MINUTES OF NOVEMBER 10, 1988

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, November 10, 1988 at 8:00 p.m. at the Old Whaling Church, Main Street, Edgartown, MA regarding the following Development of Regional Impact (DRI):

Applicant: Vineyard Crossing, Inc.
Thomas C. Wallace
P.O. Box 210
Edgartown, MA 02539

Location: Off Franklin Street
Tisbury, MA

Proposal: Subdivision of land into 28 lots qualifying as a DRI since the proposal is for division of land into 10 or more lots.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Vineyard Crossing Public Hearing Notice, opened the hearing for testimony, and immediately continued the hearing to January 12, 1989.

Mr. Young then read the Public Hearing notice regarding the following Development of Regional Impact (DRI):

Applicant: Alice Bourne
c/o Richard W. Renehan
Hill & Barlow
One International Place
Boston, MA 02110

Location: North Water Street
Edgartown, MA

Proposal: Construction of dwelling unit qualifying as a DRI since the proposal is the subject of a previous DRI.

Mr. Young read the Vineyard Crossing Public Hearing Notice, opened the hearing for testimony, and immediately continued the hearing to January 5, 1989.
Mr. Young then read the Public Hearing notice for the continuation of the Public Hearing 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.

Mr. Young read the MVY Realty Trust Continued Public Hearing Notice, opened the hearing for testimony, described the order of presentation for the public hearing and introduced Ms. Skiver, MVC Staff, to make her presentation.

Ms. Skiver reviewed the following staff notes while making references to the maps and plans on display:

Description: Development proposes subdivision of 5.15 acres into five (5) commercial lots (including roadway lot). Size of lots as follows: Roadway lot (40' wide row) .40 acre; Lot (1) 2.18 acres; Lot (2) 1.14 acre; Lot (3) .60 acre; Lot (4) .83 acre. Present Zoning: Proposal located in B-2 District. Zoning Requirements - Permitted Uses: - Any wholesale or retail business, service, office, or public utility conducted indoors; - Light manufacturing; - Multiple dwelling units; - Food service establishments. Regulations: Minimum lot size; Commercial use, 0 sq. ft., Residential use, 20,000 sq. ft.; Minimum frontage; Commercial 0', Residential 100'; Minimum lot depth; Commercial 0', Residential 100'; Minimum front setback; Commercial 30', Residential 30'; Minimum side and rear setback; Commercial 15', Residential 20'; Maximum height; Commercial 30', Residential 30'. MVY Realty Trust DRI Subdivision Chronology: Subdivision Plan dated July 14, 1988. Preliminary Plan approved February 2, 1988. Definitive Plan submitted to Tisbury Planning Board July 22, 1988. Public Hearing by Planning Board held August 31, 1988. Planning Board filed Decision October 27, 1988. Tisbury Planning Board Decision - dated October 19, 1988 - Approval of proposed subdivision plan with following conditions: 1. This decision is based upon testimony entered at the referenced hearing and documents submitted in connection therewith; commitments which are not fulfilled or documents which are subsequently revised without Planning Board concurrence, may cause this approval to be revoked. 2. Planning Board will require drainage plans for each separate lot which contain run off to that particular lot as per covenant before construction is allowed. 3. That a Covenant be provided which specifies that each lot owner has equal but undivided interests in the ownership of the road and utilities and equal but divided interest in the liabilities for the road and utilities (lot 5). 4. That there be a crash gate provided by the Trust at the southerly end of the subdivision road (lot 5). 5. The Trust will provide at their expense a Tisbury Police
Officer for traffic control at such times as required by Tisbury Police Chief. 6. Traffic analysis shall be conducted, at the expense of the Trust, and the results shall be presented to the Planning Board before any development permit is granted.

The following correspondence was received for the record: TO: MVC, FROM: Mark Racicot, Executive Director, Vineyard Open Land Foundation (VOLF), DATED: October 27, 1988, RE: Proposed subdivision of the 5.15 acre MVY Realty Trust site into 4 commercial lots and a roadway parcel. 1) Notes that total MVY Trust acreage should be included for purposes of planning and analyzing the impacts of development. Assumes that any potential proposed uses of total acreage could generate the same intensity of use and traffic impacts as proposed bank and supermarket project. Suggests placing subdivision covenants on property to specify type of uses, maximum size of buildings, etc. to lower potential traffic volumes. 2) Feels MVC should require same mitigating measures as were required for bank/supermarket project approval (such as sidewalks, bikelanes, improvements to State Road, payment of police costs, maintenance of storm drains, etc.) 3) Feels that condition of approval should require any construction in subdivision be reviewed as a DRI by the MVC. Notes the need for design standards for commercial construction. Suggests condition requiring design of structures be of typical New England rural village style architecture and requiring a buffer strip of vegetation from State Road and Old Holmes Hole Road. TO: MVC, FROM: John Gahan, Attorney for MVY Realty Trust, Roche, Carens, & DeGiacomo, DATE: October 25, 1988, RE: Details chronology of the MVY Realty Trust Site and bank/supermarket project. Believes the subdivision plan filed with the Tisbury Planning Board is entirely separate from the modified DRI pending before the MVC. The Trust does not believe that Section 3.104 (of the Standards and Criteria of the MVC) can independently confer jurisdiction on the MVC to review the subdivision as a DRI when in the absence of a prior filing the plan would not qualify as a DRI. Believes that this regulation violates the rights of the Trust under M.G.L. Chapter 41 to protect its land from zoning changes. At this point, the Trust is willing to agree that it will not proceed to develop its land without MVC review. However, it is not willing to confer jurisdiction on MVC or limit its rights to deal with its property consistent with the law. Therefore, the MVY Realty Trust is filing the MVC checklist regarding the subdivision plan under protest and with reservation of its rights to challenge the MVC's consideration of the plan.

Ms. Skiver stated that the letter referred to from Mr. Racicot is actually excerpts from a letter which relates to both DRI #291 Modification of previous DRI decision, and #292 proposed subdivision of land, the entire letter will be distributed to the Commissioners at a later date. Ms. Skiver then answered questions from the Commissioners.

Mr. Early, Commissioner, according to the Chronology on page 2 of the staff notes, the Tisbury Planning Board held a public hearing on August 31th and filed a decision on October 27th is that correct? Ms. Skiver responded in the affirmative.
Mr. Young, Commissioner, Regarding number 4 of the Tisbury Planning Board's approval conditions, concerning the crashgate at the end of the subdivision road. That crashgate is to separate the subdivision road from the existing road, is that correct? Ms. Skiver that is my understanding, although the minutes from the public hearing do not specifically address why a crashgate is required. Ms. Skiver indicated the location of the proposed crashgate on the maps.

Mr. Jason, Commissioner, What exactly was the action taken on October 27th, did they endorse the plan? Ms. Skiver responded that they approved the plan. Mr. Jason, did they sign the acceptance. Ms. Skiver responded that the decision was filed with the Town Clerk.

Mr. Young asked Ms. Eber, Commissioner and Chairman of the Tisbury Planning Board, to clarify this. Mr. Young then asked is the decision recorded with the town clerk but the plan is not? Ms. Eber, Yes.

Mr. Young then asked Ms. Eber to clarify the purpose of the crashgate. Ms. Eber stated that the purpose of the crashgate was to prevent other people from using that road. Mr. Young, in others word the traffic on that road would be from the subdivision only? So there would be 2 roads? Ms. Eber responded yes, the existing road will be used for residents and business to the south.

Mr. Evans, Commissioner, Has the staff had the opportunity to do any work on the proposed traffic that would be generated by full use of this subdivision? Ms. Skiver responded that there is no way to determine the "full use" since there is no minimum lot size and the permitted uses are broad and traffic generation figures are based on the number, size, and type of business. Mr. Evans, is there any method for reasonable calculations? Ms. Skiver, If the types of business were known it could be estimated. Mr. Evans, so there is no reasonable way to assess the amount of traffic that could be generated? Ms. Skiver responded not with the information provided.

Mr. Ferraguzzi, Commissioner, Concerning the letter from the MVY attorneys stating this should not be a DRI. I understood once a DRI always a DRI. Mr. Young responded that is why we are reviewing it now.

Mr. Filley, Commissioner, Is there a maximum building size? Ms. Skiver responded no, just a maximum height of 35'.

Mr. Geller, Commissioner, Hypothetically could you condition how many buildings/businesses could be put on this site? There is no minimum size, you could put a building completely on a lot as it stands. Ms. Skiver, As long as it conforms to the setback and other requirements, it would also have to meet the parking requirements. Mr. Geller, is there any way to calculate working backwards? Ms. Skiver, that would depend on the type of store or business, all have different parking requirements according to Tisbury By-laws. Mr. Geller, What would be the minimum parking requirement? Ms. Skiver, Can't give you that answer with the information provided. I could give you examples of the types of business existing in the area now and the size.
Mr. Ewing, Commissioner, If this subdivision plan is approved, in the future, when building is planned, would it come back to us? Mr. Young, the way the DRI checklist stand now I don't believe it would have to, however, we would put a condition on the approval of this subdivision that would require that any uses proposed on these lots come back to the Commissioner.

Mr. Widdiss, Commissioner, What would be considered the frontage for these lots, State Road or the Subdivision Road? Ms. Skiver, it would be the subdivision road.

Mr. McCavitt, Commissioner, If this subdivision where to be approved with the subdivision road, and considering the crashgate condition, what would be the impact along Old Holmes Hole Road? It appears people using Old Holmes Hole Road would have to travel along the perimeter of the subdivision to exit onto State Road? Ms. Skiver, Old Holmes Hole Road would exit and enter on State Road. A portion of the road is on Trust land now, which will be lot 4 of the subdivision. Use on Lot 4 may or may not impact that road.

Mr. Early asked under the Tisbury By-Laws could the parking requirements be accommodated in the setback areas? Ms. Skiver stated that would depend on the building size. Mr. Early then asked, doesn't Tisbury require a buffer? Ms. Skiver stated that 10' from the road has to be screened. Mr. Early from State Road only? Ms. Skiver responded from the private road also.

Ms. Medeiros, Commissioner, what is the distance from the subdivision road to Old Holmes Hole Road? Ms. Skiver responded approximately 40'. Ms. Medeiros, the opening to lot 4 would be 40'? Ms. Skiver stated the right of way is 40' whether or not they would pave the entire 40' is not known.

Mr. Jason, Commissioner, When does the appeals process expire on the Tisbury decision, what is the date? Ms. Eber responded 20 days from October 27. Mr. Jason then asked if it is possible that this will be signed by the Town Clerk before our next meeting? Ms. Eber responded yes. Mr. Jason then asked, shouldn't we be doing something to notify the Town that we object? Ms. Borger responded that it would be taken care of. Ms. Eber stated that she has requested a time extension from the applicant and has not received a reply. Mr. Jason stated he felt it was a little late for that. Mr. Young agreed since the decision has already been rendered. Ms. Eber, the request was made before the decision was filed. Mr. Young, at this point as far as the Commission is concerned, the clock has stopped, but regarding the 20 day appeal period I believe it is correct that the Town is obliged to sign it at the end of that appeal period. Mr. Early stated this was a legal issue which should be handled by counsel.

Mr. Filley, Commissioner, In the first condition of the Planning Board's decision it states that commitments not fulfilled or documents subsequently revised without concurrence may cause this approval to be revoked, is there something we should know? Ms. Eber responded that drainage had been an issue with a request for a plan for drainage for
each separate lot, this does relate to the remainder of the conditions as well.

Mr. Young stated that the minutes from the Planning Board public hearing on this proposal and their decision are in the proposal file for Commissioners review.

Mr. Young then asked if the lot designated as parking on the previous proposal was in the commercial district as well? Ms. Skiver responded yes.

Mr. Early stated that he feels the Tisbury Planning Board Decision and conditions would be more appropriate for the Town Board testimony than in the Staff notes and presentation.

When there were no further questions for Ms. Skiver, Mr. Young called on the applicant to make this presentation.

Mr. Gahan, Attorney for the applicant, Roche, Carens, & DeGiacomo, stated that Mr. Hoehn would speak with respect to the plan. He wanted to review the chronology again. He stated that the preliminary subdivisions plan, which starts the clock ticking, was filed in December of 1987, mind you the Trust has already taken a proposal to the Commission, been approved, been sued, made proposals at Town meetings, had a road turned down in an area where the Planning Board, Selectmen, and Commission found it was appropriate. Quite frankly, in consideration of my clients interests, I advised him that he should file the preliminary subdivision plan. Specifically so that as we started through this process to get the approvals that we had been given before, which carried over a lengthy process, we didn't find the value of the land being taken away from us by changes in zoning by-laws. I never expected, and it is purely coincidental, that I am now here in front of the Commission on consecutive weeks on a modification that I tried to have before you in June and a subdivision I didn't expect would ever be in front of you if I had my modification. The bottom line is what we did and what we are hear for tonight is that we took our land and made a subdivision plan in a manner which we believe is consistent with Tisbury Zoning By-law to give the land owner the same benefit that other land owners have, to try and build something on State Road that is consistent with local zoning. Mr. Ferraguzzi asked the question concerning the fact that I am here tonight because of a regulation that this land is a DRI since it was the subject of a previous DRI. What I said in my reservation letter to the Commission and to Mr. Wodlinger was that if some other land owner on State Road had 5.15 acres of land and came in with this identical subdivision plan and had no buildings on it and nothing other than what is on that plan I don't think they would have to come before the Commission. When they decide to build a building they may have to come before the Commission and all the question of what will be done with the land, the buildings, the parking, and then the questions would be appropriate. Right now I don't want to build on this land other than a bank and a supermarket. We are trying to protect the client from changes in zoning by-laws. Concerning the extension that the Tisbury Planning Board requested, that was
requested after the board voted 4-0 in favor of the plan to allow them an additional week to prepare the decision before filing it. It was not an extension for the purpose of coming before the Commission. However I am here and I am not interested in becoming involved in a "turf struggle". At this point I don't see there is necessarily a conflict. I do point out that, as far as we are concerned, if we had come to you with this plan in 1986 it would not be before this Commission. It would be a matter of Tisbury Planning Board decision. Then when it came time to develop it, for this bank/supermarket project it would come before you and indeed that would fall in the scope of the other things that give you jurisdiction. Mr. Gahan then answered questions from the Commissioners.

Mr. Geller, Commissioner, Why isn't the other 2 acres included in the subdivision plan? Mr. Gahan responded that they weren't sure of the future uses of this land and since it has separate access onto Old Holmes Hole road it wasn't included. Mr. Geller then asked it is in the Commercial district? Mr. Gahan responded yes and it is separate but in the same ownership. Mr. Geller, the plan as it exist now, is it completely registered land? Mr. Hoehn will have to address that, the portion which abuts State Road, near the proposed supermarket and in an upisland direction is registered, there may be some portion of the land acquired from the Goodales that is not registered land. I would also like to point out that the subdivision road is located on the exact location of the existing curb cut. There is an existing curb cut totally on my property right now.

Mr. Filley, Commissioner, the existing curb cut is in addition to the Old Holmes Hole Road? Mr. Gahan there is an existing curb cut shown on our plan at the end of the proposed subdivision road, there is a curb cut near Old Holmes Hole Road. Clearly if we were to put the bank/supermarket access road in the location specified in the modification we would need to get a curb cut where there is not one now. Mr. Filley the proposed access road would be a 3rd curb cut? The response was yes.

Ms. Skiver, MVC Staff, showed the location of the existing curb cut and that a permit to pave this would be required. Ms. Skiver responded that a permit is needed to improve it. Mr. Gahan said the point is that I am not creating a curb cut, I have one. I may have to speak to the State about certain things but it is an entirely different process to say to the State I have a curb cut in this place and I want to widen it than it is to say I want to put one where none exist, and the chances of them telling me no are quite different in one process than the other.

Mr. Young, Not withstanding the obvious efforts of the Tisbury Planning Board's decision to try to keep this subdivision road distinct from Old Holmes Hole Road and the use of Old Holmes Hole Road, could you provide the same rights of passage for Old Holmes Hole Road users for this subdivision road as you did for the modification road? Mr. Gahan are you asking if the people using Old Holmes Hole Road could use the subdivision road? Mr. Young, yes to access State Road? Mr. Gahan I might have to think about that. I could allow them
to use the road, but I couldn't stop them from using Old Holmes Hole Road. Mr. Young so it is essentially the same problem we had with the modification road.

Mr. Morgan, Commissioner, The lot not on this plan, proposed for parking in the modification plan, in the southeast, what is that lot number? Mr. Gahan responded that it is labelled on the Tisbury Tax Assessors map as lot 22-A-4.2. It consists of 2 pieces of land purchased by the Trust's predecessor. This lot was purchased long before Tisbury purchased lot 7.2.

Mr. Early stated he had been handed 3 photos of the Nobnocket site and he wants to know who they came from and if they were submitted for the record? Ms. Medeiros, Commissioner, responded they are from her. Mr. Early, from you personally or from the Tisbury Planning Board. Ms. Medeiros from me.

Doug Hoehn, Scofield Brothers, Inc., a lot of the questions asked to John Gahan and Ann Skiver will be addressed in my testimony. The perimeter of the land is 5.15 acres which actually consists of two pieces of land, one a registered land court parcel and a butterfly parcel purchased by the Goodales. The proposal doesn't include the 2 acres in the south because it is already 2 lots, there is no need to subdivide it. Ms. Skiver has gone through zoning and uses and since the conditional uses are numerous I will not list them. I will add that the State requires 20' of frontage on State Road. The topography coming off from the State Highway is flat with an open dirt parking lot, the grade rises slightly up to about the 2/3 mark. There is a bluff that runs in a semi-circle around the existing building with a 8-10 ft. rise along approximately 30 ft. At top of the bluff in the back, the property is more or less flat with 2-4 ft of elevation in a rolling fashion. Above the bluffs, behind the existing building there is a ridge that runs along the property and drops off sharply toward the State highway and in the other direction also, it is very sharp with over 20% slopes in that area. There is an existing building on the site. That building was constructed in the '60s and has seen a number of uses, it was a garage, Helios restaurant which was a popular restaurant for quite some time, it was used as studios, offices, the hall was used for dances. What I am suggesting is that this building has seen very intense use in the late '60s, '70s, and maybe even the early '80s with basically the same entrance and parking scheme you see right now, it was used heavily for 10-15 years. The proposal is for technically 5 lots, 4 buildable lots and based on the Tisbury rules and regulations that you call the road a lot, it is 5 lots. There is no specific plans for use of any of these lots. As far as what buildings can be put on here, there are other things beside zoning that limit the size of a building in a commercial area, septic system and parking requirements. Tisbury zoning by-laws also have a 5' buffer requirement around a parking area. The size of the building is determined by use, parking, zoning, septic systems, etc. The private way is not designed to be a through way although it may look that way. It is a way designed just for these 4 lots. It is about 420 feet in length. It is sitting right on top of the existing curb cut. The road by Tisbury Planning Board rules and regulations is classified as
a collectors road, that is the most intensely designed road that they require, it is for subdivisions of 50 or more lots or for a road that serves commercial lots. What a collector road means is that the minimum center line is 300 ft. and a grade of 6%, 10% allowed on a regular road. The road itself is designed to be 20 ft. wide, Planning Board requirement is 18 ft. but they are trying to change to 20 so we have used that here. They are also trying to change 20 year storm base to 25 years which is why we used that calculation. There is 4" of pavement instead of the required 3". The proposed road will have a negative slope into the property for about 100 ft., at about the 100 ft. mark the road is designed to rise in a 6% slope up to about the 400 ft. mark and then level out. Therefore all the drainage is designed at about the 100 foot marked. The drainage designed here is for 2 holding catch basins, one on each side of the road, and 3 leaching catch basins of 6 foot depth by 10 foot diameter. That ends up giving you, based on the perk tests and the 25 year storm, approximately 7% greater capacity than required. Also there will be 5' shoulders. The reason the road stops there, and as I mentioned the road is not designed to be a through way, is that in a dead end situation you are usually required to build a cul de sac which would take up a lot of area to allow turnaround and emergency vehicles, so we continued the road all the way back and agreed on a crashgate. I will now address the Tisbury Planning Board conditions and how they came to be. Condition 1 just deals with performance and what we are expected to do. The 2nd one states that a drainage plan is required for each individual site prior to construction being allowed. This is fair and clear and the purpose is to make sure that the lots if built do not drain onto the road and therefore overburden its capacity. We will provide drainage plans prior to any construction. The roadway covenants and association will be provided to assume that the roadway is maintained like a standard subdivision. The remaining 2 conditions hinge on the future use of the site. The police officer at the corner of State Road and the private way at the expense of MVY if so required by the Tisbury Police and the traffic analysis and results that should be presented to the Planning Board before any development permit is granted. Since we don't have any specific uses for these lots right now, rather than try to make analysis now the Planning Board has hinged this on future building permits.

Mr. Young then called on questions from the Commissioners for Mr. Hoehn.

Ms. Harney, Commissioner, I'm a little confused about the crashgate. Doesn't that road continue on to feed into the proposed parking lot? Mr. Hoehn responded that is a separate proposal.

Mr. Ewing, Commissioner, What is the average size of building lots in this area? Mr. Hoehn responded that it varies, my office on State Road is on a 1/2 acres lot, the Merchant Mart is on a lot of small lots. Mr Ewing, So this isn't extreme one way of the other? The response was no. Ms. Skiver, MVC Staff, stated that she can tell you the ranges at a future time.
Mr. Geller, Commissioner, To meet the parking requirements could you utilize the 2 acres not part of the subdivision? Mr. Hoehn responded that he did not know. Mr. Geller, Can you help me to visualize the maximum utilization based on the lowest use for parking requirements? Mr. Hoehn, I cannot do that with the information available. Mr. Geller, Can you speculate? Mr. Hoehn, It could be done, but not now, and I hate to speculate.

Mr. Morgan, Commissioner, Regarding the parking lot, do you consider this as not part of subdivision because it is separated by the way? Would you give an explanation as to how you can have a subdivision and not involve that? Mr. Hoehn because these are separate lots because they came from a separate subdivision. It could be considered 1 lot because of continuous ownership or 2 lots that more than meet the minimum requirement.

Mr. Evans, Commissioner, Show us where the proposed road is in relation to the drive for the apartments across the street. Mr. Hoehn showed the location on the map. It was designed to use existing curb cut. Mr. Evans, the new road is not directly across the street, it is slightly off. Why wasn't it aligned? Mr. Hoehn the reason for it's placement is that it was put right on top of the existing curb cut and dirt drive and secondly it had to meet the 30' setback for the existing building.

When there were no more questions for Mr. Hoehn, Mr. Young called on Town Boards for testimony, there were none. He then called on public proponents, there were none. Mr. Young then heard testimony from public opponents.

Richard Gsottschneider, Economic consultant, was asked by the M.V. Conservation Society to review not only this plan but the earlier submission relative to the bank/supermarket. Mr. Young asked if he understood that testimony tonight was just on the subdivision? Mr. Gsottschneider responded that he knew that he just wanted to give the Commission a history of his involvement. I first reviewed that plan and offered some observations and now I will offer some observations on the subdivision plan. By my calculations you can get as much square footage, using conservative planning methods, of building on this proposed subdivision of 4 lots as you could under the original. The declines of downtowns have typically been fostered by development, suburban development or development out of the downtown area. If we can potentially use 50-60,000 sq. ft. of retail here that is going to have a material impact on downtown Tisbury. Your marketplace is simply not growing fast enough to allow both places to be vibrant. I haven't seen any analysis that has been done to counter that observation and I think it is relevant and that it ought to be evaluated. The other observation, when looking around New England, where this issue has been raised many times, over and over again, if you put a magnet like this, whether it be a retail or an office magnet out on the end of a strip like State Road you are obviously going to generate a lot of traffic to this particular magnet which in turn is going to increase the rate of commercialization of State Road. Many of you have seen the strip developments not only on the Vineyard but
on the mainland as well. Looking toward intensifying the commercialization of State Road, it seems to be not part of the overall development plan of the Island to allow that to occur. Mr. Gsottschneider summarized by saying you could get a development of equal size on this subdivision as on the previous proposal. It will have a major impact on State Road and downtown. You will see a rapid development of commercial property along the road, you will see I believe a deterioration of your downtown business. I think that those issues warrant further study before you approve such a project.

Mr. Geller, Commissioner, asked Mr. Gsottschneider, Did I understand you to say we could have the same square footage on this parcel which is 5 acres as the 7 acre parcel? Mr. Gsottschneider responded that he hasn't tried to lay it out but mathematically, typical standards allow for 30% lot coverage for commercial developments which could occur within this zone. The standards that exist for retail is approximately 6.7 parking spaces per square foot, allowing about 300 sq. ft. per car you end up consuming 2.9 acres in parking. You actually have 4.75 acres after you take out the road. 30% of that which could be the footprint of a building is 1.4 acres, parking would require 2.9, you would still have .47 acres left over which would be your buffers. That is an ideal situation, admittedly you have some funny shaped lots so after you adjusted for the funny shaped lots you probably wouldn't get all of what I said but you would come pretty close to it. I also assumed that all that would occur on 1 level, this zone would allow a 2 or 2 1/2 story building. So you could easily, particularly if you go to 2 levels, as much on this site as you could on the other one. Mr. Geller, bearing in mind there is an additional 2 acres that can also be built. Mr. Gsottschneider responded that is correct. Mr. Geller have you calculated the other 2 acres? Ms. Gsottschneider responded that he hadn't look at what the other 2 acres could do.

Ms. Medeiros, Commissioner, Are you telling us that you have in your mind how much building could go on that property? Mr. Gsottschneider responded that he doesn't know exactly what the developer has in mind, I've simply looked at the site planning requirements, the zoning, the normal planning standards for a zone such as this, and I've calculated mathematically what theoretically could occur on this site. You can put on the site a very similar project to what you have on the other site. You would have to organize the buildings differently, they might no be as square, because you would have to keep them away from the property lines but you could still put some very substantial buildings on here. Ms. Medeiros stated that she is a little bit frightened by what he is saying. In 5 acres you could put the same size project as on the 7 acre lot? Ms. Gsottschneider, yes, roughly, you would have to lay it out to be sure.

Mr. Young stated that clearly development on these parcels could substantially impact the area. We could condition that any future development return to the Commission for review as a DRI. Your point is well taken that the potential is an issue we should consider.
Craig Whitaker said he would talk about traffic again. There are a number of issues from the previous submittal that have bearings here and I think they should be part of the consideration of this plan. First is that Mr. Gahan said that in the summer of '88 there were approximately 1370 vehicles on State Road. That was existing traffic for the summer that just past. He also suggested through his traffic consultant that the capacity of State Road was somewhere around 1800 vehicles. Later in the environmental impact report he suggested that in the vicinity of the intersection or cut onto State Road that with allowance for a bike lane the actual capacity of the road was about 1750 vehicles. He then showed us that the capacity without the bike climbing lane was about 1600. In our analysis the bikelane analysis was incorrectly done. Our own estimates are somewhere in the neighborhood of 1500-1550 vehicles. Essentially there is room for some 200 more cars before the road reaches breakdown. I think in a common sense way, driving it during the peak hours, you can tell that yourself. The question that is still remaining before us is how much more traffic can be put on the road. Obviously if the developers were to say we are going to put a single family house on each of these 4 lots there would be very little traffic and particularly very little traffic during the peak hours. But the point still remains that there are a number of uses that could go on this site which would generate far more traffic than the uses that he has shown before (i.e. Video stores, banks, convenience stores, etc.) Added to the fact that there is a potential for considerable more traffic than the road can handle, our own previous analysis has shown that if it were done properly using the commonly accepted methods of planning and traffic analysis, that it could probably get 1000 cars in and out of it, they could actually get more up to 1200, when compared with the capacity on State Road we have reached a level far in excess of what the road can handle. Exacerbating the situation further is that most of the retail uses going out of Vineyard Haven and heading upisland are on the right hand side of the road as you leave town, the north side of the road. Here of course they are going to be making a not a right hand turn but a left hand turn and that has a detrimental effect on that intersection for traffic. We criticized the intersection before because in addition to breaking down the traffic that they showed on it at the time, movements such as the exit and entry into Sears, the apartment building across the street, the conflict from Old Holmes Hole Road which has been analyzed further reduce the capacity of that intersection. You are left also now with a plan that doesn't include the widening of the road. The plan before doesn't include widening State Road to attempt to handle the left turns out of and into the subdivision. There is a considerable body of knowledge that is not known and that rather than conditioning approvals for this project, what we think ought to be done is without prejudice the developer ought to be asked to come back before you with a more definitive plan, on that show the parking, the buildings, the traffic impacts to the fullest extent. At that point you can make an intelligent judgement which may include conditioning or the rejection of the proposal. But to have approval of this before those kinds of analysis is done seems to be putting the cart before the horse. Traffic has been, and continues to be one of our major concerns, by any standards you care to put on it, that road is arguable one of the most important roads on
the Island in that it connects upisland with business of Tisbury and Oak Bluffs as well as the ferry and the hospital. IF this project goes ahead with retail uses on it, it is our analysis that State Road will come to a halt. I don't want to sound gory but you can think of yourself in an ambulance faced with the distinct possibility that taking people in and out of Vineyard Haven may mean taking people back to West Tisbury, past the airport to get to the hospital rather than just continuing into town.

Mr. Jason questioned that the capacity of State Road is 200 cars away from breakdown? Mr. Whitaker responded that is using 1550 as the total capacity. The road will be registering what we call level F, that means that at the peak hours it will be stop and go traffic. There are actually 2 capacities we are looking at, we are also looking at the capacity of that intersection. Obviously if the intersection block the traffic you can't get into town using State Road. Mr. Jason what would be the increase per year without the development. Mr. Whitaker stated that one gentleman last week said that maybe it wouldn't grow at all. But using the reasonable assumption of 5% increase per year, added to the 1370 vehicles Mr. Gahan says are already on the road by 1990 you get to somewhere around 1500. Meaning that in order to avert a breakdown on that road we have maybe 2-3 years of time within remedial measures could be taken. We actually think 5% growth per year is low. Mr. Jason what you are saying is that the road will reach breakdown even with the normal rate of growth. Mr. Whitaker I am saying there is a window here and that measures can be taken to mitigate that growth. This kind of commercial strip would eventually go to 4 lanes to keep the traffic moving while you are allowing traffic in and out of the business along the way. But as a 2 lane road, yes it will breakdown.

Brendon O'Neil, Director Conservation Society, as you know this proposal for a subdivision of a portion of the MVY Realty Trust property is before you because of the protection that the Commission engineered into the DRI checklist process several years ago. That is where the project qualifies as a DRI is that it is on property that has been wholly or in part the subject of a previous DRI application. So from a planning perspective our concern is obviously similar to the issues you raised tonight. In that there be continuing review of the use of this entire property. That your decision be adequately conditioned so that any structures proposed for this site and adjacent property must come back to the Commission for site review, parking, drainage, landscaping and so forth, regardless of the square footage of the proposed buildings that we may see in the future. From the conservation prospective it is clear that many of these issues raised at last weeks hearing are relevant to this one as well. One of the more difficult issues continues to be the subject of ancient ways that I raised both at the Tisbury Planning Board meeting, at the October 6th scoping session, realizing that the place for any decisions on this is during your discussion with commission counsel. Mr. O'Neil discussed his ancienty way brief and urged the MVC to read this brief, we have given individual copies for the Commissioners as well as Mr. Wodlinger, MVC Counsel. I ask the commission to examine the developers proposal and how it addresses the section of the ancient way that meanders off site over the town lot 7.2 and out to the road.
Mr. Evans, Commissioner, All of this legal discussion it seems takes place outside the public debate, outside the realm of me being there, without the Commissioners, and I would suggest that if we have people coming to speak before us that we allow them to say what they want to say. I'm here to listen to them.

Mr. Young stated that the point here is that this is testimony and briefs that have been submitted to the Commission in writing and forwarded to counsel for legal opinion. The testimony submitted is available to the Commissioners in its written form as well as the counsel's opinion as to the validity of that testimony which will be available to the Commissioners.

Ms. Barer, Executive Director, added that at the scoping session, which Mr. Wodlinger, MVC Counsel, attended he advised us that we should not entertain legal testimony as we are not attorneys and that any written legal testimony should be forwarded to him to be reviewed and passed on to us as briefs and findings. He will meet with us again shortly to present that to the full Commissioner. If there is any testimony tonight on legal issues it will not be included in the written record.

Mr. Young if we as Commissioners got into legal issues and how to clarify them we might be here all night it is a matter for the lawyers to deal with it is not a matter for this public hearing.

Mr. Evans stated that he wanted it go on record that he objects to the strict way this is being handled. Mr. Early stated the record would reflect it.

Jeff Bernstein, Legal Counsel for Vineyard Conservation Society and Citizens for a Liveable Island, I will try not to talk about legal issues that are outside what you think you can hear tonight. What I have heard and reading about Mr. Gahan's letter which I have not seen, you have a very sticky situation on your hands. Without getting into the turf issues, as they have been called, with Tisbury Planning Board, based on Mr. Gahan's letter he may well be in the position, has reserved his right to take the position, that whatever decision you make tonight, that whatever decision you make tonight, that is whether you approve the subdivision with conditions or not, it is a nullity. He's got Planning Board approval in place and he can proceed. I think what you are seeing and what Mr. Gsottschneider and Mr. Whitaker are talking about, as well as some others, this is the backdoor to a bank/supermarket or to another kind of commercial use. Mr. Gahan stated that because there is an existing curb cut while he may need State approval it would be subject to a different standard. I'm not sure if I agree with him but he has made that point. This is a very dangerous precedent and I think this is what the Commission regulations to get control of projects that were formally the subject of a DRI is for. This project, and the uses for these lots, might require an environmental impact report. The whole MEPA process is out there. Acting now, approving this project, even approving it with conditions just opens up several different possibilities which I don't think anyone can anticipate. It is not the best way to go. I think the best way to go is to reject it
without prejudice and ask the developer to give you all the information that you need. We are looking at a whole series of issues, about Old Holmes Hole Road and how it meanders and how this project affects it, how the subdivision affects it. We have a range of uses, anything is possible under the current Tisbury zoning by-laws and your staff has said I think quite rightly and the proponent has said they don't know what the uses are going to be here. The best way to handle something like this, the most efficient way, so that it isn't a continuing process for years and years is to get some more information from the proponent as to what they would like to do here and obviously that is going to depend on the Commission's decision on the revised access plan that you had your public hearing on last week. Obviously if you approve that revised access plan that is what the developer, or MVY trust would like to do. If you don't approve it they may come back with a different plan but they can build a bank/supermarket they can build a whole range of use buildings and no set of conditions in the world is going to anticipate all of those. I have some respect for Mr. Gahan's legal ability and I would perhaps make the same argument if I were he, that any Commission decision made tonight doesn't stand, there is a Planning Board decision in place. It is such a dangerous situation. I think the public is best served by the Commission having a full range of information in front of it. Given the fact that there is the possibility of an additional environmental impact report you will find yourself in the position of having approved the subdivision with conditions with the possible outcome of an environmental impact review that is at odds with what you do here. I think the Commission, unfortunately because of the issues with the Tisbury Planning Board, is going to have to do something fairly quickly to clarify where it stands.

Rez Williams from West Tisbury and I want to clarify a point. The developers agent indicated that the traffic flow from the Old Art Workers Guild was excessive or used heavily. I would like to just clarify this and Sanford Evans can corroborate this. It was used very sporadically, occasionally people would come in to use there studios. There was a boat shop. Occasionally there was a party but again quite sporadic. So again that shouldn't be considered. The more important question that was touched on earlier and should be emphasized is what this project would do to the downtown area of Tisbury. It is true that right now it is crowded but if you look carefully at the kind of stores that are there, you will find that a lot of them aren't geared to year round residents. They are tee-shirt shops and so forth. Is this going to be the wave of the future. Are all the vital stores that would impact and be useful for year-round residents going to move out of the town's thereby creating ghost towns or Disneyworlds.

Kate Scott stated that it does seem it is hard to oppose something when you don't know what it is going to be. It could be anything. It does seem that the issue of keeping the downtown area of Vineyard Haven and also the Islanders that have business here deserve some consideration.

When there were no more people who wanted to speak in favor of the proposal Mr. Young asked if there was anyone to speak neither pro nor
Mr. Gahan stated that he would just like to make one clarification of a comment that Mr. Jason made as to the road and I think the question was wasn't our position last week different last week than it is tonight. What I think I heard you say that it doesn't seem you should have it both ways. I don't want it both ways, I want it one way. I would like to build the bank and supermarket. I tried to do that and I was turned down. Where I tried to do it was where everyone told me was the most appropriate place it should be done, the planners told me, the Commission told me, my experts told me that. But when I went to the Town meeting, the Town meeting told me it wasn't right so I said I'm not going to have this piece of property, which incidentally is the last piece of commercially zoned property going up Island, this piece of property being the only piece of property on State Road that isn't developed the way State Road is now developed. So I advised my client to do what is a protection. I don't think it is inconsistent on the roads at all and all I am asking with my zoning freeze is to be able to have it one way like every property owner on State Road does.

When there were no further questions from the Commissioners Mr. Young closed the public hearing at 10:15 p.m. with the record remaining open for one week for written testimony.

Mr. Early called a brief recess and asked the Commissioners to review that portion of the 30 pages of draft minutes that pertains to the discussion on a DRI under consideration at the last meeting.

Mr. Early reconvened the meeting at 10:35 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report

I would like to congratulate and offer our condolences to our Commissioners who have been reelected and also that I noticed at least 2 of our new Commissioner who would be coming on after the 1st of the year are in the audience. Congratulations to them too. I would also like to commend the Chairman of the LUPC, Mr. Young on the way that he has conducted 2 very difficult hearings. He has done a magnificent job which was recognized in today's issue of one of the Island newspapers. Speaking of hearings, as I was directed by the Commission last week, I attended on Monday, with several of the other people in this room, the hearing in the State house on Senate bill 1905 having to do with the Steamship Authority. I am unhappy to report that I don't think I opened a continuing and meaningful dialogue between the Joint Transportation Committee and this Commission. There were some amendments offered at the hearing which we will no doubt be able to see soon. The indication from the Chairman of the JTC that he would be filing legislation of a nature regarding the entire structure of the Steamship Authority and I think that is something that bears very close watching by everyone on the Island and this Commission as well. The director has asked me to mention that some Commissioners have expressed interest in site visits
for DRIs that we are considering. I think it is a very good idea. It used to be almost common practice when we didn't have quite as many DRIs as we are dealing with now. Anytime a Commissioner would like to look at a site, please call and a tour of the site will be arranged with a staff member and as many members of the Commission as care to attend.

ITEM #2 - Old Business

Mr. Early asked Ms. Borer, Executive Director, to address the the Paul Adler issue. Ms. Borer read a letter received by the Commission on October 27th. The undersigned people would like the full MVC to determine if Mr. Adler's present Notice of Intent application to the West Tisbury Conservation Commission is considered the subject of a previous DRI. Charles J. Cotnoir, Simon Hickman, Marion Neuhoff, Eleanor Stanwood, David Stanwood, Christopher Crosue, Francis Rogers. After receiving this letter I did research on other subdivision DRIs that the Commission has looked at, I reviewed the minutes of the public hearing and of the deliberation on that particular DRI. It was inconclusive when listening to the tapes as to whether the second DRI which is a driveway easement to two lots would come back to the Commission as a crossing within a buffer. I also attended the W. Tisbury Conservation Commission hearing on October 26th and let them know that in my opinion it did not have to come back to the Commission since I had done the research on this particular matter. As you recall we conditioned this DRI because we knew that the subdivision plan was before the W. Tisbury Planning Board, it was shown to us during the hearing and it was our understanding that at a future date there would be a notice of intent that would be necessary to be filed for a driveway that would be crossing a wetland or within a buffer. I review the Howald DRI, the Flanders Farm DRI, the Keith Farm DRI, the Boldwater DRI and the Priesters Pond DRI. All of those DRIs involved crossings of wetlands and the Commission did not require any of these DRIs to come back under Item 12 on the checklist. Do the Commissioners have any questions or concerns or do they feel this is a matter that they would like to review. The hearing of the W. Tisbury Conservation Commission is continued until November 15th.

Mr. Filley, Commissioner, Is there a special method of crossing the wetlands? Ms. Borer responded that the initial application to the wetland crossing was across the bridge. At the end of that road in which the bridge was included in was a hammerhead. The hammerhead would then be access to 2-3 lots at the back portion of the subdivision and between the end of the hammerhead and supposedly where house sites would be there was a wetland that was indicated on the subdivision plan. At the meeting I attended at the Conservation Commission this driveway would be in the buffer zone and it is one driveway that accesses 2 lots.

Mr. Morgan, Commissioner, stated that he had lots of problems with this subdivision. Any chance to see part of it again, especially if it involves the wetlands, would be good. I would rather be too conservative.
Mr. Ferraguzzi, Commissioner, stated that he feels the same as Mr. Morgan. It came here because it was crossing the wetlands the first time and if they are going to cross the wetlands a second time it should come back before us.

Mr. Jason, Commissioner, stated that in the interest of fairness the issue was the bridge. Whether we should allow a bridge to be built across a wetland. We all knew the road was going to be there and I feel we made a mistake in approving the bridge.

Mr. Widdiss, Commissioner, asked if this was a crossing of the wetlands or the crossing of the buffer of the wetlands? Ms. Borer responded that it was a driveway in the buffer of a wetland. It is past the crossing of the bridge, to the northwest.

Mr. Lee, Commissioner, asked if the bridge had been built? Ms. Borer responded that the bridge had not been built. A few people on the letter I just read appealed the West Tisbury Conservation Commissions decision to the DEQE and it is still before DEQE. Mr. Lee asked, presently there is no access to this lot? Ms. Borer responded no, this is being done for a future plan.

Mr. Young, Commissioner, asked if this letter was addressed to the Commission or to Commissioners? Ms. Borer responded to Commissioners. Mr. Young requested that even if it could not be discussed he requests that any letters addressed to Commissioners be put in their hands at the next meeting.

Mr. Morgan suggested instead of deciding right now on another hearing, why don't we, at one of our meetings, look at the sketch again. Not necessarily the whole proposition but the cul de sac and a line draw from the cul de sac for this drive. I don't mind putting my faith in the Conservation Commission and the Planning Board on this but, I don't want it to come up at a later time that we should have at least look at that.

Mr. Early stated that it would be placed on the November 17th agenda.

Mr. Jason, Commissioner, stated that he feels it is not necessary for the staff to hand deliver his mail. The staff has more important things to do.

ITEM #3 - Minutes of November 3, 1988

It was motioned and seconded to accept with corrections (Page 3, 2nd to last para, change continuous to contiguous, Page 29, 7th para, delete statement Mr. Ewing is going to Boston also) the draft minutes. Mr. Early noted that these minutes could be modified at a later date if anyone finds errors, omissions, or anything they would like changed. The motion was approved with no opposition and one abstention (McCavitt).
ITEM #4 - Committee Reports

Mr. Young, Chairman of LUPC, said they discussed the Bourne DRI, Vineyard Crossing. We also discussed the Pessotti DRI and came up with a recommendation. Mr. Convery came in regarding Merchant Mart II. He wanted to relocate one of the handicapped parking spaces and he also wanted to discuss a possible relocation of the sidewalk. In reflection he decided that the sidewalk would probably be OK where it was but he wanted some leeway there. We agreed to have him relocate the handicapped parking space so he now has one at either end of the building. Next Monday the LUPC will devote its meeting entirely to a working session regarding the standards and criteria for DRIs. I would ask as many Commissioners as possible to be there and if you can't be there we would appreciate receiving written suggestions.

Mr. Jason stated that there is a meeting scheduled for Planning and Economic Development Thursday, November 17th at 6:45 at the Commission Offices.

Ms. Skiver reported that there would be a Joint Transportation Committee meeting Wednesday, November 16th to discuss the Moped Accident Report Form, to review the task force recommendations, and go over the Steamship Authority regulations discussed tonight.

ITEM #5 - Discussion

Mr. Early stated there were 3 items and to put them in perspective the written decision due dates are as follows: Pessotti DRI, December 15th, for Cottage City Addition, December 8th, for the Chadwick House, December 1st. Since the Chadwick decision is due first and the hour is late we will start with the Chadwick DRI. There is a staff note in your packet for Chadwick DRI#287 if you want to start review while the staff prepares the presentation.

Mr. Early called on Greg Saxe, MVC staff, to review the proposal. Mr. Saxe stated that the proposal was to add 2 wings on their existing inn. Part of the purpose of this is to increase it potential as a year round facility with suites with fireplaces and sitting rooms. The location is on the corner of Winter Street, Pease Pt., and Simpsons Way. The existing Inn is over 5,000 square feet and the 2 wings will make up about the same amount of space. The Historic Commission has raised some questions about the scale. As a comparison to the Winter Street professional building that house Mr. Vincent's Law offices with the white columns on the front is 15,000 square feet. The architect tried to achieve with the design a reduction in the visual overall scale. The Sewer Commission has approved all the bedrooms and the pool for owners use only. The back wing is owners quarters, the front wing is an additional set of rooms. They are also added two small retail spaces in the existing Inn which will be located on Winter Street with a separate entrance and they have permission from the Sewer Commission for that also. The landscaping will essentially be the same with the large lawn on the corner being retained. They will add some foundation planting and trellis. The will also add porches to the existing structure which will improve the
quality of the historic structure since 2 wings are from the 1800's and one is recently built it is felt that porches will improve the character of the recent wing and make it more compatible with the 1800's character. The applicant will add parking and contributing money to the off site fund. They will also be putting in a bike rack. That is consistent with their policy of discouraging guests to bring cars to the Island. The main concern of the public hearing, the correspondence, and previous discussion was the overall scale of the project. After making his presentation Mr. Saxe answered questions from the Commissioners.

Ms. Harney, Commissioner, asked if the 2 retail spaces were located in the original wing? Mr. Saxe responded yes they are in the 1800s wing and will be accessed through a separate entrance.

Mr. Filley, Commissioner, Concerning adding the porches to the existing structure you stated it was in keeping with the surrounding area, please give me an example. Mr. Saxe stated that was an architect's statement he assumes he means the porches would be in keeping with the columns on the corners and the linear design of the 1800s wing.

When there were no further questions for Mr. Saxe, Mr. Early called on Mr. Young.

Mr. Young, Chairman of LUPC, stated that they had no recommendations however they did have questions on a few issues. 1. The large wing built facing Pease Point Way was providing a balance to the existing large building. It was mentioned by the applicant and/or the architect that there had been a fair number of comments that the scale of this wing was imposing, that the size was out of keeping in the neighborhood, and a couple of Commissioners commented and it was my thought at the time, why are we duplicating something that was objectionable then. What was made clear to me at the LUPC meeting was this was not an exact replica. It was scaled down to be in keeping with the original structure on Winter Street. And, in addition to doing that, they are adding porches to the large existing building to scale that down and attempt to bring that more into keeping with the older building. 2) With 3 commercial lots being combined into one commercial use there will be no further commercial lots on these 3 lots. So what we are doing is finalizing the use of 3 commercial lots in the town with this proposal.

Mr. Morgan, Commissioner, commented that he had remembered very well the criticism of this overwhelming structure and I have a problem with the addition as well. Maybe more of a problem than before. The question is when is enough, enough. Should the neighbors that have been there for a long time be bothered because of this money making venture. The yard is large now but what they are proposing is the equivalent of 10-12 small cottages on that area. Can you imagine what that would be. I think it is terrible presumptuous to come in and ask for 6,200 sq. ft. to what is already there which pretty much faces the residential neighbor and then add retail space to that. I think it is overwhelming, much too much for Edgartown and in turn much too
much for Martha's Vineyard. I suggest they come back with something a little more realistic.

Mr. Evans, Commissioner, We have a rather unique situation on the Island in that we have a Historic Commission whose responsibility is to review projects. My sense is that they have concerns, though not specific. Whatever decision we make should not limit their ability to operate under their charter.

Mr. McCavitt, Commission, Is this technically under the jurisdiction of the Historical Commission? Ms. Borer responded that the application was referred to the Commission by the Historic District Commission as an alteration to a building in the Historic District. Mr. McCavitt asked, typically when do they decide. Ms. Borer responded after our decision.

Mr. Evans stated that for what ever reason the Historic Commission has not been explicit but they do have concerns. As the project goes on, as it has been developed here, there is an increasing ambiguity concerning orientation toward the street. As it gets to be more and more built it isn't oriented toward any particular street. There is an example of non-street orientation on N. Water street as people angle there houses to catch a view of the harbor. In this particular case there isn't any thing that suggests it is following any pattern of that type. Suggest that these and other concerns be worked out with the applicant and let him go to the Historic District Commission and solve the specific architectural problems and we limit ourselves to the questions of the amount of expansion in terms of rooms.

Mr. Jason, Commissioner, In defense of the Antioco's they purchased this property with permits for this expansion. I think you are missing the fact that the green lawn will remain and that it will be preserved.

Mr. Morgan stated that the green lawn will change considerable by adding a large footprint. This is not 2-3 room addition this is 6,200 square feet and that particular revision has much more impact east or south of it.

Ms. Mederios, Commissioner, asked Mr. Evans if he was speaking for himself or for the Historic District Commission? Mr. Evans stated that he was speaking for himself.

Mr. Widdiss, Commissioner, stated that he personally thinks it blends quite well with the existing building there. Traditionally when Inns do expand they try to co-exist with what is there. This does it quite well. I don't think there would be an expansion like this if there wasn't a question of need. Obviously there is quite a need for additional rooms for guests on the Island. This doesn't overwhelm the area that I can see.

Mr. Lee, Commissioner, I think that if the Historic District Commission had any real problem with them they would have shown us them. Likewise, if the neighbors had real problems they would have shown up and stated them.
When there was no further discussion Mr. Early moved to Item #6.

ITEM #6 - Possible Vote - Chadwick Inn DRI

Mr. Jason moved to approve the Chadwick DRI with the following conditions: 1) Demolition of the garage be allowed 2) project not exceed 21 guest rooms with baths 3) the project not exceed 6,225 sq. ft including the porches 4) that the 1 lap pool presented be allowed 5) that no greater than 500 sq. ft. of commercial space be allowed 6) and that the project be remanded back to the Historic District Commission so they can review the design. Mr. Widdiss seconded the motion.

Mr. Early asked for discussion on the motion.

Mr. Morgan motioned that the condition be amended to disapprove any retail space. Mr. Jason seconded.

Mr. Early called for discussion on the amendment only.

Ms. Medeiros, Commissioner, asked if we delete the 500 sq. ft. what does that do to the overall plan? Mr. Young stated they are just deleting the retail space. Ms. Medeiros asked if they could still use the space? You wouldn't be left with a space with nothing in it?

Mr. Young stated that the nearest store is back on the street running perpendicular to Winter Street and the next is Nevin Square. I think this retail space would encourage unneeded, browsing pedestrian traffic. I would agree that retail space in this location is inappropriate.

Mr. Early called the vote on the amendment to disallow retail space within the Inn. The amendment carried with a vote of 11 in favor, 1 opposed, 3 abstentions (Lynch, Medeiros, Wey). (Geller and Harney were in favor).

Mr. Early then stated that the motion to approve with conditions as amended is open for discussion.

Mr. Morgan stated that the other problem here is that this is a 6,200 sq. ft. project that will have a tremendous impact. The questions of affordable housing was only satisfied by making the statement that anyone who works there will live elsewhere.

Mr. Filley, Commissioner, stated that it was his understanding that they intend to house staff in a home they own, is that corrects? How many bedrooms are there? Mr. Antioco stated yes they own the house and there were 3 bedrooms.

Mr. Ferraguzzi, Commissioner, stated that this is a good point. Affordable housing really hasn't been addressed on this project. Something should be done to make it consistent with other decisions.
Mr. Ferraguzzi asked the applicant, through the chair, if they had any problem with us conditioning the decision to allow for 3 staff being housed? The applicant responded no problem at all. Mr. Jason asked how this could be enforced. Mr. Ferraguzzi stated that we could answer complaints.

Mr. Ferraguzzi motioned to amend the conditions to add that the owner should provide 3 non-family members with staff housing. This was seconded.

Mr. Young added that we might want to tie this in so that if they convey the existing building they have to demonstrate a replacement.

The previous motion and second were withdrawn.

Mr. Young motioned to amend the conditions to add that the applicant shall be required to provide off site housing for 3 non-family staff members and if the building currently used to house the staff is conveyed the applicant should demonstrate continued compliance with the condition. Mr. Lee seconded.

On a consensus vote Mr. Early deemed that this condition failed.

It was moved and seconded to amend the conditions to include the applicants offer for off-site housing of 3 staff members.

This motion was approved on a consensus vote.

Mr. Early called the vote to approve the Chadwick DRI with the amended conditions. This motion carried with a vote of 9 in favor, 3 opposed, 3 abstentions (Lynch, Medeiros, Wey). (Harney was in favor, Geller abstained.)

Mr. Early stated that since it was 11:45 the remaining business under Items 5 and 6 would be postponed to a later time.

ITEM #7 - New Business - There was none

ITEM #8 - Correspondence

Mr. Early called on Ms. Borer who called the commissions attention to a letter received by the West Tisbury Planning Board with a draft of the Flexible Development Zoning By-Law requesting the Commission review the draft and meet with the Planning Board to discuss it and receive the Commissions input. Ms. Borer indicated that the draft by-law was included in the Commissioners meeting information.

The meeting was adjourned at 11:50 p.m.
Attendance:


Absent: West, Scott, Delaney, Allen, Harris.