the original decision, but we have no guarantee at all as to whether or not there will ever be a connector. 2) We are willing to take the same $400,000 and have it be applied for other goals described in the Tisbury Master Plan if they do not require 3rd party approval, when we have to go out and get someone to approve what we were willing to do the first time. 3) In the event that the connector road were ever built by whomever, we will allow that connector road to tie into our access road without charge through the Town. Doug Hoehn will speak about the new access road and its location, relationships to the old access road, Holmes Hole Road, State Road, the dirt path, and how it has shifted. He will also address the drainage questions, hopefully he will answer Mr. Widdiss's question at that time. Mr. DeBaie will then explain how the improvements on State Road will still remain as the conditions imposed before albeit with a shifted access.
Jennifer Jones will then address the landscaping, the amount of pavement, the location of parking spaces, and in answer to something LUPC asked us, how many parking spaces would we have ideally if we weren't required by the Tisbury Zoning By-laws that we had to have X amount? We have prepared something that will graphically show how we could retain more shrubbery with less pavement if we didn't have to provide as many parking spaces as the by-law requires.

Doug Hoehn, registered land surveyor for Schofield Brothers, we have done all the surveying for this project. Mr. Gahan asked me to explain the surveyors viewpoints of the road situation out here. The traveled roads as they interact with property lines, rights of way, etc. out here. Hopes to explain 1) that the travelled road that most of us know as Old Holmes Hole Road that comes off the State Highway is for the most part and in some cases totally within land owned by MVY. 2) Town land is not a path, it is just a piece of land and in its current condition untraversable. 3) The proposed access way on this modification is not only completely over MVY property but it will hopefully take over the need for what is currently the traveled road out there by basically enlarging and improving the access. To do this and try to get rid of the confusion as to what roads are which out there it is best to go back to before the town when all these rights of way, town ownership, etc. where created. Before 1950, when the ways were created, the State highway existed the same as it does now. At that point in time there existed a dirt road off the state highway, it went southerly then bent and headed out southwesterly to points unknown. Before there was a state highway that was possibly the road from Vineyard Haven to West Tisbury. Once the highway was laid out the need for this road wasn't as great, however, the public by using that for however many hundreds of years had obviously gained rights to pass along that dirt way. That dirt travelled road which is more or less still in the same position that it was years ago is what is Holmes Hole Road. Old Holmes Hole Road was not a separate piece of land, then or now. Old Holmes Hole Road was a travelled dirt road on the ground. If you go back 50 years there was a parcel that eventually ended up in the hands of MVY, there was a parcel that ended up in the R.M. Packer, the parcel that extends 50 acres or so to the southwest eventually came into the hands of Henry Vickers. These three parcels had something in common. IF you look at the deeds all three parcels went by the center line of that road. What that means is that where ever a surveyor picks up the center line is the property line. What that also means is that the parcel owns the part of the road that is on their side of the center line. They all abutted at the center line of Old Holmes Hole Road. Moving ahead to the '60's this parcel was a landcourt plan. Owners hired Hallis Smith, a respected surveyor. He surveyed this parcel for the landcourt. He at that point and time picked out what he felt was the center line, because at that point in time that was the property line. He straightened these lines out and went to landcourt, they agreed and it became registered land. What that means is that now the property line which was slowly wandering center line of the road became this landcourt line. From then on the boundary line between these parcels was a landcourt line. They still abut each other but no longer on the center line on the landcourt line. The reason that is important is that while the road was used it was moved a little bit. Now instead of the old travelled road being half on each parcel it was more on one piece of land. Moving ahead to 1972 when the Vickers parcel was subdivided, creating a lot of lot that extended far back. Vickers for his subdivision created a 40' way that started at his property line and extended south. There are a couple things
interesting here, this subdivision was done prior to the subdivision laws, prior to planning boards, at that point in time the surveyors drew a plan and it went on record as a subdivision. Most of the time when that happened the subdivider didn't make a special provision for the ownership of the way that was created. It is my understanding and it has backed up certain things I've read, that in that situation the lots that abut that way actually have ownership in that way. Each lot had rights from the center line. In this case there were no subdivision lots created on the other side of the way. The subdivision ended here. For these lots which became MVY lots owned across the way, of course subject to those who had the rights to use both the 40' foot way and the old travelled way. That is where we come up with the fact that the MVY owns the way from the State highway down to the point it runs between the two lots. 1976 there was a plan prepared for R.M. Packer that actually created a 40' right of way, not sure why it was originally created I only know that it was never built as a way. In the process of the next ten years it changed hands a couple of times and in 1985 Connecticut Bank and Trust sold this parcel of land to the Town of Tisbury. In the deed, the Town was very careful to buy this 40' strip as a parcel of land only, at that time. They didn't want to build it or call it a private way. This piece of land by itself, would be very difficult to use as an access and come out in a westerly direction because the MVY parcel abuts it down here and it is very difficult rounding that turn. In the original access plan MVY was giving some land to the Town to make that rounding more adequate. The town piece of land is not travelable now, there are boulders and scrub brush making it impassable, this land is not part of this application at all. He then refers to Mr. DeBaie's maps, showing the proposal approved in June '87 with the access way within the parcel comprised on MVY and Town owned land. If you had driven in the right hand side of the road you would have been taking over the left hand side of the road that is there now. More or less expanding and improving the travelled way. In this case, you will drive in off the State highway and the left hand side will be taking over what is the right hand side of the travelled road now. Improving what is there now. The 3 things I'm trying to clarify is that 1) the road is mostly if not all on MVY property, 2) the town piece is a separate parcel of land and is not part of this proposal and 3) the way as proposed will serve the same purpose as the original access would serve flopped over 40-50 feet. It will stand upon and improve upon the travelled way is it is right now. Concerning drainage, the site design is basically exactly the same as the original drainage site design. The drainage is designed to be kept on site. The drainage is based on a 25 year storm, Tisbury only requires 20 years. The only change in drainage is because the road is flipped over a portion of the parking lot as it was previously designed, has been chopped off here, but not enough to take off a catch basin, we just left the catch basin as it was before. So even though there is 4-5% less paving than before, it has exactly the same amount of leaching basins. Concerning the question Mr. Widdiss had, there is no change in the drainage design, it is exactly the same as we provided before. When the drainage goes into the catch basin, it goes into a holding tank, the holding tank allows any kind of sediment (oil, gas, whatever might go in there) to settle out and then leaches out into leaching catch basins. We have not eliminated the absorbent pads, they are just not shown on the plan anymore. I did just give Ms. Borer, Executive Director, a letter describing the maintenance proposal of the drainage system. He went on to describe the maintenance proposal in basic terms. He then answered questions from the Commissioners.
Mr. Ewing, Commissioner, What effects does the drainage plan have on the perched water table? Mr. Hoehn stated there should be no effect. The way this is designed the water is the only thing being released into the leaching catch basin. The absorbent pads are filtering anything else.

Mr. Evans, Commissioner, On the southern parking in this new proposal there are trees missing, give us help in visualizing what this parking lot will look like if it were built. In terms of the ability to see through it to the area behind. And secondly, what the finished elevation will be in that parking area and what kinds of slopes are involved? Mr. Hoehn deferred those questions to Jennifer Jones for her presentation. Mr. Evans continued, since vegetation is missing in the center of the lot now, what visibility to the small commercial park of steel space building being constructed to the rear will be caused by removal of those hills? Will the steel space building suddenly become visible from the northern area. Mr. Hoehn I can tell you topography wise but as far as analyzing the view I'll let Jennifer Jones handle that.

Mr. Geller, Commissioner, I don't understand the analysis of the ownership of the property, when Vickers subdivided the property. Mr. Early asked if this was a legal issue? Mr. Young stated they would get a legal definition of how that works.

Mr. Filley, Commissioner, Is the existing dirt road entirely on MVY property? Mr. Hoehn, it is not entirely on MVY property, in some places it is, and in some places it straddles, then moves into the Town's property.

Mr. Ferraguzzi, Commissioner, the center line created by Hollis Smith when he did the survey, does that mean that if there were competing lots there that that would also be the center line and the access would have to be at that point or could the new owners decide that as long as I give access it doesn't matter where the access is, does it have to stay there? Mr. Hoehn said that wanders into legal issues also but if I may say, if the access stayed in general where it had been, if the owner wanted to modify it in that general location, widen it, improve it, it is my understanding he could. When Hollis Smith laid it out and it went to landcourt the property line stopped being the center of the road so as the road wandered the property line didn't.

When there were no further questions Mr. Young called on the next applicant presentation.

David DeBaie, Vanasse, Hagen, Bruslin, Inc., I am a technical engineer responsible for the technical aspects of the traffic study. I can be brief responding to Ms. Skiver very thorough summary of the project. In particular regarding the traffic, essential in the traffic situation doesn't change. The driveway as changed in as much as it was once over the property line now its moved 60' to the up-island side. Ms. Skiver's summary identified that the storage for left turns into the site has increased as a result of that, I'd call that an improvement and in addition to that Ms. Skiver identified that the site distance has improved in one direction. The site distance has improved as you look toward Vineyard Haven, formerly we had site distance in the order of 450' presently it is in excess of 500', the requirement is 200' for speed limit of 30 mph, if 40 mph it would be 300', we are providing 500' and that is an improvement again in that direction. While in the direction towards up-island there
was a distance in excess of 500' prior to the change of location and it is in excess of 500' at this point. Ms. Skiver also identified traffic volumes in her summary relative to the former access, traffic volumes don't change. In terms of what we were showing before and what we are showing now the traffic volumes are the same. There were 2 items on the front sheet of Ms. Skiver's summary which related to traffic. The #1 issues future and potential impact of Old Holmes Hole Road as it runs northerly and southerly and at intersection of State Road. and secondly or b) proposed improvements to State Road and impacts on traffic pattern. Later on, on page 10, Ms. Skiver went through a listing of 8 items under traffic issues. As I see it there are 6 issues listed there that relate to what would happen if someone where to build a road beside the road that you are intending to build, what happens to access for anybody who lives in back of your property and that sort of question, different angles if you will of the same question. The question remains the same as it was stated in the first report, anyone who has the right for access onto State Road will indeed continue to have access and will indeed have a safer access because of the improvements made to the driveway. The second point I would like to make relative to this listing of issues on page 10 would include 2 items: the status of the DPW State highway curb cut permit review process and the status of the bikeway easement. I think these 2 issues tie together. The curb cut permit process essentially begins after this approval process is complete. You take your concept plan to the MVC, then to the State with more detailed plans, in this case we are talking about widening of pavement along State Road to provide for a bikeway, perhaps it might be a sidewalk, in any event we are talking about a none vehicle use for this additional pavement along State Road and along the driveway and along State Road to Vineyard Haven. Indeed along the other side of State Road a sidewalk on that side. If for instance there is an issue as to where the bikeway ought to be and just what the exact dimensions are that is typically brought out in the State curb cut permit where you detail to a fraction of a foot and a fraction of an inch in terms of just what that roadway layout will be. The third item I would bring out relative to these traffic issues is the impact of traffic from the apartment buildings access drive on a turning movement associated with the proposal should be determined and evaluated. Indeed the driveway that is being talked about is the drive across the street, in close proximity of the access across the street. The number of apartment buildings is something in the order of 16 residential apartments. By ITE trip generation manual estimates in the worst traffic period something like 8-10 vehicles that will be coming out of that driveway. We have already identified that during the worst time periods, as per the judgement of the Chief of Police, the driveway will be monitored and directed by a Tisbury Police Officer. In that case, given that we are even closer to that driveway, anybody who is looking to make a right turn out of that drive would be easily noticed by the police officer and aided in that respect. So the actual fact that these have gotten a little bit closer will improve that situation. He then answered Commissioner's questions.

Mr. Jason, Commissioner, Concerning the item you just addressed, the impact of traffic from the apartment buildings, isn't that the business district also, and isn't it conceivable that those buildings will eventually become businesses? Have we addressed that? What about the change in traffic if they change the use or turn them into condos? Mr. Young suggested we ask for a staff update before we deliberate on what the potential use is in that district.
Mr. Filley, Commissioner, Is there any possibility that the State DPW would require changes from your plan in requesting the curb cut? Mr. DeBaie said they typically don't put anything down in writing until you make a formal application but there is general agreement with our plan.

Mr. Ferraguzzi, Commissioner, that obviously is going to be a private road with deeded access to the Town if a connector road goes through, my point is that if the Town wants to build a road there they will probably go after State or County money to aid in the construction of it, would they have problems getting money from the state to build a road that would end on a private road. Anytime you deal with the federal government or the state there seems to be legal problems. With a road that would lead into a private road and go back into a state highway, would that cause a problem. Mr. Gahan stated they had addressed that to MVC counsel, it won't be a private road, when the state, county, or federal government wants that access road they can take it from us free. They will assume ownership.

Mr. Lee, Commissioner, Do you agree with the ITE Trip Generation specs that the total proposed trips on average days would be 5494 trips per day? Mr. DeBaie stated that is not the same number that we have. The number that we had was 3850 and what is not shown there but is cited in the same report that this came out of is the fact that passby trips play a significant role in identifying realistic number statistics from a new traffic generator. By virtue of those bypass trips the number is closer to 3850. Mr. Young, are you referring to existing traffic on State Road? Mr. DeBaie stated that number Mr. Lee is referring to is driveway trips, the number of cars coming into and out of that driveway. Mr. Lee said but your figure of 3850, I don't understand the difference. Mr. DeBaie responded the numbers shown there are the numbers that would be on the driveway but what is suggested with the pass by trips is that there are already people using State Road, and some of those people who are already on State Road will be turning into the site. So for instance if we were to develop another column there and talk about the number of new trips on State Road they would be less the the total that would be on the driveway. Some of the people are already on State Road going to and from work, and on the way they stop to pick up milk and bread and that is what we are talking about by passby trips.

Ms. Skiver stated that the reason she included these figures in the staff notes was that at the time they originally reviewed this access the MVC only had the 3rd edition of ITE now we have the 4th update and I included them as a reference to the original traffic impact study. I didn't include a lot of the passby information because that is the same as in the original notes.

Mr. Ewing, Commissioner, In your opinion as a traffic engineer would you say that a traffic light would be needed at a spot like that? Would it help alleviate the amount of traffic? Mr. DeBaie stated he didn't think so and thinks that what we presented and in the final EIR, we normally anticipate what we could expect in peak months, days, hours, what we identified a small number where we would definitely need a form of control. That may be a traffic light but if you only need it for a short portion of time then a police officer is the better to go. If that number were to increase then it would be important to review that situation. Based on the maximum number of trips we see coming from that site we don't see the need for a traffic light.
Mr. Filley, Do your designs and figures take into consideration the possibility of a feeder or connector road and the possibility of development along this connector road? Mr. DeBaie stated we did not include a feeder road in these calculations.

Mr. Delaney, Commissioner, You stated that in a meeting with State DPW you met with generally favorable response yet as I recall from correspondence and other means that comments from DPW were raising serious concerns about traffic and volume on a curb, and yet at the same time you say there is no change in the volume and so forth. What have you done to address those serious concerns that were raised initially by MEPA and here? Mr. DeBaie spoke of a meeting they had with the district and indeed in a department as large as DPW you are going to find some diversity of opinion about any particular project. We talked to the technical people and they were satisfied with this plan. I have read the correspondence, I didn't see any technical basis for the comments that they made, but indeed they were made.

When there were no further questions for David DeBaie, Mr. Young called on Jennifer Jones.

Jennifer Jones, Senior associate and registered landscape architect with Carol Johnson and Associates. I been asked to supplement the information between the changes in the planting from the approved plan and the revised plan, the changes in the parking plan, and the changes in the amount of planting between the approved plan and the proposed revision. Concerning the changes in the landscaping, the revised plan saves 20 of the large existing mature oaks along State Road and along the access road, 4 more than were previously saved. The screen planting along State Road and the border of the property remains unchanged except the planting along the access is slightly more narrow. It has been suggested by the Town that we might want to increase the caliper size of the trees and put larger shrubs in that area although all the trees that are already in the plan exceed the sizes required by the town. The green space on the right hand side of the access road is substantially increased on the revised plan. This plan indicates planting on this side of the road. It is our intention to plant the same number of plants or larger than on the original plan but the final say would be by the abutters who own that property. Our approved plan shows a total of 296 proposed new trees, 2 1/2 - 3" in caliper, and a total of 550 new shrubs, our intention is to have as many trees as on the approved plan, this plan also has about an additional 100 shrubs than that shown on the approved plan. Again the screening around the edges is the same as in the approved plan. The changes in the parking, the parking has been designed to meet the zoning requirements of the town. Both plans meet their stated requirements. I would like to put up one item the description of standard versus compact spaces. Using the term compact on these plans was a description we used rather than technical descriptions, in most Towns the 8 1/2' space we've shown is a standard sized parking space, the new plan actually has more of those small spaces in the rear lot. The number of handicapped spaces remains the same. In discussion the changes in pavement between the approved plan and the proposed plan I would mention that the parking area and the circulation area around the front of the lot around the supermarket area, the amount of paved area is almost 10% smaller than the amount of paved area on the approved plan, 9.7% smaller. Overall the paving in this revised plan is 4.3% smaller than the amount of total paving in this approved plan. The overall size of this rear parking lot, or southern parking lot is exactly the same dimensions as the overall
parking lot in the approved scheme. In order however, to replace the number of parking spaces removed from the supermarket to meet the number required by the town we reduced the size of the spaces and eliminated the traffic islands that had trees. That is basically the major issue. In summary we have less paving, and the same number of trees, plantings and screening. We were asked at the LUPC meeting, as Mr. Gahan mentioned early, whether we had done any studies on how much parking we would have if we didn't have to meet the zoning requirements. What we have done is to discuss the long range needs and it is clear we could reduce the amount of parking in this rear lot by 30% and still meet the needs of the bank. So I have done an overlay showing what that revised parking lot could look like if that 30% or 119 spaces could be done. This would allow larger spaces and also for use to put back the traffic islands and reduce the overall paved area by almost 5%. We have moved the parking back from the property line to allow a little more buffer space. When Ms. Jones was finished with her presentation she answered questions from the Commissioners.

Ms. Eber, Commissioner, on this revised plan the green area you spoke about improving the appearance on would cover all the town land. Ms. Jones stated the previous plan had indicated that we would be willing to design and maintain planting in conjunction with the abutter. We would like to do the same thing here by improving the appearance of this corner particularly as you approach from up-island and we feel that could be done with some additional planting. It is what we want to do, if the Town wants it.

Ms. Scott, Commissioner, What is the proposed use of the rear parking lot? Ms. Jones basically for employees of the bank.

Mr. Lee, Commissioner, Supposing that the supermarket lot reaches maximum capacity, do you foresee a problem with people then trying to use that rear lot for parking and then cross the road? Ms. Jones said we have provided for that with crosswalks from the rear lot down past the bank, we feel we have to provide this for the safety of bank employees. The standards of design are comparable to the design of the lot in front. Mr. Lee, I'm foreseeing a day in the summer where the front lot is full and not knowing the use of the back lots.

Mr. Ewing, Commissioner, The overlay of the back lot isn't part of the proposed modification it is just a way to see how you would like to have the lot if you had your way? Ms. Jones stated if we were not required to meet the Town's zoning requirements this is the number of spaces we would provide. Mr. Ewing said that is determined by the square footage of the building. You could also reduce the square footage of the building to achieve that scale. Ms. Jones said the point is there is no change in the number of parking spaces from the approved plan. I feel this overlay would be an improvement over the approved plan.

Ms. Scott, the figures we were given, from the parking lot on the side of the supermarket said there would be 31 spaces from the original plan and 40 spaces on the new plan and on the parking area in front of the supermarket there was originally proposed 109 parking spaces and now we are down to 74 and yet you are telling us that the parking is the same? Ms. Jones stated that the total number of parking spaces for the project is the same. Ms. Scott, but it is a smaller number near the supermarket. Ms. Jones said there was a decrease of a total of 23 parking spaces around the
supermarket in the 3 lots. What we did is take those 23 spaces and moved them to the back lot.

Mr. Evans, Commissioner, How wide are your planting beds on the driveway where it became narrower than the approved plan? Ms. Jones said she didn't have a scale with her but knows they have at least met the 5' required as a buffer at the narrowest point and about 10' as it gets wider. Mr. Evans, Can you tell us what you plan to plant there? Ms. Jones said originally our proposal called for using largely native species of shrubs and trees and there has been no change in the proposal as it lays out along State Road. We plan to use some compact Inkberry which grows to perhaps 4' feet at its maximum, combined with Tupello trees and other shrubs. Mr. Evans, So you plan to use Inkberry? Ms. Jones restated Tupello, Blueberry, compact Inkberry, Summer Sweet, Beachplum and probably Day Lillies at some point as ground cover. Mr. Evans, Could you tell us how far it is from the supermarket where someone would exit with a shopping cart to the southern parking lot. Ms. Jones, that has not changed from the previous plan and it depends on how you are going to walk with your cart. Mr. Young asked if Mr. Evans would be satisfied if staff calculated the whole route? Mr. Evans asked would you mind taking the overlay off now so we could see the whole proposal? Could you tell use what the finished elevation of that parking lot is? Ms. Jones answered, it is exactly the same as it was in the approved plan, an elevation of about 114-118 ft., it meets the existing grade along the road here and climbs approximately 4%. Mr. Evans asked on the road would you therefore be able to see from Old Holmes Hole Road to the Industrial Park area behind? Ms. Jones said it may be possible on one side. Mr. Evans, so the pocket of steel space buildings that are now screened by the hill and the trees planted in the middle of the parking area will now be visible from the northern part of the site? Ms. Jones answered they are visible from Old Holmes Hole Road now. Our plans shows 50-60 trees surrounding this parking lot which is more than the town requires. Mr. Evans asked on the most northerly part of the lot you have an elevation of 110-112' the lot will be 114-118' what will be done with those grades. Ms. Jones stated we will plant grass and landscape. Those grades have not changed from the approved plan.

When there were no further questions for Ms. Jones, Mr. Young asked for a final statement from the applicant.

Mr. Gahan, We have submitted the ownership of the road through the site not only to your counsel but also in connection with this road as to why we own both sides here. We are quite comfortable that this is one site for zoning. The rest of the facts are before you in terms of the items that were on the agenda. I will only submit with respect to 5b. that you'll receive a formal letter stating that if an alternative condition is proposed we will certainly listen.

Mr. Young stated that before we continue with the public testimony, he asks that anyone wishing to speak please come to the microphone so that all testimony will be clear on our taped records, and please, prior to speaking, identify yourself and any affiliation you may have with any board or organization for which you are speaking in an official capacity.

As you have heard during our staff presentation, the Commission has received a number of pieces of correspondence. Again in the interest of brevity, I ask that you read your letter only if you are unsatisfied
with the staff synopsis and with our assurance that the correspondence file is available to Commissioners during their deliberations.

Mr. Young then called on members of Town Boards who wished to give testimony.

Ms. Eber, Chairman, Tisbury Planning Board, The Planning Board has 2 concerns. The Planning Board still claims the fee in that section of the road called 7.2. We are also concerned about 2 curb cuts 60 feet apart. This is poor planning. The 40' strip of land will be used to access to future Town well site. We are undergoing a program of land acquisition to protect that well site. The Town has already invested a considerable sum of money in acquiring land to protect that site. The Land Bank has helped in this program with the Mai Fane acquisition which lies in the zone of influence of the proposed well site. Therefore we plan to develop the 40' way (lot 7.2) as access to the well site. (*Note change at end of document.)

Mr. Young then called on the public for testimony in favor of the proposal.

Bob Carroll, lifetime Vineyard resident, As the Vineyard increases its population nothing is being done to plan for that. We started planning boards after many years and we still don't have a master plan. Looking at what's happening on the Island at present, the fact that 2 letters have verified that the A&P will no longer be operating in Vineyard Haven downtown, that is a good thing for 5 corners. The bad thing is that shoppers from Oak Bluffs are going to come to Edgartown where we already have a crisis of unmanageable proportions. It makes a lot of sense for this plan, it will be off the road, it will cut off a lot of traffic downtown. Mr. Young interrupted to caution Mr. Carroll that this is consideration of a modification in the change of access, we are not here to judge whether we need a bank and supermarket in this location. Mr. Carroll again stated that the plan was an absolute necessity for the Island and if the access road is not approved now it certainly will be in the future. I think the people of Vineyard Haven are blessed with enough foresight to see that this has to happen to insure a safe and sensible Island.

Tom Wallace, Realtor, Director of MVNB, former member of the Edgartown Planning Board, close personal friend of the beneficiary of the Realty Trust, speaking as a resident this evening. The question of access from my perspective is, are we focusing on an issue of overall scale or size or are we addressing some other problem or concern. I'm hoping it is not a popularity poll or issue versus acceptable access/egress from a bank and good sized supermarket. I certainly think it is relevant, since the proposal of this access road and the previous one as the Town Planning Board has not suggested any change in zoning which would suggest the access, or for that point the overall size and scale of the project, is appropriate. I think that we have a change in access, the access at least from my perspective is reasonable, and as a resident I look forward to using a market that might be competitive in quality and pricing.

When there were no more members of the public to speak in favor of the proposal, Mr. Young called on members of the public who wished to speak against it. Again he echoed what Mr. Wallace just said, this is not a popularity vote this is a hearing as to whether the modification affects in a significant way the approved DRI.
Bob Finball, 2 comments, 1 effecting the change in parking between the front lot and the back lot. Someone mentioned that in the summertime he could see the front lot filling quite quickly and the back lot being used for the supermarket. Now I don't have a ruler or calculator to add it up but my best guess is 500-600 foot walk from the front of the supermarket to the middle of that parking lot, that doesn't seem an acceptable alternative. Also it raises the number of people crossing that road which may at some time, as it has been suggested, become an access road. Therefore, whether you are carrying groceries or pushing a shopping cart you have more people coming across that access road. The 2nd thing is regarding the visibility on State Road heading toward Vineyard Haven. Granted by moving the access road 60 feet down you have a longer visibility but you have also changed the angle that your looking up that road at. If you come up this access road to make a left turn you are looking more at a straight angle up State Road therefore any cars in that left turn lane are going to have a lot more play in how much vision you have of oncoming traffic. With the other site you had more of an angle to see what was coming down at you. With this site the left turn lane is definitely going to block your view when you are trying to pull out there. Therefore that figure of 500 feet seems to be somewhat of a dream because that is assuming there is no traffic on the road and that nobody is waiting to turn left into the supermarket.

Mark Racicott, Executive Director VOLF, as your recall VOLF gave comments regarding this proposal back in 1987. At that point we were looking mostly at the site plan and aesthetics as related to existing and proposed vegetation, the issues of pedestrian and bicycle safety related to traffic patterns and the scale of the project. The original plan was amended prior to its approval to address and mitigate some of these concerns. The current proposal has been amended again and excludes a very important mitigation which affects both bicycle safety as well as the traffic carrying capacity of State Road. In his October 6, 1988 letter to the MVC, John Gahan stated that condition 5a. of the original decision which related to improvements to be made to State Road and Old Holmes Hole Road would be satisfied as required. At the LUPC meeting, October 24, 1988, Mr. Gahan confirmed that the bicycle climbing land on State Road required under 5a. had been removed from the proposal. While this decision was due to the Planning Board and DPW opinion that possible, future Town bicycle path should be located elsewhere, perhaps on the North side of State Road, we feel this bicycle climbing lane is an essential interim step for bicyclist safety until such time, if ever, an inter-town bicycle path is built upon State Road. The acquisition of the necessary easements as well as the payment for the construction of this climbing lane were a very important component in the development of the mitigation package that was proposed in an effort to improve safety on the road. In addition it should also be noted that this climbing lane was an essential factor in the developers traffic analysis and environmental impact report. Without this bicycle climbing lane, motor vehicles traveling on State Road would once again have to compete with bicyclist for roadway space. While we feel that we have to leave this reanalysis of the changed roadway to the traffic experts, our feeling is that the change would result in much larger traffic tie-ups due to a lowering of the capacity of State Road to handle the traffic generated by the proposed development. The second main concern relates to the relocation of the access road to the bank and supermarket caused by the Town meeting votes. Related to this relocation is the proposal by the developer to allow anyone currently using the dirt road to continue to use
the proposed pave roadway. The developers agreement to covenant for this proposed way should be examined on a broader long range basis, although it is obvious that good intentions are behind this offer, future events or a change in ownership of the MVY property may result in future conflict. Overburdening of access easements of private ways are common sources of contention and litigation, an example of which the Commission is familiar with, the Crocker subdivision and its small access over the Sherriff's Meadow Foundation property at the Roths Woodlands. An example of confusion over rights of easements and roadways can even be found in this project where the developer and Town can not agree to their respective rights regarding a portion of the right of way across the rear of the property, lot 4 on the plans. A future owner of the MVY property, may at a future date, contest the Towns rights to use the proposed paved road for a currently unknown, unspecified and perhaps noxious Town need which the owner may feel is detrimental and sufficiently overburdening the property. The example we thought of is what happens if the Town decides to use this road as an additional access for waste disposal to the Town dump. That is not a use that the Town is using it for now, but it may be possible that the Town will need to make a loop access at some time in the future and this may conflict with the bank and supermarket proposal. This brings us to the next and most significant of the related issues, which is the effect of the proposed access road on the Town investment which is known as lot 7.2. Parcel 7.2 is a 40' wide strip of land which connects with other rights of ways, in which the Town is claiming interest, which was purchased at a Town meeting vote for the purpose of guaranteeing the Town's right of access to the large back acreage including the septic lagoons and the aquifer lands. At the October 24th LUPC meeting Mr. Gahan stated that the Town had voted twice not to use lot 7.2 as a road and that there would be no reason to expect that 7.2 would result in two main entrances onto State Road at any point in the future. I feel Mr. Gahan may be misinterpreting the town vote and may well be mistaken regarding possible use of 7.2 in the future by the Town. Town meeting votes registered the voters desire not to lay out a new Town roadway using a portion of the Town land and land of the developer. It is important to note however that the Town did not vote to never use 7.2 as a road or as an access for other Town purposes. In fact the purpose of purchasing the parcel 7.2 was to provide access to Town lands and unless its purpose is formally abandoned by the Town, the Commission should assume that the Town may need to use that parcel for the purpose it was originally intended. If that is the case then you need to look at the October 5, 1988 letter to the MVC from its own traffic consultants, Rizzo Associates, which eludes to problems that could arise from having two entrances so close together. As noted above the contentions between a future owner of MVY Trust and the Town regarding the Town's use of the private road could result in the necessity of the Town constructing and using an access on its own land. The conclusion is that the Commission should not approve any proposed intensity of use or traffic volume or any location of access to this site which would adversely affect the future ability of the Town to use its own land for access for Town purposes. And if no layout of access can be found for the currently proposed project that would not adversely affect the Town's rights of access to its own parcel, the Commission should require a reduction in the proposed intensity of use. This brings us to our final point regarding the amended access which is that the relocation of the access entirely onto the developers property has squeezed the previously proposed rather large, and out of scale usage onto an even smaller site. The percentage of area now proposed for buildings and pavement on the developers site had increased
from the original proposal with a smaller percent area available for landscaping to mitigate the visual and environmental effects of the proposed usage. During the presentation, discussion of site lines on State Road, it was noted that there was plenty of site line for vehicles leaving the site, one of the concerns I had when I looked at it about a month ago is if you are standing on the North side of State Road to use the crosswalk you are on a blind curve from cars coming from the East. I was wondering if the developer could address what the sight lines are for a vehicle travelling along that road from the East if you are standing on the North end of the crosswalk. The remainder of my comments relate to the subdivision plan and we'll get to those at a later time.

Tom Sullivan, member of Citizens for a Liveable Island speaking as a Vineyard Haven resident, I am opposed to this project for a number of reasons but the issue I will address here is Old Holmes Hole Road. I'm not here to argue legal issues, but Old Holmes Hole Road is one of the most important Ancient Ways or Special Ways on the Island. It's been around for 300 years, it's on the maps and the history books. It was the main road going from down to up Island. In the Commissions Island Road District Designation there is talk about preserving this special ways for walking, horseback riding and bicycling. I walk and bicycle that road quite often and a lot of other people do too. If you let MVY Realty Trust put their development on this road it will be destroyed. It belongs to the town of Tisbury and it should be left to the voters of Tisbury to decide what happens to this Ancient Road.

Craig Whitaker, owns home in Tisbury, architectural firm in New York city, as done a considerable amount of environmental impact assessment work, in addition he is a Professor of Planning and Urban Design at the Graduate School of Public Administration of New York University. With me is Daniel Greenbaum, Mr. Greenbaum has lived on the Island since the age of 6, he is with the firm of Volmer Associates a large engineering and planning firm with offices in NY and Boston. Mr. Greenbaum is the president of the firm. We will try to be brief. Let me first address the amount of traffic on the road. As you know the developer took counts in 1987 in January and June and then factored up a curve to get us to July and August which are the peak months, and then he added 5% more to get us to 1988 and that is what he says here tonight is the base traffic on this facility. In reality that is not the number we need to know. When the National Environmental Act was passed its authors, quite wisely, said that the decision making bodies needed to know the base traffic, the amount of traffic already on the road in what is called the year of opening. Now under the most optimistic set of circumstances, even if all permits were in place, this couldn't open in 1989, that is about 2 months from now. It is more likely that it would be 1990. Now I don't know what the growth factor would be between 1988 and 1990 but we are all sitting in what is the fastest growing county in the northeast United States.

Mr. Young cautioned Mr. Whitaker that the existing traffic on State Road is already a matter of public record. Mr. Whitaker responded that he understands that but that what the applicant has not factored it up to 1990. Mr. Whitaker said that he understood what was said but the Commission has been provided with no analysis to that fact at all. We can't understand when this intersection fails unless you know what he says is going to be on the intersection in terms of base traffic and how much is going to be added.
Mr. Young stated, I will allow you, if you have evidence indicating a
significant change in the current traffic loading on State Road between now
and when this proposal completion date is that conflicts with what the
applicant says, then I'll allow it. Mr. Whitaker stated that he did in
that the recent directive from the Secretary of EOTC and the Consultant
hired by the MVC suggests that an analysis has not been done and ought to
be done. Mr. Young questioned analysis on the existing loading? Mr.
Whitaker responding analysis on existing loading on State road until 1990.
Your own consultants said, and I salute him for his professional candor,
that that analysis ought to be done for 3-4 years to have the assessment of
what base traffic will be when this development is put into use. Mr.
Young, Again for purposes of analyzing this modification as opposed to what
was original approved.. Mr. Whitaker interrupts by saying they will give
some numbers soon. Mr. Young cautions him again. Mr. Whitaker, on the
subject of change, the issue is the amount of traffic that is going to be
generated by the project. By any yardstick that we are able to put on this
the amount of retail activity on Martha's Vineyard is going up. Retail
sales are going up and we .... Mr. Young again interrupted Mr. Whitaker
and said that both of these were matters of discussion during the original
approval and are not recognized by the Commission as being changed by this
modification of the proposal. Mr. Whitaker stated that he didn't know how
to handle this then, there are references in the staff notes to ITE land
use codes, I think it is perfectly fair game to suggest whether or not
those are correctly used by the proponent and whether or not they have an
effect on the intersection and whether or not they will change. Mr. Young,
they are not seen by the Commission as being used by the proponent to
support this proposal they were already recognized as valid criteria for a
ase of Commission approval and they are not up for question now. Ms.
Lorer, Executive Director, stated that the MVC does not need a history of
retailing because that is not within the scope of this public hearing. Mr.
Whitaker, What is happening is because the time line is changing, this
project is not being built in the summer of 1988 as the proponent said, all
the variables that go into the understanding of this new intersection
change. Mr. Young told Mr. Whitaker he should address changes between 1989
and 1990 to address differences in existing traffic loading between this
year and 1990, that is all I will allow and no more. Mr. Young did not
allow Mr. Whitaker to make the comparison to Cronigs, that it was not part
of the original proposal but if you restrict traffic to the difference in
the rate of completion of the project then it will be permitted. Mr.
Whitaker, let me go to the third component which is the design of the
intersection itself. I can only do this by saying that the developer says
that the intersection will function in a certain fashion. That is looking
at the intersection, there are three major movements that have to be
handled in this new intersection. 1) is left turns into the project by
whatever traffic is going to go in and out. 2) is left turns out of the
project and all traffic has to stop when those movements are occurring and
3) through traffic. The amount of left turns into the project has been
badly understated. That will change both because of the amount of
generated traffic and because of the errors that were made in the
mathematics during the original submission. Mr. Young, I can't allow you
to bring up errors in mathematics in the original submission. Mr. Whitaker
I will finish by saying there are a series of movements at this
intersection that have not been looked at. Most traffic authorities, by
what I mean the Department of Transportation, in various will not allow an
offset intersection and that is essentially what we've got between the
Sears Store across the street and the new intersection here. It is
essentially what we have now on Look Street where it meets Edgartown Vineyard Haven Road and State Road. The last time I looked at the accident figures there they were the highest for any location in Tisbury because of that offset. I think in a common sense way you know that it is a dangerous situation. The applicant has not given you any numbers in his analysis about what the effect of that offset would be nor has he given you any number in this intersection about what the effect will be of those cars that are going to be using Old Holmes Hole Road seeking to bypass the waiting lines on the driveway that is being shown by the proponent and seek to get out on the road and then turn either left or right back into town or up-island. That analysis has not been given. You have not been given an analysis on the effect of bicycles on this. Bicycle paths have disappeared. In quantifiable terms bicycle paths are considered friction, they essentially restrict the amount of pavement that can be used by automobiles. Professional traffic planners should factor this into an analysis of the intersection. That has not been done. None of those things are before you and each one of these in addition to the errors, whether they are admissible here or not, are going to limit that intersection. It is our contention that that intersection is already beyond capacity if you use conventional means for dissecting and understanding how the intersection works, and that in fact the developers own traffic consultants in a small section of his environmental impact report shows exactly that. Obviously this is far more truncated than I would like but what we are saying is that this is a different animal, it is a different animal because of the time that has gone by and because of the design of it. What I would like to do is submit our analysis and in the meantime turn it over to Dan Greenbaum who has some actual numbers and if in the meantime any of you have any questions we will be free to try to answer them.

Mr. Young asked Mr. Greenbaum before he started if he understood the limits. It was answered in the affirmative.

Daniel Greenbaum, first stated that he was not representing his firm on a paid basis he is here as an individual who is very concerned about the situation and very concerned that the Commission receives all the information it need to make a decision. What I would have like to have done was to make an assessment of how this relocated intersection would work, and try to compare that with what you were given of how the other one worked. Following your ground rules, I obviously can't quite do it in that way. I would like to indicate what an evaluation of this intersection would mean as far as traffic impact on the road at the relocated location. While the location is only 60' feet away it is quite different. Most of all it moves further down the curve. It is the worst place you can possible get on the curve. It is further down the hill, people coming from Vineyard Haven, have more of the hill to go down to before they come to a stop, and beyond that it is almost opposite not only the entrance from the apartments but the entrance to Sears. What this means is that people trying to turn in and out are going to try to get into the same spaces that people are coming in and out of from across the street. Now if there is a police officer there it will work much better than without a policeman. But most of the time you aren't going to have one and I think you need to look at how it will work when you don't have a policeman there. Beyond that there is an additional safety factor that is worse then it was before. In the original proposal at this intersection (Mr. Greenbaum pointed to a map) there was a left turn lane and what does for good
engineering practice which is done here, is from the left turn lane the road has to get narrow again, if you notice there is an area which makes the roadway come back to a one-lane road. If you notice as you get to the new scheme we don't have that and that will prohibit people from coming in and out from the accesses across the street. So this is another thing that adds concern. The left turn analysis here is most critical here, and what one does for a left turn analysis at this location as opposed to what was done at the other location is that you have to go through a gap analysis which was done. A gap analysis means you are trying to figure out how often you can get into this space, and at this location you are going to have less opportunity to do that. In actually the applicant indicated that at the other location, using his figures that if he used the standard methodology which we would have to apply when we get to this location, that actually the intersection fails. So first what you have to do is apply the proper gap analysis here. That cuts down the opportunity to get out by 15-20%. The number of left turns makes a substantial difference and I won't get into the fact that the other one is incorrectly calculated but it does effect this gap analysis because the left turns are 30% higher than would have been as shown in the other location. Both of these of course lower the capacity of the intersection. The next problem you have is the lack of the bike path. This obviously continues to lower the capacity of the intersection. So what you have, this is graphically, you have their estimate that was made for the other location, you have reduced it by the gap analysis, you have the greater left hand turns, and you have the bike path. So you have substantially lower capacity here. Then when you get to their analysis that was done was for 1988 and you must now analyze this for 2 years later. Where there would be a 10% growth using their growth rate. To make an analysis of location at the lower capacity you must use the higher base number. They have indicated the capacity of the road is 1650 and there is 1350 now, using their numbers if you go 5% a year by 1990 we are up to 1500 and 2 years later you are at the capacity of the road without any development. That what we are now putting on the new supermarket, and in difference to your rules and regulations I will not comment on the generation of traffic in and out of the supermarket other than to note that if using their number 3/4 of the parking spaces on a peak day are empty. What this means is when you put this traffic onto the intersection, their indication are the capacity is somewhat in excess of the traffic at the other intersection, with the relocation and the capacity is lower and with higher traffic obviously the traffic exceeds the capacity and you have failure. To define what failure means we are talking about that there are more cars going into the intersection than you can get out. What this means is that when people are trying to make a left turn and can not do it, they begin to pile up, the first 7 cars fit into the left turn slot and have no problem, the 8,9 and 10 sit on the main road the traffic will back up behind them and therefore access to all the properties along the road is blocked. As far as what happens under these types of conditions is that people get very frustrated and they get inpatient to make the turn on gaps that are really smaller then they would if they had enough room and the accident rates go up. What concerns me, is that this imbalance between capacity and traffic that will be there is not a July and August problem the imbalance is so great that it going to be a problem for many hours during the year. These concerns that I set forth here are some of the same that the MVC consultant set forth and I was shown a letter from the Secretary of Transportation for Massachusetts which expressed many of the same concerns. They are very serious and there is no question that with the proper analysis at this location, it just does not work.
Mr. Ferraguzzi, Commissioner, We seem to have cut off the last 2 speakers because you said it didn't pertain to the line that we were using but it seems to me it would pertain to the line that the modification causes a whole time change. If that is a time change and you are backing up 2 years how can you discard it? Mr. Young responded that that is exactly why he told Mr. Whitaker that we would allow testimony regarding a change in existing loading between 1988-1990 to reflect the proposed change in the completion of the project necessitated by the modification. Beyond that I am not going to allow questioning of the traffic figures or the methodology used to produce the traffic figures upon which the original decision was based. Mr. Ferraguzzi, Don't the numbers come out totally different through? Mr. Young, it is still not up for dispute at this hearing. This hearing is strictly for changes created by the modification. In regard to date of completion of the project I'll allow differing traffic figures but I am not going to allow different traffic figures based on discussion of methodology used to produce the original numbers. Mr. Ferraguzzi, Even if they used different methodology. Mr. Young, Yes even if they used different methodology. The methodology was accepted by the Commission in its original decision so it is not up for dispute now.

Mr. Jason, Commissioner, Would like Mr. Greenbaum to expand on road failure. Could you make an analysis, say on 5 Corners, is that road failure? Mr. Greenbaum said what he meant was that people trying to turn left won't be able to, causing a backup, the backup will block through traffic at a certain point. When the capacity opens up it will slowly work itself out but that could take hours.

Mr. Bob Skydell, Chilmark, I came to the same conclusions as the previous speaker. The experts use data but there is no proof or guarantee it will work. Take the Edgartown revised traffic pattern for instance, it worked great on paper, but it is failing. Using figures provided there are more than 600 cars on that road per hour, that is 1 every 6 seconds. Cars don't arrive conveniently, there will be times when more than 6-7 cars will wait to turn, when the 8th car can't turn it will create a gridlock. Public safety, health and welfare are at issues here and the MVC should ask MVY to take another look at this access point and in the interest of public safety and health and welfare ask the MVY to come back with a different access plan or a different site for their development.

Mr. Tom Hale, Vineyard resident for 27 years, Wants clarification on the statement the applicant made to give the $400,000 to the Commission. Mr. Gahan, applicant, stated that they didn't offer to give the $400,000 to the MVC but to the County Commissioners as was also specified in the conditions to be used for a road link, we have tried to fulfill the condition 2 times already. We can't promise the road will ever be built, so if someone had a condition related to the Town's Master Plan for an appropriate use we would be glad to listen.

Kevin Begley, Vineyard Haven resident, Earlier it was said that the Commissioners would go out in small groups to visit the site. A lot of attention was paid to the south parking lot. I would like to bring your attention to the lot behind the proposed supermarket. I think the Commissioners should take a hard look at it and even go up onto West Spring Street and take a look at what that will look like. Mr. Young cautioned the speaker that this has not changed since the approved plan. Mr. Begley continued that he lived in the neighborhood and with SBS, Sears, the
apartments, the new and existing Merchant Mart we have already achieved
what I consider to be an aggravation factor. Where you get a back up
between 2-3 cars sometimes as many as 8-10. It seems like we are already
getting to this failure and I think Mr. Jason made a good point when he
said that looking at what is across the street the apartments could turn
into businesses with even more traffic so I think we have to look at this
traffic very carefully.

Margaret Goodale, abutter to the project, one of the questions is with
the new change of access, the amount of shrubbery that will block the view
as you come up island from Vineyard Haven, one will probably see the
supermarket much more so now because the amount of shrubbery, trees, etc.
will be considerably reduced by the decreasing of the dimension of the
landscaping area along that section. I'm wondering whether we will come
around the corner past Woodland Gardens and see the supermarket right there
in front of your eyes. I believe Ms. Jones stated the shrubbery will be
4-5 feet high, if the trees will be considerably higher then you will have
the view below the tree line and above the shrubbery line. My other
concern has to do with the LUPC request for the south parking lot plan that
would be used if the applicant didn't have to follow town requirements.
The overlay proposed could be put in place by reducing the size of the
supermarket and correspondingly reduce the amount of parking required.

Mr. Young explained why we asked the applicant to project actual use of the
parking area as opposed to the requirements of the Tisbury Town By-law.
We've had several other commercial developments in Tisbury and Edgartown
wherein an analysis has indicated that the requirements of the Town far
exceed any realistic projections of use. In more than one case what we
have done is abide with the By-law by setting aside land that would
accommodate the number of spaces the town would require but we do not
require that the land be paved. Therefore there is land left landscaped
that could be paved over and converted to parking spaces should that need
arise. Therefore there is an issue here concerning that southern parking
lot being entirely asphalted, and whether or not we could incorporate some
landscaping into it that would provide for the parking spaces thereby
satisfying the town and also provide landscaping to breakup the expanse of
asphalt there.

Judy Miller, Don't know if the Commissioners are aware or not but both 7.2
and 4 are the sole access for the pump out trucks to go to the septic
lagoon for towns in addition to Tisbury. If you have ever driven behind
them you know what behemoths they are. They are very dangerous. In the
summer, July and August, you are going to have a constant flow of these and
it seems this endangers pedestrian traffic and vehicular as well.

Tristen Israel, Tisbury, In talking about moving the access road down,
closer to where the apartments across the street exit, the gentlemen for
the proponents was talking about having a traffic officer there or perhaps
a light. In point it has been my experience that traffic officers are
never there in a timely fashion. If there was a hot line to traffic
officer OK, but I feel this is an unreasonable, unacceptable solution. I
live near there, there is a lot traffic already at that point. Also with
the new Merchant Mart, I have heard nothing said about the impact of that
on this whole picture.

Mr. Young recessed the hearing and then deferred to Mr. Early, Chairman.
Mr. Early, I'd like to poll the Commissioners, as we have a policy for ending meetings at 12:00, get a consensus if we should continue, it is about 11:55 now, we have another hearing scheduled which will have to be opened and continued, we also have some regular meeting business to finish. What is your wish. Mr. Jason and others suggested we keep going. Mr. Early then asked how many members of the public wished to speak at this hearing? It was decided to continue.

Mr. Young addressed the following before continuing with this hearing.

The Martha's Vineyard Commission held a continuation of a public hearing on Thursday, November 3, 1988 at 8:00 p.m. at the Olde Whaling Church, Main Street, Edgartown, MA regarding the following Development of Regional Impact (DRI):

Applicant: MVY Realty Trust
c/o Roche, Carens, & DeGiacomo
One Post Office Square
Boston, MA 02109

Location: State Road
Tisbury, MA

Proposal: Subdivision of land qualifying as a DRI since the proposal is on property which has been the subject of a previous DRI.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the MVY Realty Trust Public Hearing Notice, opened the hearing for testimony, and immediately continued the hearing to November 10, 1988 at 8:15 p.m. at the Olde Whaling Church, Main St., Edgartown, MA.

Mr. Young then recovered the hearing and called on the next person to speak in opposition to the MVY Realty Trust modification.

James Joyce, said he was a little out of order in that he wanted to speak in favor of the proposal. The people developing this project are qualified professionals. Mr. Joyce continued that after listening to the professionals describe how to get in and out of this complex I don't see any problem for myself getting into or out of this project with the modified changes.

Dennis Rogers, 3rd generation native on the Island and manager of A&P but does not speak on behalf of them. The southern lot holds 169 cars the questions about shopping carts coming from that lot going onto the main lot, 1) there is a main artery coming off Vineyard Haven Main St. going by the A&P store now which people are crossing with carts at this present time. We find shopping carts on Lagoon Pond road meaning they cross 5 corners. That is a very dangerous intersection. I see 149 parking spaces in the main lot, at this time the Edgartown store, which does double our business, had 30 parking spaces. So if we double our business we only need 60 spaces. The question about the apartment buildings across the way, I am quite sure that if a business develops in that area they will need to
approach you just as the bank is approaching you tonight. It will be up to
the Commission to rule on that in the future. About the impact of growth
on the Vineyard, yes the impact of growth has been significant in the last
few years. Nobody can predict the future. Right now we are on a slow
period of growth.... Mr. Young cautioned him that he was straying from the
scope. Mr. Rogers stated that people wanted 1990 or 1995 studies tonight,
who is saying that it will continue to grow on Martha's Vineyard. It could
go back the other way, with recession and depression in the air of many
people. The Town's 40' right of way, the fact is the right of way at the
present time is on the MVY property, they have that right of way, the Town
if in the future want a right of way may have to approach the Commission
and anyone else to get permission for that right of way. I don't believe
the bank is going to deny the town to widen that road for their own use,
they have a good relationship with the Town of Tisbury. Regarding the
danger of the intersection because it is down a little further, a bikepath
isn't going to be put in. Let's take a good look at that intersection,
coming out of Sears the traffic is about 40 mph coming down that road. If
we get a little backup of traffic it will be good for that area, it will
slow down the traffic, slow down to 20 mph then a complete stop and people
will be safer around there. The 5 corners is probably a very dangerous
intersection that people talk about, but I don't see any accidents there
because the traffic slows down, they look in both directions, they take
precautions going through the intersection and that is the same thing they
will do here. They will slow down and take precautions rather than
speeding around the area. I think people will be safer having a little
congestion.

Virginia Poole, Resident, Analysis of Mr. Whitaker and Mr. Greenbaum is
right on target in underlining weakness in the traffic pattern of the
proposed development. I urge the members of the Commission to consider
seriously what they have said.

Kate Scott, Island Resident, Wants to underscore with personal
experience that it's already quite dangerous on that road for anyone trying
to pull out from the Sears side of State Road. I think the additional
information offered by Mr. Whitaker and Mr. Greenbaum should be considered
by the Commission.

When there was no further testimony from the public, Mr. Young asked
the applicant to make a final statement.

Mr. Gahan, In very simple terms, saying it doesn't make it so. The
ownership of the road we will submit to your counsel. Whatever the
Planning Board said in their decision doesn't mean that they own that
road. We will rely on counsel to deal with that. I've listened to
questions of whether we have too much parking or too little parking in our
area. I've heard that the Towns parking may have proven to be excessive in
other cases, that is why we brought this other plan down. The amount of
parking spaces we have around the supermarket has decreased and that leads
to questions of whether people are going to have a long walk or not. The
amount of parking around the supermarket is in excess of what any study
suggests we need. So even with the reduction we are providing more than
adequate parking around the supermarket, probably 10 years more of adequate
parking. With respect to the date of when the project is going to be
built. That is a self fulfilling prophesy. If I stand here tonight and
show you that all my calculations are based on November 3rd, tonight, and
you continue me to next week, when all the figures have changed, that is in essence what I am hearing from people talking about traffic. What we did with traffic counts is make the counts in January and April of last year, we extrapolated those counts, and submitted those extrapolations to the Commission, after the hearing was closed, after the decision was written, we went out and made actual traffic counts and submitted then in the Environmental Impact Report and there were fewer cars than we had predicted to the Commission. Mr. Young stated that he could allow him to continue along this line. Mr. Gahan said that when we talk about the gap between where we were and where we will be in 1990, we have provided for that gap based on what we submitted.

Mr. Geller, Commissioner, I am confused Mr. Gahan, you are now saying that you own Old Holmes Hole Road but have indicated that you are prepared to ...... Mr. Young interrupted and stated this is something we will be getting a legal ruling on. There was further discussion between Mr. Geller, Mr. Gahan, and Mr. Young about the split site question and improvements to the road with continued rights of passage. Mr. Young stated that all legal ruling and correspondence can be forward between counsels and to the Commissioners.

Ms. Medeiros, Commission, I don't see the letter from the Tisbury Road Commission? Mr. Young thank you for calling that to our attention, he then read the letter as follows: Dated October 26th to the MVC, Ladies and Gentlemen: Please be advised that the Road Commission of this Town, when originally asked to review the application of MVY Trust voted to approve it "either way", that is, with its access driveway combined with Old Holmes Road (which we would prefer, if the Town Meeting would agree) or entirely separate. Thank you for your attention and consideration. Sincerely Board of Road Commissioners, Raul Medeiros, Arthur Dickson, and Antone Canha. The latter did not sign the letter.

Ms. Medeiros, I would like to say that the Town support of this project is know. The Board for the Town of Tisbury, who are elected to lead the Town, are in favor of the bank ...... Mr. Young cautioned her. Ms. Medeiros continued that the connector road is no further ahead or behind then it was the last time this project was discussed. In 1975 a planning study done for the Town in which this connector road was first discussed the money being offered by this developer could be used to do the planning studies necessary to see if this can exist in the place of someplace else. This money would allow us to move things along rather than waste time just talking about it. I think we all know that the only way to reduce traffic is to build better roads not pull up the bridges or stop the boats. We've already approved this once, we are talking about moving a road and one parking space. If one parking space and 40' of road is enough to put 70 people out of work then we're talking to the wrong people. I wasn't here as a Commissioner last time but I think a lot of work was done to see that this thing is saved and it seems to me that the Town and the Island will benefit and whatever problems are contemplated are surely outweighed by the benefits. Ms. Medeiros stated that the change of access was approved by their board and if there is going to be an impact it should come back to their boards for them to address it in Tisbury.

Mr. Young closed the public hearing at 12:15 with the record remaining open for one week for any additional written testimony. He also stated that the Commission reserves the right to reopen the hearing if we need any
additional testimony bearing on legal issues that may affect the vote on his modification. Such reopening of the hearing will be noticed in the papers. Mr. Young again reminded the public that the MVY Subdivision hearing is continued to November 10, 1988 at 8:15 p.m at the Olde Whaling Church.

Mr. Early reconvened the special meeting at 12:24 and continued with agenda items.

Mr. Early stated that since Item #5 Cottage City will be continued to December 8th we will go on to Item #7.

Mr. Morgan, Commissioner, asked what happened to Item #5, Chadwick Inn. Ms. Borer stated it won't be heard tonight.

Item #7 - New Business

Mr. Early called on Mr. Morgan who stated that Monday, November 7th at 11:00 a.m. there will be a hearing at the Gardner Authority at the State house on Senate bill 1905 which basically wants to exempt the Steamship Authority from having the license granting authority between the city of New Bedford and the Island of Nantucket, between Boston and the Island of Nantucket, and between the city of Boston and the Island of Martha's Vineyard. I would expect that several people would be attending from Martha's Vineyard, Nantucket and the SSA hoping that something like this doesn't happen. It might undermine the whole fiber of the authority. I'm throwing this out now because maybe we the MVC might want to take a stand by sending the Executive Director or Chairman to Boston to relay a message.

Ms. Mederios stated she would be attending.

Mr. Early stated that he would be attending and that if we would like him to represent the Commission with some sort of resolution from the Commission he would be more then willing to present it.

Mr. Filley, Commissioner, asked Mr. Morgan if written testimony would be submitted. The response was affirmative. Mr. Morgan said he was taking the 8:30 a.m. boat Monday morning and if he got it by then he would bring it up.

Mr. Jason, Commissioner, asked if there was anyway to buy some time. Mr. Morgan stated absolutely not. There have been some 8200 bills filed, as of today 272 have become law, this means there are some 8000 floating around not having been touched yet, but this bill managed to go from being a dream last Monday, went through the process, got its number and been assigned a public hearing and will probably end up with a favorable report. What M.V. has to hope for is that there are some members on the transportation Committee that will ask to have this bill held. Mr. Jason, can we send a letter requesting the bill be held? Mr. Morgan, yes. Mr. Young, until what time? Ms. Scott, for what reason? Mr. Jason stated for the reason the bill is inappropriate. Mr. Lee said that is not a reason to hold a bill its a reason to kill a bill. Mr. Jason do you feel it is reasonable to deal with this in such a short time? Mr. Morgan, let the chairman go ahead and report that.
Mr. Filley, Commissioner, moved that we asked Mr. Early, Chairman, to convey the sentiments of the Commission that we feel the proposed legislation should be held or reported unfavorably. Mr. Jason seconded.

Mr. Young further suggested that language be pulled out of the some of the Task Force documents and the Joint Planning Board committees documents. Language that would indicate the Vineyard is in a growth crisis and is struggling to deal with it and the passage of this bill would only compound the problem.

When there was no further discussion a vote carried to approve the motion. There was no opposition and no abstentions.

Item #8 - Correspondence - There was none.

The meeting was adjourned at 12:31 a.m.

ATTEST

John G. Early, Chairman 11/17/88

J. Woodward Filley, Clerk/Treasurer 11/17/88

Attendance:


Absent: West, McCavitt, Allen Harris.

* Note: Ms. Eber made a correction to her testimony upon review of the minutes on November 10, 1988. Page 17, paragraph 3, 2nd sentence, Ms. Eber was referring to lot 4 in this sentence.