

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF NOVEMBER 17, 1988

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a regular meeting on Thursday, November 17, 1988 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs.

ITEM #1 - Chairman's Report

Mr. Early, Chairman, addressed the issue of MVY Realty Trust DRIs correspondence. He asked Ms. Borer, Executive Director, to explain the handouts being distributed to the Commissioners tonight.

Ms. Borer stated as requested at last week's meeting, copies of all correspondence on both the MVY Realty Trust Modification DRI #291 and the MVY Realty Trust Subdivision DRI #292 has been compiled for the Commissioners review. Please note that the 1st page on DRI #291 is a memo from me reviewing the correspondence already distributed to the Commissioners and a request that they notify me of any replacement or additional information they may require for review. There is a considerable amount of correspondence and it is being distributed now in anticipation of a discussion at the December 1, 1988 meeting.

Mr. Early stated that if you need any further information or have any questions feel free to contact Ms. Borer. Ms. Borer went on to say that any questions or information the Commissioners want presented at the December 1st meeting should be requested as soon as possible to allow the staff sufficient time to prepare it.

Mr. Early also called attention to DRI #292, 2nd page regarding an MVC Commission civil complaint filed against the Planning Board of Tisbury for their decision on the subdivision. This has been filed based on the imminent end of the appeal period.

Ms. Borer also wanted to call attention to the MVC Counsel brief regarding ancient ways and historic public ways at the back of DRI #292 correspondence.

Mr. Lynch, Commissioner, asked if by filing this complaint it will stop the process of granting a subdivision by the Tisbury Planning Board? Ms. Borer responded yes.

Ms. Skiver, MVC Staff, stated that any Commissioner who wanted to make a site visit between now and December 1st should contact herself, any MVC staff, or Mr. Hoehn, Schofield Brothers.

Mr. Lynch, Commissioner, asked what the timetable was on this decision? Ms. Borer responded that the decision was due in mid-January, however, with the change in elected Commissioners a vote on a written decision is wanted on December 15th, which gives us 3 meetings in December.

ITEM #2 - Old Business

Mr. Early addressed the Adler/Spring Cove issues talked about at the November 10th meeting. Mr. Early stated that Mr. Adler is present, and that Ms. Borer will distribute plans while I read Mr. Adler's letter of November 15th. The entire text of this letter is on file, issues summarized are: Chronology of previous DRI application, West Tisbury Conservation Commission and DEQE application and appeal by abutters; present proposal before the West Tisbury Conservation Commission to build an 8 foot gravel driveway to service 2 private homes within a 100 feet of wetland; Mr. Adler states DRI plans revealed this future proposal; present proposal drawn by Dean Swift's Office; further states proposal is not a project of regional impact.

Mr. Early then read a letter dated November 16th from Donald DeSorcy, Dean Swift's, which is summarized as follows: The driveway was designed with the best practical measures to protect the vegetated wetland and the adjoining banks. The proposed work is intended to minimize the amount of construction and regrading. This design does not impede any runoff patterns that now exist. The letter briefly described the procedure to be used and stated that the driveway should stabilize itself in about 2 years, during which time hay bale barriers will be maintained. The use of salt on this driveway is prohibited.

Ms. Borer stated that the plan on the front wall was the colored portrayal referred to in the letter as being displayed at the public hearing which denotes the driveway in the 2nd wetland.

Mr. Filley, Commissioner, asked if Mr. Adler could clarify the statement that DEQE had approved the plan and even deleted certain conditions, which conditions? Mr. Adler responded that he didn't have that specific information with him but that the MVC conditions were out of the DEQE jurisdiction therefore DEQE could not delete them, however DEQE can delete conditions from the West Tisbury Conservation Commission.

Mr. Early asked Ms. Borer if they had any precedents for this issue? Ms. Borer responded that the MVC never had a DRI come back where there was a subsequent wetland crossing (i.e. Keith Farm, Flanders Farm, Priesters Pond). We didn't require them to come back we stated they would be under the jurisdiction of the Conservation Commission.

Mr. Evans, Commissioner, stated that he didn't recall seeing the colored plan before. Ms. Borer stated that this was the subdivision plan that was before the West Tisbury Conservation Commission and West Tisbury Planning Board.

Mr. Filley, Commissioner, This subdivision was not part of the DRI process? Ms. Borer responded that was correct. It was during the public hearing that the Commission became aware that there was a subdivision plan pending before the West Tisbury Planning Board and our decision conditioned approval on the Planning Board approval of the Form C. Mr. Filley then asked, am I correct in remembering that we were not allowed to condition the subdivision only the crossing? Ms. Borer stated that is correct.

Mr. Jason, Commissioner, asked if the bridge was built yet? Ms. Borer responded no.

Ms. Scott, Commissioner, asked what type of wetland that second area, is that an isolated wetland? Ms. Borer responded that it flows down into the cranberry bogs that is by the Wakeman Center.

Mr. Early asked if there was anyone from the West Tisbury Conservation Commission present? There was no one.

Mr. Morgan, stated that in some areas it was bogs, some active streams, and that the wetlands are all interconnected. He has more of a problem with what he sees now than he had with the bridge. He suggests that every member of the Commission visit the site. He thinks 2 houses and 2 septic with the road is a lot considering the fact that everything downstream is connected.

Mr. Early asked Ms. Borer what the procedure was on this? Ms. Borer stated that it would have to be determined if this was significant enough to warrant holding a public hearing as a DRI.

Mr. Jason, Commissioner, wants to get information on which conditions were eliminated by DEQE? For instance, the testing of water before the project begins was not thought to be important, was that eliminated. Ms. Borer stated that she is sure the West Tisbury Conservation Commission has the order of conditions. Mr. Morgan stated that in his opinion that would be the most logical thing to do. To test now and then after the cranes, bulldozers, etc. have disturbed everything. Mr. Lynch, Commissioner, stated it was the only way to get a baseline data.

Mr. Jason asked if there was any time constraints? Ms. Borer stated that the West Tisbury Conservation Commission has continued the hearing until we decide what we want to do with this. Mr. Jason stated that he would like to get input from the Conservation Commission. Mr. Early stated that he was hoping they would send a representative.

Mr. Filley, Commissioner, requested a copy of the previous decision.

Mr. Early asked, do I understand that the Commissioners wish is to look at this, have a site visit, and review the previous decision, prior to calling a vote as to whether this warrants a public hearing?

Mr. Lynch asked if there was any problem with a site visit? Mr. Adler

stated as far as the site visit goes, fine, he would be glad to show anyone the site who cares to come out there.

Mr. Levin, asked to make a statement. He has an ownership interest in Spring Cove. He understand that the question here isn't part of the 1st decision but is a question of an 8 foot driveway. He just wants everyone to know that before he purchased the lot he had an indepedent engineer review the site. He is very sensitive to environmental issues and would not want to infringe on the environment here. The answer from the engineers was that this could be built without any environmental infringement and surely that is true of this 8 foot gravel driveway as well.

Mr. Ferraguzzi asked if we could get a copy of the engineers report? Mr. Levin said he was at the site today and he thinks it is a good idea for the Commissioners to see the site.

Ms. Borer asked if he could send a copy of the engineers report? Mr. Levin stated that it was informal but he would be glad to send working documents and whatever written reports he had to us.

Mr. Morgan stated that it isn't as easy to explain as Mr. Levin is indicating. There are 2 gigantic lots. The only way to access them is by a very narrow swathe that puts you between a flag buffer zone and a very steep bank on your right.

Mr. Jason, Commissioner, How many of the Wood Duck houses are built and has he had any success with them? Mr. Adler responded that he has built 2 of them and he has put 1 up and has been checking on it. But I haven't built 25-30 of them yet. The problem I found out when I called the Audubon Society is that Wood Ducks need a clearing. They just don't come to a home. There is an overgrown pond that I showed you and in order to really build a habitat you would have to clear an area approximately 50' x 50' so the Wood Ducks can land. I haven't done any of that type of work out there because I don't have any permits to do anything.

Mr. Filley, Commissioner, asked if all these roads conform to Planning Board specifications for a subdivision? Mr. Young stated that they had never looked at the driveways. We don't look at the driveways, only the access roads.

Mr. Jason asked where the property line is? Mr. Morgan stated that the 2 lots are porkchopped to the hammerhead. Mr. Young designated them on the map on the frontwall.

Mr. Early asked if the Commissioners would be satisfied if he asked the Executive Director to arrange for site visits, participation from the West Tisbury Conservation Commission, and any documents they have relative to this? This was agreed.

ITEM #3 - Minutes of November 10, 1988

It was motioned and seconded to approve the draft minutes with the following corrections: Page 21, 4th paragraph, line 6 change none to

non-, page 20, 3rd paragraph change Ms. to Mr. Saxe. The vote carried with no opposition and one abstention (Scott).

ITEM #4 - Committee Reports

Land Use Planning Committee (LUPC): Mr. Young, Chairman of LUPC, reported that LUPC had its first meeting regarding standards and criteria. Actually we spoke on some other things one of which was site visits. We may start again to try to incorporate site visits into the DRI review and it may well be that after an initial LUPC meeting has been held on a DRI it will be announced when a site visit to that location will be arranged with a staff member. Another issue that was discussed was appointing people, perhaps for 6 months at a time, to LUPC. There will be future meetings regarding standards and criteria as well as these other issues.

Joint Transportation Committee (JTC): Ms. Skiver, MVC Staff, stated that the JTC met yesterday afternoon with the Physical Support Systems Task Force. The topics of discussion were moped and the Steamship Authority.

Mr. Widdiss, Commissioner, asked if the JTC had made any recommendation or given its opinion to the State Transportation Committee concerning their legislation? Mr. Skiver responded that they decided to write a letter. Basically their position is that an overall limit should be placed and that the Steamship Authority must resume its licensing power. Mr. Widdiss asked if there was any discussion of the State picking up part of the deficit if the Steamship loses licensing power? Ms. Skiver stated that that was discussed.

Mr. Ferraguzzi, Commissioner, asked if, on these other boats coming in, a time limitation was every discussed? It seems that the Steamship Authority is the only year-round boat. The other are for only 2-3 months. Has there been any discussion of expanding the service time for say the Spray or any of the other boats. Ms. Skiver stated that it had been discussed before and that these privately licensed carries can't be required to operate his boat year-round. They operate only when they can make a profit. Mr. Widdiss stated that you would think if they could require one carried to do it they could require the rest of them to do it too. Ms. Skiver stated that the Steamship Authority is authorized by the legislature, the others are private carriers.

Mr. Early asked if the Commissioners agree we should review the JTC letter if it goes out under Commission stationary? Mr. Morgan asked if it has to be on Commission stationary? I suggest that it go out fast as it can and it go out to 200 legislators.

Mr. Jason, Commissioner, suggested that the Executive Director review the letter. Mr. Early asked if this was acceptable. It was agreed.

Ms. Skiver stated that JTC did review the MVC letter.

Mr. Morgan said that the Steamship Authority has lost its licensing authority to any operator who can find births on Martha's Vineyard and at its other port. If they have docking facilities the Steamship Authority must license them. I suggest that if we write, we write to 160 representative and 40 senators because I wouldn't be surprised if this bill goes through the Senate at the beginning of next week. The house will take a little longer. The next alternative is to watch it and if it goes to the Governor, write to him and ask him to veto it.

Coastal Committee: Ms. Waterman, MVC Staff, stated that she had sent out a memo about a desire to revitalize the Commissions Coastal Committee. I've been working with the Tisbury Great Pond Think Tank and working on the Lagoon Pond DCPC and it has become apparent that the Commission is going to get a fair number of coastal pond DCPCs applications probably in the next year or two. This is an attempt to start looking at the Coastal Zone DCPC now and to start thinking about amending it or tossing it out, as the case may be, soon. A couple of Commissioners, Bob Lee, Steve Ewing and Sanford Evans, have called and expressed an interest in joining this Committee but I think 2-3 more would be vital to making this work. If there are people interested I would like to have the first meeting the week after Thanksgiving.

Mr. Jason, Commissioner, asked if there was any evidence that the Coastal DCPC is not working? Ms. Waterman stated in her opinion there is evidence that it is not working. There was further discussion on this issue. Mr. Evans asked if Mr. Jason would like to join the Committee? Mr. Jason responded that he intends to join the Committee.

Planning and Economic Development: Mr. Jason reported that they had met this evening and that they would meet December 1st after discussing the proposed development of a new business district, on the Edgartown/Vineyard Haven Road in Oak Bluffs behind the Community Services development of approximately 200 acres, with the Planning Board and the Board of Selectmen.

Mr. Ferraguzzi, Commissioner asked if this was the land all tied up in title? The response was yes. Mr. Wey, Commissioner, stated that Mr. Coogan, from the Town of Oak Bluffs, was working on that. This is future planning and the Board of Delectmen support this whole heartily.

Mr. Early stated that before Mr. Wey came in, Mr. Jason stated that there was some discussion at the Committee meeting that the nomination should be made jointly by the Board of Selectmen and the Planning Board of the Town of Oak Bluffs rather than coming out of the Commission. Mr. Wey stated that is a very good point.

Task Force Report: Mark Adams, MVC Staff, stated that there have been 2 workshops with town boards so far, Chilmark and Oak Bluffs. There are 3 more set up, Monday the 21st there is a task force meeting with Edgartown officials, Monday the 28th, West Tisbury, and Tuesday the 29th will be Tisbury. I is very helpful to have Commissioners from the town to help stimulate conversation on task force issues. There is a copy of the Task Force workbook in your meeting information pile. We are updating as we go along and we will improve the graphics. This

is the guidebook that we are using to run the town workshops. He then went on to explain the flow chart on the wall and in the workbook which attempts to show what the results of some of this task force work could be. Another step the Commission might take it to appoint an advisory committee to which correspondence could be addressed to deal with these policies and this could bring in town representation.

Mr. Jason stated that Mr. Adams ran a good meeting, he kept everybody focused, it was low key, and was received favorable.

Ms. Scott, Commissioner, added that lot of good ideas were heard.

Lagoon Pond DCPC Committee: Ms. Waterman stated that the draft regulations were together and that there were extra copies if anyone was interested. Mr. Jason asked how much time there was for these regulations? Ms. Waterman responded January 29th, 1989. Mr. Wey stated that Monday the Tisbury and Oak Bluffs will meet to discuss their regional rules and regulations. Mr. Wey said they filed an application for a Phase II Lagoon Pond study last week and the Town of Tisbury has put a letter of support in to that also. Mr. Jason asked if shellfish management would be part of the DCPC? Ms. Waterman stated that there wasn't anything specific in the regulations. There was discussion of the pier guidelines.

ITEM #5 - Discussion - George Pessotti, Island Group DRI

Mr. Early introduced Mr. Saxe, MVC Staff, to go over his presentation. Mr. Saxe stated that staff notes are available for Commissioners review if needed, and that the plans are on the walls for review. The main points he addresses are as follows: Correspondence received from the Edgartown Planning Board in response to our request for information regarding the reduction of parking, stated that they want all required parking installed, they want it to be gravel, and an easement granted at the back of the lot. At such time as the easement is utilized the parking can be reduced by the amount taken up by the road. LUPC and the public hearing brought up concerns that we guard against a change in use. The applicant mentioned a covered walkway at the public hearing but it is not in the plan.

Mr. Evans, Commissioner, asked didn't the applicant mention that he has provision for condominiums? Mr. Saxe said the applicant stated that he had no plans at the moment but that he didn't want to rule that possibility out. Mr. Evans asked, is it true that the proposed addition to house the computer operation and overflow is larger than the original building? Mr. Saxe responded that is true. Mr. Evans then asked if the building in the back was taller? Mr. Saxe responded no.

Mr. Filley, Commissioner, asked if the letter from the Planning Board was a recent letter? Mr. Saxe responded the date of the letter was October 18th which was before the close of the public hearing. Mr. Filley then asked if the Dodson Study had been approved? Mr. Saxe it hasn't been approved.

Mr. Evans, what is the percentage of the lot covered by driveway and parking? Mr. Saxe responded that 63% of the lot contains parking and building but that doesn't include driveway.

Mr. Morgan asked if the parking lot was subdivided? Are the two buildings on one lot and the parking on another? Mr. Saxe responded no.

Mr. Young stated that the LUPC has recommended, with a dissenting opinion, this for approval with conditions. The argument being that this does have Planning Board approval and meets with their overall objectives for the B-II district. Suggestions for conditions included a condition against condominiumizing or multiple ownership of this lot. We also confer with the Planning Board's suggestion that the driveway be gravel. Mr. Young stated that he was the dissenting opinion. He has great difficulty recommending this kind of intensity of use. He has growing disaffection with the Edgartown Planning Board's intentions for this area.

Mr. Morgan stated that he agrees with everything Mr. Young said. He has problem with the applicant saying he is building a 3,200 square foot addition that is not to be used as an expansion. How do you put a 3,200 square foot building in your back yard, with 29 parking spaces, exiting and entering onto one of the most critical spots in town and then say there will be no expansion.

Mr. Filley, Commissioner, stated that he thinks the intensity of use is a concerning feature. The Dodson plan has not gone to a town meeting. It has been discussed by the Planning Board but there are still a lot of grey areas that still have to be ironed out. If the Dodson plan does allow for this in the future and that is what the Town agrees on then it can be reconsidered, but at this time it does not make sense to approve it.

Mr. Ewing, Commissioner, agrees with the last 3 speakers. He is not against commercial business in this area but the scope of this one is too much.

Mr. Widdiss, Commissioner, stated that he didn't agree. He believes what is proposed there is less than half of what could be put there, if he understands the Edgartown Zoning correctly. Regarding parking we have an applicant who is more than willing to reduce his parking but it has been refused. He doesn't want to clear that entire area but he is being required to by the Town. This is no reason why we should be penalizing the applicant. It is not a 3,200 square foot addition, there was a building removed. It is in the business district and it does conform to the regulations for that area.

Mr. Ewing stated that one of the major problems is traffic. It is a stones throw away from 4 Flags and is near the Edgartown-Vineyard Haven and Beach Road intersection. The A&P is right down the street, and they are talking about expanding. Since it is still a mix of residential and commercial business I don't see how you can maximize the use of the lot without having any change in the traffic pattern. There are plans now to deal with the intensity of traffic now present.

In the summertime, as far as the definition of failed roads go, this one fails. People are now taking the back roads, residential roads, and going 30-40 miles an hour to avoid this area.

Mr. Morgan stated that not so long ago this property was owned by people living there with 1 car. Then Pessotti bought it. There is still the possibility of multiple ownership, or if not ownership, 2-3 corporations are operating from this site. It went from 1-2 cars from a residence to the Pessotti business which wasn't too bad because this is in the business district. Just because it is a business district doesn't mean we have to saturate every lot.

Mr. Evans stated that he doesn't feel anyone would make this type of investment without the anticipation of an increase in business. One of the things that was interesting in the applicant's discussion was that most of the traffic generation takes place on the weekend when the town is already at its most congested. As traffic starts to build there is a major failure of the bikepath and traffic flow beyond it. People have to sit in the bikepath to wait for a chance to get out. There is a lot of multiple abuse here.

Mr. Filley stated his point is that the residents have the rights to be there too and when an expansion impinges on that we have to look at that too. A denial now does not mean that they cannot resubmit in the future.

ITEM #6 - Possible Vote - George Pessotti, Island Group DRI

Mr. Morgan motioned that this DRI be denied based on the reasons in the foregoing discussion being: increased intensity of use and owners, scale of building and parking, traffic generation. This motion was seconded. There was no discussion. The motion carried on a vote of 9 in favor, 2 opposed, 3 abstentions (Jason, Wey, Lee).

ITEM #5 - Discussion - Roger Wey, Cottage City Supply

Mr. Early asked Mr. Bales, MVC Staff, to review the proposal for the Commissioners. Mr. Bales stated that staff notes are available for Commissioners review but to summarize this is an addition of 2226.9 sq. ft. to an existing business located in Oak Bluffs between Hiawatha and Uncas Avenue off Circuit Avenue. The main concerns were parking, drainage, traffic circulation, possible change of use, and the intensity of use in a mixed business/residential neighborhood. There have been changes in the parking, drainage, circulation, and lot area to be covered have changed since our last hearing. The parking changes are shown on the site plan in your meeting information. A parking space, #8, has been removed from the north Cottage City lot and relocated to the west with parking space #9, which has been reoriented away from the street. The State regulations for handicap parking requires 15 spaces or more to have 1 spot. There are only 14 spots but Mr. Wey will give 1 handicap spot. Concerning the drainage, 3 leaching catch basins have been added. To address circulation the applicant proposes to change the Rental Pickup Drive to be one-way in the direction of Uncas Avenue. The change in use is a concern because it is allowable under zoning for a theatre, halls, club, restaurant,

etc. to operate on this site. The proposed use is one of lesser intensity. I have included 2 other maps, Land Use and Zoning for your information to point out that there is land zoned for business in this area that is used as residential at this time. Mr. Bales also stated that the access to the lumber is new and that the house lot would be used for lumber storage which was previously where spaces 10-14 were. He then answered questions from the Commissioners.

Mr. Early, Commissioner, asked if the previous lumber storage on the southwest corner of the porkchop shaped lot is moved up to the house lot? Mr. Bales responded that is correct.

When there were no other questions for Mr. Bales, Mr. Early asked for an LUPC recommendation.

Mr. Young, Chairman LUPC, stated that LUPC had no recommendation. There were mixed feelings on this DRI. In its favor, seems to be the fact that what is going to result from this is considerably less traffic on Hiawatha Avenue. With the change of the proposed lumber storage location that is accessed via Uncas, anyone coming to pick up lumber will come in on Uncas and exit from Uncas. What Hiawatha will be used for almost exclusively is for people renting tools. Anyone renting any heavy equipment will have to pull down the side of the building towards Uncas in order to load the heavy equipment, which is kept upstairs and loaded out of the side door, so they will not be going up Hiawatha as they do from time to time now. Also the lumber inventory is going to be cut down considerable as a result of the reduced space in which to store it, so in fact traffic coming in there to pick up lumber is going to be proportionately reduced. Against it is the fact that it is a substantial commercial addition to a building in a residential area that is highly visible.

Mr. Early then opened the issue for general discussion.

Mr. Ewing, Commissioner, asked if this proposed area would be used for storage? Mr. Young responded for storage of heavier rental equipment. Mr. Ewing asked if they could still pick-up on Hiawatha? Mr. Young said the logical flow would be to go into the parking, go to the office, then pull up to the double doors and continue out onto Uncas.

Mr. Filley, Commissioner, then asked if Uncas was going to be one-way? The response was yes.

Mr. Evans, Commissioner, asked what the surface of the new proposed parking area is to be? Mr. Bales responded bluestone.

Mr. Filley stated that he believed it was stated in the public hearings that the applicant owned the lots to the left and right of the business which are now residences, is that true? Mr. Wey responded that is correct. Mr. Filley asked the applicant if there is any intended change of that residential use in the future. Mr. Wey stated there was no indication of that at this time. Each house has a Housing Assistance family living in it at this point, and we plan to continue that. However he can't say what the future holds 5 years from now.

Mr. Morgan, Commissioner, asked Mr. Wey what his opinion of the traffic committee's decision to make Uncas one-way? Mr. Wey responded that it was brought up at the last selectmen's meeting and the board felt that two-way traffic should continue, but where the problem arises is when coming down the hill, no left turns be allowed here on this blind corner. That was the boards feeling on how to correct the problem.

Mr. Evans stated that there had been discussion about making Hiawatha a one-way past the parking lot for the rental. The procedure would be for the Traffic Committee in Oak Bluffs to make a recommendation to the selectman and a public hearing would be involved. My suggestion is that if we approve this with conditions we make one of the conditions to allow that process to go ahead. In other words not to determine for Oak Bluffs whether Hiawatha should be one way or not, but that as a condition of approving this that the Traffic Committee is asked to proceed with the public hearing process. This way the people in the area can have input, the Traffic Committee, the public, the selectmen. Mr. Widdiss, Commissioner, stated we should let the Town decide when and if they want to do this without conditioning it. Mr. Young, Commissioner, stated that as he understood it, Mr. Evans is just suggesting that the Traffic Committee pursue examining this street and examining the possibility of making this street a one-way. Would that take the form of drafting a letter to them or adding language in the decision?

Mr. Early asked Mr. Friedman, MVC Administrator and member of the Oak Bluffs Traffic Committee, to comment on this. Mr. Friedman stated that what Mr. Evans is saying is what their normal procedure is anyway. Mr. Evans stated that he is suggesting that that process be hooked to the decision so it is not done 5 years from now, it is done now. Mr. Widdiss stated we should let the town decide if and when they want to change the directions of their streets we shouldn't tie it to our decision.

Mr. Jason, Commissioner, asked are we taking the position that a rental store is going to generate more traffic than a lumber yard that is there? Mr. Evans stated it could. There are many things being offered by the rental store that appeal to the general public not just contractors. As more and more people get to know this I think there will be activity here that is over and above what we have now. This is a very narrow way and if people could be encouraged to go out the other way good. But I thought it would be better to come from the public rather than the Commission as to how to handle traffic in the area.

Mr. Young agrees. It bothered him that they were considering making Uncas one-way but never considered Hiawatha at all. Even if it is just in the form of language in the decision and send a copy of the decision to the Traffic Committee that they should be prompted to examine whether or not Hiawatha should be one-way here. There is commercial traffic in a residential area created by this business and I think they should look into it.

Mr. Early stated that may be well taken in the way of a suggestion but he doesn't think that he has ever seen this Commission require an independent board to do something. Especially since one of their members attends every one of our meetings.

Mr. Widdiss stated that the suggestion should come from the people who are there and seem to have a problem. I don't know how long Cottage City Supply has been there but he knows the building has been there for a long time.

Mr. Evans stated this was a major concern at the public hearing and he would like some way of acknowledging the neighbors views and finding a way to encourage that process will do that. Mr. Morgan said he agreed for the same reason.

Mr. Widdiss asked what evidence was submitted to substantiate the claims that there was a problem there.

Mr. Early called on Mr. Friedman who stated that there are more things than businesses that we take care off. We look at emergency vehicle access at the safety factor. We don't just make a one-way street without investigating it. The Traffic Committee is very active looking at every avenue in Oak Bluffs. Ms. Borer stated that the Traffic Committee meets every Monday at 3:30 here at the Commission offices and that it is the most active Committee.

Mr. Evans stated that under these circumstances he feels the Traffic Committee has been made aware of our concerns.

When there was no further discussion Mr. Early moved to Item #6.

ITEM #6 - Possible Vote - Roger Wey, Cottage City Supply

It was motioned and seconded to approve the plan as revised on the site plan dated November 16th. There was no discussion. The motion carried on a roll call vote of 13 in favor, 0 opposed, 0 abstentions. Mr. Wey was not present at the table for this vote.

ITEM #6 - Possible Vote - Written decision Chadwick Inn DRI

It was motioned and seconded to approve the draft decision on the Chadwick DRI. Mr. Early opened the motion for discussion.

Mr. Jason referring to page 13, paragraph 2a, I suggest a change in the wording. He then asked Mr. Evans what his suggestion was. Mr. Evans stated that total design authority should go to the Historical District Commission, we should only approve the amount of rooms, sewage flow, we are only approving the pattern. There was further discussion among the Commissioners as to the basic intent and wording of this paragraph and the reference to the By-Laws in this paragraph possibly restricting the Historic District Commission's authority over site review. After some discussion Mr. Filley called attention to Section 6 of the By-Law which says they can consider the appropriateness of the size and shape of the structure. When these issues were resolved the following wording was decided upon: The proposed development, as conditioned herein, including final site

design, final architectural design, final landscaping design shall be reviewed by the Edgartown Historic District Commission for Consistency with the Towns Historic District By-Law prior to obtaining a building permit. This application may be redesigned or modified if the Historic District Commission so wishes. All final approved plans shall be submitted to the Martha's Vineyard Commission for the record.

Mr. Jason then asked on Page 14, paragraph 3a. what Commission are the plans coming back to, and if us, why? Ms. Borer responded it should read the Martha's Vineyard Commission and the sentence specifies the plans are for the record.

Mr. Early asked Ms. Borer to reread the the amended language for condition 2a so we can have a consensus vote on it. Ms. Borer then reread the condition as stated above. The amended language was approved on a consensus vote.

When there were no further modifications to the draft decision Mr. Early called for a motion. It was motioned and seconded to approve the draft decision as amended. The motioned carried on a vote of 9 in favor, 2 opposed, 3 abstentions (Lynch, Scott, Wey).

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence

Mr. Early stated that they had plenty on MVY Realty Trust and encouraged all Commissioners to read it.

Mr. Morgan asked a procedural question. If an oral vote is made in favor and the written decision is voted down what would happen? Mr. Early stated it is his understanding that the written decision is the final decision, you are approving the language. Mr. Ewing asked if a written decision was voted down would it be rewritten and again opened for discussion. Ms. Borer stated that if the oral vote was in favor, and the written decision was voted down, it would have to be rewritten for denial. There was further discussion on this issue.

Mr. Filley stated that there was a lot of reading here to do, will a synopsis be prepared? Ms. Borer stated that a brief summary will be prepared for the December 1 meeting.

Ms. Borer stated that there is a legal document received today from Choate, Hall, and Stewart which deals with the legality of Old Holmes Hole Road. Whether it is an ancient way, used by the public, who has a fee interest, etc.

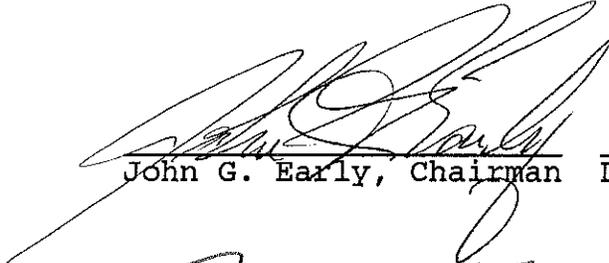
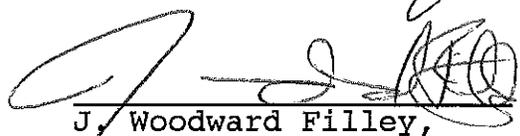
Mr. Ferraguzzi, Commissioner, asked if if there was any chance this discussion which is scheduled for December 1st can be held off until December 8th since I will be gone for that discussion.

Mr. Early stated that the discussion would be on December 1st with the vote on December 8th.

Ms. Borer asked if we don't get a vote on the decision on the 15th how many Commissioners will be here at the beginning of the following week, the week of the 19th. She stated that she didn't have a meeting scheduled for the 22nd but if you'll be here we might need to use that week. She asked for a show of hands. She then stated that the December meetings would not be held at the Commission offices.

The meeting was adjourned at 10:50 p.m.

ATTEST

	Date
John G. Early, Chairman	12/1/88
	Date
J. Woodward Filley, Clerk/Treasurer	12/8/88

Attendance:

Present: Jason, Lynch, Widdiss, Filley, Young, Eber, Ferraguzzi, Evans, Scott, Early, Wey*, Ewing, Lee, Morgan.

Absent: West, Medeiros, Delaney, McCavitt, Allen, Geller, Harney, Harris.

*Mr. Wey arrived at 9:10 p.m. and removed himself from the table during Item #5 Discussion and Item #6 Possible Vote - Cottage City Supply.