

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF DECEMBER 15, 1988

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular Meeting of the Commission on Thursday, December 15, 1988 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

ITEM #1 - Chairman's Report

Mr. Early, Chairman, stated that the agenda would be taken out of order for tonight's meeting.

ITEM #3 - Minutes of December 8, 1988

It was motioned and seconded to approve the draft minutes with one correction, (Page 11, 1st para, 3rd sentence, change Ms. Eber's response to No, not at this time.) This motioned carried, there was no opposition, no abstentions. (Harney and Geller abstained.)

ITEM #6 - Possible Vote - Written Decision MVY Realty Trust DRI Access Modification #291. Mr. Early called on Ms. Borer, Executive Director.

Ms. Borer called the Commissioner attention to Page 55, Findings & Conditions for review. She then noted a correction on Page 57, Condition 4.b., line 5, Own should be Town.

Mr. Jason, Commissioner, asked if MVC counsel had reviewed this decision? Ms. Borer responded yes. Mr. Jason then moved to accept the written decision as corrected. Mr. Evans seconded the motion.

Mr. Early open the motion for discussion.

Mr. Geller, Commissioner, questioned where the MVC counsel's statement regarding Old Holmes Hole Road could be found in this decision? Ms. Borer responded in the correspondence on Page 53.

Mr. Widdiss, Commissioner, questioned the wording of Condition 3.c & 3.d. He stated that compared to other areas on State Road the screening here is good. Mr. Evans, Commissioner, stated that the Conditions stated the visual characteristics of the Island not a specific area. There was further discussion on this issue.

When there was no further discussion Mr. Early called for a vote on the motion to approve the written decision for DRI #291 MVY Realty Trust Modification. The motion carried with a vote of 12 in favor, 3 opposed, 1 abstaining (McCavitt). (Geller and Harney voted in favor.)

ITEM #6 - Possible Vote - Written Decision MVY Realty Trust Subdivision DRI# 292. Mr. Early called on Ms. Borer.

Ms. Borer called the Commissioners attention to Page 25, Findings & Conditions for review. She also noted corrections as follows: Page 27, Condition 5.a, line 8, areising to arising; Page 28, Condition 5.b, line 5, change 2nd or to of.

Mr. Jason, Commissioner, referred to Page 25, Condition 1.a and asked if the Chapter and section specified were correct? Ms. Borer looked them up and stated they were correct. Mr. Jason did note correction to this section of the Condition in that Para 6 should read Sect. 6.

Mr. Young, Commissioner, stated that his problem is that incremental development makes him nervous. There was discussion last week on what should be required on commercial subdivision review in comparison to residential. With residential subdivision we know what will happen, this will be piece by piece, and it could end up being something we would never have approved. Mr. Morgan, Commissioner, stated that counsel has allowed for review of aggregate impacts. Residential subdivisions are burdened with restrictions and covenants, there is no need for them to come back for review.

There was some discussion as to whether such general discussion was normal procedure in light of the fact that there was no motion made.

Mr. Jason motioned to approve the written decision as corrected. Mr. Widdiss seconded the motion.

Mr. Ewing, Commissioner, called attention to Page 26, 1.d. and stated he didn't get that from the discussion last week. There was some disagreement on the types of discussion to take place on this motion.

Ms. Borer stated that the decision reflects the intent of the oral vote, maybe everyone doesn't agree with every point but the main intent of the vote is incorporated. Referring to Condition 1.a., it states yes we do acknowledge a zoning freeze but states that this freeze doesn't apply to regulations under Chapter 831. Condition 6.a states that the Commission reserves the right to future review and reviews of aggregate impacts and the right to impose mitigating measures due to development.

Mr. Early went on to state that ratification of this decision should be done much like the minutes, we are voting on the accuracy of the document.

When there was no further discussion Mr. Early called for a vote. The motion to approve the written decision on MVY Realty Trust Subdivision DRI #292 passed with a vote of 11 in favor, 4 opposed, 1 abstention. (Geller and Harney voted in favor.)

After a short recess Mr. Early reconvened the meeting and moved to Item #5.

ITEM 5 - Discussion - Consideration of the Planned Development District DCPC in the Town of Oak Bluffs.

Mr. Early stated that this discussion was for consideration of the nomination, this is not a public hearing and no public discussion will be allowed. If we do vote to accept the nomination a public hearing will be scheduled. He then introduced Carol Borer, Executive Director. Ms. Borer discussed the order of the DCPC process and the timeframe involved. Mr. Early then called on Mr. Jason as chairman of the DCPC Subcommittee to make a report. Mr. Jason reported that there are informational packets in the Commissioners meeting information from the Planning and Economic Development (PED) Committee. He also stated that PED had voted unanimously to approve the nomination.

Mr. Early asked if anyone from either nominating Town Board was present to speak. Mr. Martin, Oak Bluffs Selectman, stated that this is basically the only tract left available for planned development in Oak Bluffs and they strongly urge the Commission to accept this nomination.

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

ITEM #6 - Possible Vote - Consideration of the Planned Development District DCPC (Oak Bluffs).

Mr. Wey, Commissioner, moved to accept the nomination of the Planned Development District as a DCPC. Mr. Jason seconded the motion.

When there was no discussion Mr. Early called a vote on this motion. The motion to accept the nomination passed with a vote of 15 in favor, no opposition, 1 abstention (Widdiss). (Harney and Geller were in favor).

ITEM #2 - Old Business - Paul Alder, Spring Cove Realty Trust

Mr. Early stated that this issue is a proposed driveway, to access 2 rear lots, that lies within 100 feet of a wetland. Is it a modification of a previous MVC decision and does it warrant a public hearing? Mr. Early called on Ms. Borer, Executive Director, to review this matter.

Ms. Borer distributed a letter from Mr. Sulla, Jr., attorney for Mr. Adler and summarized the letter as follows: Regarding the June 11, 1987 MVC decision, several provisions are relevant as to whether it is appropriate to review this driveway. In Paragraph E it states the

applicant should obtain a Form C. The issue of this driveway as a way accessing 2 lots within the premises was thoroughly reviewed and approved by the W. Tisbury Planning Board who required that the matter be reviewed by the W. Tisbury Conservation Commission. Concerning Paragraph G, the referenced Plan of Land clearly delineates the private driveway. It goes on to state that this driveway was on a map presented to the MVC during the public hearing. The condition also states that the applicant must apply to appropriate Town of West Tisbury officers and Boards ... and that is exactly what is being implemented. The amendment that might classify this as a DRI, Section 3.104, was passed nearly 3 months after the original application.

Ms. Borer also stated that as requested from Mr. Levin we have received a report from Geotechnical Engineers that states that the impact on the wetlands has been mitigated by the DEQE and West Tisbury order of conditions. Ms. Borer also stated that as requested during the last discussion on this issue I have reviewed the documents and no MVC conditions have been deleted.

There was discussion among the Commissioners as to the need for the Commissioners to make a site visit and the ability of the Town Boards to handle this situation.

Mr. Young, Commissioner, motioned to consider this as a DRI and hold a public hearing. He stated that site visits should take place before the public hearing. Mr. Morgan seconded the motion.

Mr. Early called a vote on the motion to consider the driveway to 2 rear lots on the Paul Adler, Spring Cove Realty Trust Property as a DRI. There was no discussion. The motion carried on a vote of 13 in favor, 1 opposed, 2 abstentions, Widdiss, Medeiros. (Harney was in favor, Geller abstained.)

ITEM #4 - Committee Reports

Mr. Early called on Mr. Jason for a PED report. Mr. Jason stated he had nothing further to report.

Mr. Young reported that the Lagoon Pond DCPC Subcommittee has been working on regulations and that a public notice was put in the paper for the January 12th Public Hearing.

Ms. Skiver reported that the Joint Transportation Committee requests the Commission to appoint a representative to the JTC since issues are arising concerning the Regional Plan. Mr. Early stated this would wait until the 1st of the year when the new members would be present.

Mr. Early then turned the gavel over to Mr. Widdiss to report on the Nominating Committee.

Mr. Widdiss, Chairman of the Nominating Committee reported that they had nominated the following slate of officers: Mr. John Early, Chairman, Mr. J. Woodward Filley, Vice-Chairman, and Mr. Jim Young,

Treasurer. He then called for additional nominations. There were none. He then called for motions.

Mr. Jason moved to close the nominations, and approve the slate of officers as presented. Mr. Morgan seconded the motion. The motion to approve the nominations passed unanimously.

Mr. Early then moved to the next item.

ITEM #5 - Discussion - MVC By-Law Amendments

Mr. Early introduced Ms. Borer, Executive Director, to address this issue.

Ms. Borer stated that the executive committee met and agreed there should be some minor administrative changes to the By-laws. A memo was sent on December 1st suggesting changes as follows: Section 2.6 changes would in essence change the wording from within 30 days of receipt of the application to within 30 days of the date the application is deemed complete. Regarding Section 5.5 it has been suggested by myself, Mr. Early and MVC Counsel not to adopt this section. Section 6.4 requests a deletion of the word regular.

There was some discussion on Section 5.5 and the rules the Chair currently uses to conduct meetings. Mr. Early stated that Robert's Rules were used as a guide, and that it is helpful but the Commission doesn't want to be bound by them.

Mr. Jason, Commissioner, motioned to approve Sections 2.6 and 6.4 as amended and not to incorporate Section 5.5. This motion was seconded by Ms. Harney.

When there was no discussion Mr. Early called for a vote. The motion to approve the the amendments to Sections 2.6 and 6.4 and to not incorporate Section 5.5 carried with a unanimous vote of 16 in favor. (Harney and Geller were also in favor.)

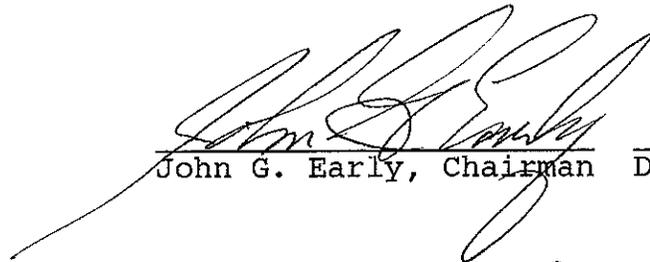
ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence

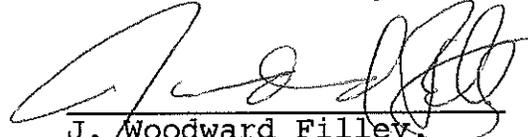
Mr. Early read a letter from Mr. Pachico, Superintendent of Schools requesting the MVC to appoint one member to serve on an Island-wide School Space Needs Committee to review present and future space needs for all Island schools. Mr. Early stated he had tried to contact Mr. Pachico but that he has been hospitalized. There is an outline of the Committee included here if anyone is interested. Mr. Jason suggested leaving this appointment until January 1st when the new Commissioners would be present also. Mr. Early agreed this would be better and said he would contact Mr. Pachico to be sure that wouldn't present a problem for him.

The meeting was adjourned at 9:55 p.m.

ATTEST



John G. Early, Chairman Date 1/5/89



J. Woodward Filley, Date 1/5/89
Clerk/Treasurer

Attendance:

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

Absent: West, Delaney, Allen, Harris.