MINUTES OF JANUARY 5, 1989

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, January 5, 1989 at 8:00 p.m. at the Commission's offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Jeff Young
M.V. Surfside Motel
P.O. Box 2507
Oak Bluffs, MA 02557

Location: Oak Bluffs Ave. AKA Lake Ave.
Oak Bluffs, MA

Proposal: Commercial addition to an existing structure qualifying as a DRI since the cumulative square footage is greater than 1,000 square feet.

James Young, Chairman of the Land Use Planning Committee (LUFC), read the Surfside Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Tom Bales, MVC Staff, to make his presentation.

Mr. Bales distributed photographic displays to the Commissioners and reviewed the staff notes (copies are available in the DRI file). After making his presentation Mr. Bales answered questions from the Commissioners.

There were many questions from the Commissioners regarding the Captain's Table located on the lot next to the Surfside. The questions and answers follow: Q. What is the Captain's Table? A. Previously a 1 story diner which has been purchased by Mr. Young and is currently being renovated to a 3 story building. Q. When construction is complete will the restaurant still be a restaurant? A. Yes. Q. Is it part of the Motel? A. 6 rooms on the upper floors will be leased to the Surfside Inn and rented as rooms. Q. What is the access to these rooms? A. Through the rear of the building. Q. What is the area of the Captain's Table? A. First floor 14 x 50, second and third floors 15.6 x 50. Q. What is the distance between the Captain's Table and the Surfside? A. 2 feet. Q. How deep into the lot is the Captain's Table? A. The lot is only 17 feet wide according to the assessors map. Q. It is not part of this DRI then? A. Mr. Young, applicant, came to the Commission in September '88 and
that project was determined to be a separate project since the buildings are not attached. Q. Does the Captain's Table meets the requirements as a DRI, specifically under item 6B on the checklist? A. Upon inquiry to the Oak Bluffs Building Inspector he informed Ms. Borer that it is a renovation and information submitted by the applicant stated that the total square footage would be under 3,000 feet. Further we did not have the plans before us to make a determination. Since the Building Inspector considered it not to be an addition he didn't refer it. Q. Does the Captain's Table have its own septic system, and if so where is it located? A. Yes, located on Bank property under the parking through a recorded easement.

There was a general consensus that the Commissioners want to see additional information on the Captain's Table before closing this public hearing.

Mr. Early, Commissioner, asked if lot 39 is contiguous with the Surfside lot, it looks like the bank lot has a sliver there is that the case? Mr. Bales responded yes there is a sliver there.

Mr. Early asked if we could invite the Oak Bluffs Building Inspector so he could let us know how he interpreted our checklist? Ms. Borer responded she would invite him.

Mr. Jason, Commissioner, asked for explanation of the septic system requirements. The staff notes state that it must handle 40% over Title V? Mr. Bales responded yes, that is the Town of Oak Bluffs requirement. Mr. Jason then asked how 34 hotel rooms, a manager's quarters and a laundry could meet the requirements of the Town of Oak Bluffs. Mr. Bales responded we have a letter on file dated October 17, 1988 from Cindy Barletta, agent, Board of Health, stating that this meets all the Town's requirements.

Mr. Fischer, Commissioner, asked if it is an existing system? Mr. Bales responded yes, this system was approved in October of 1987. Mr. Fischer then asked if there had been any problems with it? Mr. Bales responded that according to the applicant, no.

Ms. Colebrook, Commissioner, asked for elevations of the site and septic capacity. Staff response was 12-15 foot elevation and the total leaching capacity of the system is 6,621 gallons, leaching capacity required by Oak Bluffs including the 40% safety factor is 6,468 gallons. Ms. Colebrook then asked what was the depth of the pit? Mr. Bales responded 4 ft.

Mr. Bales showed a short video of the site.

When there were no further questions, Mr. Young, Commissioner, called on the applicant to make his presentation or address questions that were raised.

Mr. Young, applicant, stated that he and Kate bought the property in December of '86 and spent all of the winter of '87 renovating the
complex. The motel had been let stand still for 4-5 years. When we came in we renovated all of the rooms. We called Mr. Wey at that time to evaluate the septic system and he felt it was adequate, however we wanted to put a park in front of the hotel. We bricked this area in our first year, and our leaching pit is here. We spent a fair amount of time and money because we felt it was important to put our best foot forward. Kate and I have always been under the philosophy of doing the right thing and waiting out the project to give a return to us. The park was asphalted and very unattractive and we wanted to improve it, the Friends of Oak Bluffs felt the same way and were nice enough to give us a letter to that affect. The backside of the motel, facing the Game room, does have gutters and downspouts. The alley way is gravel. Over the last few years besides doing over the rooms and the park we have been trying, slowly but surely, to improve the exterior. Mr. Young then answered questions from the Commissioners.

Ms. Colebrook asked if there is parking on the leaching area? Mr. Young responded no. Ms. Colebrook then asked if he got, from the Water Dept., water usage for the previous year? Mr. Young responded no.

Mr. Young, Commissioner, then asked the applicant about the drainage. Any run-off going into the patio area just drains down into the soil? Mr. Young, applicant, responded that there is a spicket for people to clean their feet off at the side of the patio area which does have a drain. But even in the heaviest storms, we may have a little puddle here but it dissipates quickly. Mr. Young then asked the area on the side of the main building the downspouts are directed into a gravelled alley way? Mr. Young, applicant, stated that there are gutters and downspouts the whole length of the building. Mr. Young, Commissioner, asked so that area isn't creating any off site flow? The applicant responded that is correct. Mr. Young then asked the only off-site flow is from the parking area, do you know which direction that flows, does it just run down the street? Mr. Young, applicant, responded yes he believes so and that he has never seen that to be a problem.

Mr. Evans, Commissioner, asked what the total number of rooms will be, 32? Mr. Young responded there will be a total of 34, we have 2 rooms that will be used for employee housing. Last year we dedicated 1 room to employees, this year we plan to dedicated 2. As you all know there is a problem finding people to work over the summer if you don't provide housing. Mr. Evans then asked to break down how many rooms would be available for guests? Mr. Young responded 32 for guests, 2 for employees, and 1 manager apartment.

Mr. Jason, Commissioner, asked how many bedrooms are in the apartment? Mr. Young responded 1, it is an oversized room.

Mr. Evans asked how many could be accommodated in the rooms set aside for help? Mr. Young responded there is a potential for 4 if appropriate sexes, last year we had 2 women who shared a room, this year we want to hire a man for on site work so we might just have 3, 2 males and 1 female. Mr. Evans then asked the applicant to describe his experience with parking? Mr. Young stated that had not been a
problem because they are located across from the Steamship Dock. With the difficulties in getting a car over in the height of the season, we encourage our guests to leave their car on the mainland. We have not had any problems at all with parking, if anything we seem to have a problem with people who aren't staying at the hotel using the lot.

Mr. Early, Commissioner, asked if Mr. Young owns lot 41, opposite the bank on Pasque Ave? Mr. Young responded no. Mr. Early continued that it states in the staff notes that you have an informal agreement to use that area for parking, what would happen if that informal agreement was no longer an agreement? Mr. Young responded that during the height of the season that lot is more of a headache than a benefit, I have to, at my own expense, have someone stand out there over the weekends to keep people from parking there. Fortunately because of our location we have no problems with parking at all.

Mr. Early then asked about the status of the 20' ft. way along the back access of the bank? Mr. Young responded that is the bank's property.

Ms. Bryant, Commissioner, asked if the room are intended for seasonal rental? The applicant responded no, year round.

When there were no further questions from the Commissioners Mr. Young called for Town Board comment, there was none. He then called for comment from the public in favor of the project.

Ms. Kate Young, applicant, stated that they followed all the appropriate channels. They came to the Commission after the Oak Bluffs Boards. We will be here for years, we aren't just building to try and make a profit and then leaving the Island, so we want everything to be proper. We came before you for an addition of 4 rooms not the Captain's Table. I want to be sure that we, as well as other applicants, don't get caught between boards even after we go through the proper process.

When there were no further comments from public in favor, Mr. Young called on public opposition.

Mr. Tim Sweet, Oak Bluffs Planning Board, asked if this application for the Captain's Table come up for determination as a DRI? Ms. Barer responded that it was informally addressed among myself, the applicant, and the Building Inspector and that the Building Inspector felt he did not have to refer it.

Mr. Jason, asked the applicant how he could start with a 700 sq. ft. building and end with a 2,100 sq. ft. building and not understand that it was an addition of greater than 1,000 ft? The applicant responded that they thought it was 3,000 sq. ft.

Mr. Sweet added that it is not up to the applicant to make this determination.

When there were no further questions Mr. Young continued the public hearing to a date to be announced.
The meeting was reconvened after a short recess at 9:10 p.m.

Mr. Early stated that before continuing with the next public hearing he would open the special meeting. He stated that 4 Commissioners have retired after many years of service, we invited them here tonight to present them with a small token of our appreciation. Unfortunately Mr. Widdiss and Mr. West were unable to attend. However, Mr. Lynch and Mr. Ferraguzzi are present and I want to take this opportunity to thank them for their services and present them with these gifts. Mr. Lynch and Mr. Ferraguzzi were presented with bound, monogrammed editions of Chapter 831.

Mr. Young reconvened the meeting and read the public hearing notice for 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 a dwelling unit qualifying as a DRI since the proposal is the subject of a previous DRI.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Bourne Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Melissa Waterman, MVC Staff, to make her presentation.

Ms. Waterman reviewed the staff notes using wall maps and design drawings on the walls for reference (copies are available in the DRI file). Correspondence was received from Richard Renehan, Hill & Barlow, dated January 3, 1989; Robert Forrester, dated January 3, 1989; Charles Morgano representing John Connors, Lane Lovell, and John Lawson-Johnston, dated December 29, 1988; John Connors, Jr., dated December 29, 1988; Mr. & Mrs. Lawson-Johnston, dated December 28, 1988; Mr. & Mrs. Barbato, dated December 27, 1988; Gene Barbato, dated November 9, 1988; Mark Hutker, applicant's architect, dated January 5, 1989; and Lane Lovell, dated January 5, 1989 and was summarized by staff (correspondence is available in the DRI file). Ms. Waterman distributed the pictures from the Morano letter and the 2 new pieces of correspondence not summarized in the staff notes to the Commissioners and then answered questions.

Ms. Harney, Commissioner, stated that on page 4 of the staff notes a letter from Mr. Connors states the proposed building is on a wetlands, is this wetlands? Ms. Waterman responded that the soils are wet and
that several photos submitted by Mr. Morano show the property has been under water on several occasions. There are wetlands on the property one over from Mr. Lovell's but there is no vegetation that indicates this is a wetland? Ms. Harney asked but it is still very close to a designated wetland? The response was yes.

Ms. Colebrook, Commissioner, asked if the proposed building is on an elevation of 4 feet? Ms. Waterman responded where it is located on the property is within the 4-5 feet elevation but they give a finished elevation of 6.08 feet. Ms. Colebrook then asked if the proposal was within 200 feet of the harbor? Ms. Waterman responded that it is 90 feet from the mean high water line to the concrete wall, so the 200 foot line would fall approximately in the middle of the proposed building. Ms. Colebrook then asked if the proposal has met with Edgartown setback requirements? The response was affirmative. Ms. Colebrook asked if the Conservation Commission has reviewed this? Ms. Waterman responded that they will review the plan after the MVC decision. Ms. Colebrook went on to ask if this site was considered a wildlife habitat? Ms. Waterman responded that although there is a large population of varied bird species nothing has been identified as being endangered or rare in this area.

Mr. Ewing, Commissioner, asked what materials are proposed for the foundation? Ms. Waterman responded that the letter received today stated the foundation would be concrete. Mr. Ewing asked what the Coastal DCPC regulations were for a foundation in an area subject to flooding? Ms. Waterman responded that because town centers were excluded from the DCPC this proposal is not within the Coastal DCPC.

Mr. Filley, Commissioner, on your drawing of the view from N. Water St. how does the height of this proposed building compare to what is existing? The applicant's architect addressed this question by stating that the new proposal is essentially .5 feet taller than the existing structure.

Mr. McCavitt asked if Ms. Waterman had seen historic maps designating the mean high and low water lines? Ms. Waterman showed the mean high water line and stated that the plan previously submitted didn't show this. Mr. McCavitt stated it is significant in terms of the seawall and it's history. Ms. Waterman stated she is sure the seawall has been there for some time.

Mr. Lee, Commissioner, asked whose house is shown under water in pictures? Ms. Waterman responded the cottage on the abutting Morey/Bourne property.

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

Mr. Renehan, attorney for the applicant, introduced Mrs. Bourne, her brother Mr. Morey, and the architect Mr. Hutker. He reviewed the legal background as follows: 2 1/2 years ago this Commission gave us permission to build exactly what we wanted to build then, a guesthouse, which lead to the question can you really build here, you
can. But one of the conditions you had was unacceptable. That condition was you can't build anything else. So we went to court to say you can't put that condition on us. When we went to court we said to the judge under laws in Edgartown we can build 2 houses, a big house and a guesthouse and that is what we say we have the right to do. Eric Wodlinger, MVC Counsel, stated the MVC says they can only build a guesthouse and we can restrict them. Then we said that Mrs. Bourne will live with the one house limitation as long as it is the big house. The judge said, you say you can have two, the Commission says you can have one, then you say you can live with one as long as it is a big one, so the judge said get back to that Commission and see if you can't resolve it. If we get what we want for Mrs. Bourne we have resolved everything because Mr. Morey has sold his lot, that is no longer a problem, it is gone. What is the practical issue, from the judge's point of view, if you agree to the qualification that we put the one house, the big house then it is all over. Here is the real issue, what Mrs. Bourne wants to do is what everyone else in the area has done, the only problem is she is the last one to do it. People are saying if you get to build there is no more vista. It is a matter of basic fairness. We don't want to do anything more than what everyone else has done down N. Water St. We can live with some limitations on the vista and if you would ask your lawyer what is the issue he would tell you there is only one issue, have you fairly dealt with the vista. It has nothing to do with wildlife, with water there. There are houses on either side of us, exactly where we want to build, there is no problem building a house here. Respectfully, it isn't part of your jurisdiction as your lawyers will tell you. We are going to leave here if we get the modification and go to the Conservation Commission, the Board of Appeals, and the Historical Commission. The only thing we are going to focus on tonight is have we fairly dealt with the vista. So you can restrict us as no one else on N. Water St. has been restricted. That is the basic issue. He then introduced Mr. Hutker to make a presentation.

Mr. Filley, Commissioner, asked Mr. Renehan, you stated that Mr. Morey has sold his property? Mr. Renehan responded that this was originally a two lot battle, it is now a one lot battle, Mrs. Bourne. Mr. Filley so in legal terms that lot is approved for a 900 foot guesthouse? Mr. Renehan responded yes unless the new owner comes back to you for modification. There is no more case for Mr. Morey.

Ms. Colebrook asked Mr. Renehan, you are saying it is not an issue if this is a wetland or soggy soil? Mr. Renehan stated it is not an issue, if it is an issue for anyone it is the Conservation Commission. Eric Wodlinger would tell you that the issue is the view. Have we fairly dealt with the view. However in response to your inquiry you could put a house there, there are a lot of houses there now. Ms. Colebrook then asked if there has any been a question about home insurance in a flood zone there? Mr. Morey responded that there is an insurance provision for a house built below the flood line elevation, they charge you a higher rate. I have owned the property for 45 years and I have never had flood insurance, I don't think it is a good buy.
Mr. Hutker, architect for the applicant, began his presentation with slides and further stated we built a model and we have also done many drawings which you will see to show the architectural implications of what we are doing here and in fact the buildings impact on this environment. Mr. Hutker then presented slides depicting the site and the three lots, Morey/Bourne property, Bourne property, and the parcel Mr. Renehan indicated has been sold. The concrete retaining wall is shown on the slides and it divides the lawn from the beach. He pointed out the public access to the lighthouse and the hedge dividing the public property from the adjacent property. The implication we are here to talk about is actually how this fits the 15 foot height and how it fits on the site itself. He pointed out the setbacks on the slides indicating the contours of the design are matched to the contours of the site. He showed slides depicting the vertical implications of what is proposed, showing the 6 foot contour (finished first floor), the 11 foot contour (100 year flood elevation), the 15' line above the 6 foot elevation (the height of the proposed building), and the 15 foot line above the 100 year flood elevations or 11 ft. contour. The envelope we are seeking for this building is the 15' above the 6' contour. He then showed the harbor views and indicated he sees it as a three tier development, 1) the piers, 2) outbuildings, cottages, servicing for the piers, and 3) the captain's houses. He showed several slides depicting the harbor views from different angles and the perpendicular design of the cottages allowing a view from the Captain's houses. He made this distinction because he feels they are very clearly building in the tier of the cottages and the architecture is based on the scale of the cottages. In order to do that they used a tripartite design starting with a head house adding a connector, a back house and a carport. He showed the driveway and the 18% slope of the shared driveway and described the design of the house in some detail. We have tried to keep the major gables of the roof perpendicular to the harbor to allow the widest possible view. He then discussed the materials of the house and the attempts to continue the architectural motif of the surrounding houses in this design. He then showed panoramic views of the site from actual photos interlaid with proposed views shown by a scale model of the site and surrounding areas to show how the proposal may influence the view. He stated there would be glimpses of view around and between the structures similar to the views allowed by existing structures all the way from town. He pointed out that the proposed height of the structure is within the 15' elevation and is 6" higher than the existing cottage. Mr. Hutker closed by saying that the intention is to make whatever is put down there fit into that environment based on the height restrictions that have been suggested as our guidelines, the zoning by-laws set by the Planning Board, and to also do it in a way that compliments the buildings in the area so we end up with a pleasant environment. Mr. Hutker then answered Commissioner's questions.

Mr. Filley, Commissioner, asked about the statement that the roofline would be a 6" higher than the existing cottage, does that include the chimney? Mr. Hutker responded no the chimney is additional, 2 feet higher.
Mr. Evans, Commissioner, asked exactly what parts of the structure are 6" higher? Mr. Hutker responded the gables at the ends, but the main structure is approximately 1'6" lower than the two gables. Therefore the major height of this building is 1' lower than the cottage.

Ms. Colebrook, Commissioner, asked what the height of the originally proposed guesthouse? Mr. Hutker responded that his understanding was 15' but the problem with the initial information was that all this site information was obtained in the last 2 months so Mr. Cutera's plans weren't able to be as specific as these are because the mean high water level could only be taken from the U.S.G.S. Maps and at that time you could only estimate the elevations. I believe he simple drew the ground line and assumed it would be the same as the rest of the parcel over there. Now we have more specific numbers and know exactly where we are.

Ms. Waterman, MVC Staff, asked Mr. Hutker about the finished floor grade given of the existing structure on the Morey/Bourne property as 6.08' and the new structure has been figured at 6.08' and the height is going to be 6" different, how is that? Mr. Hutker responded that the existing cottage is not 15' tall it is 14'6".

Ms. Colebrook, Commissioner, asked what was the base factor that originally brought you to the Commission in the first place? Mr. Hutker responded it was a crosstown referral. Mr. Renehan stated in our view Edgartown could not get this item before the Commission unless some other town made a request for a so called cross town referral. So West Tisbury requested the Commission consider this as an item of DRI. One of the issues of our law suit is the legality of that cross town referral. We would say what are you talking about, this isn't a DRI, this is one house in Edgartown. But I won't argue that battle here.

Mr. Ewing, Commissioner, stated that Mr. Hutker had referred to traditional buildings on the waterfront on Edgartown and the tradition has been the bigger houses up on the hill, I was just wondering why then a building of this size would be proposed for that lot? Mr. Renehan stated that we would say our house should be right up at the top of the lot like everybody else's is. But the issue is if we build this house there is no view left. So how do we accommodate the desires of some neighbors and the public that we as the last house preserve a view. The answer is we build down here but we want comparable floor space to what we would have had had we not accommodated the vista. In effect what this Commission is doing is, without payment, asking Mrs. Bourne to accommodate the preserving for others of a view. So we are all struggling to give us a house we are entitled to as well as preserving the view. That is really what is at issue.

When there were no further questions from the Commissioners Mr. Young called on Town Boards for comments.

Ted Morgan, Member of the Edgartown Board of Selectmen, stated that he was involved in this matter initially and that he would like to
respond to Mr. Renehan. He is absolutely right that people have been able to build houses along Water St. and elsewhere around Town but there have been many changes and fortunately the Town has been able to pass by-laws and wetland protection laws and many laws that were not in effect when some of the other houses were being built. With laws in effect at that time it would probably be built differently. Our concern was basically the scenic vista. That is primarily why this became a cross town referral. This property is on the Open Space Plan for the Conservation Commission. It is also a priority for the Land Bank Advisory Committee as a piece of land that the Land Bank and the Town of Edgartown would be interested in. The other concerns at this point in time is as I look at the size of the house, which is skillfully done, but the density and the fact that the property next door was stated to not be an issue is of concern. I think this Commission stated in an earlier hearing that just as the they were concerned with the subject property they were also concerned with the property right next to it. I appreciate the fact that they have decided that the house should be sited lower than the Street level of the property at that end, I think it is very well done but I wanted to express the concerns that we have had in the Town. The selectmen and others in the Town have also expressed these concerns.

Mr. Early, Commissioner, asked Mr. Morgan, in the staff notes under compliance with Open Space Master Plan of the Town there is a paragraph regarding the past Town Open Space Plan had acquisition of the property as an objective. It stated that during an 1986 town meeting a warrant article approved instructing the Conservation Committee to explore the possibilities of acquisition of the property. What is the status of that as far as the Town is concerned, has any action been taken? Mr. Morgan stated that he didn't know if it was pursued or not, Mr. Ewing was on the Conservation Commission at that time. Mr. Ewing, Commissioner, stated that this was brought up at our last meeting, this particular property. Since 1986 we have been wanting to buy it. We have had some correspondence with the Morey's, I don't know the details of the correspondence but for what I understand the Morey's have not been inclined to sell the property to the Commission. Mr. Early stated he was interested in the outcome of the town meeting vote and if the Town had taken any further action? Mr. Ewing stated he thinks that some of the reticences is because of the litigation that has been ongoing concerning the status of the property.

When there were no other Town Board comments Mr. Young called on public in favor of the project, there were none. He then called on public in opposition.

Mr. Lane Lovell, stated he was confused about the conclusion concerning the height of this structure. As I recall under the June 19, 1986 hearing Mr. Morgan stated that the house could only be 13-15 feet high according to the plan. When the Commission handed down their approval they stated that the house could be no more than 15 feet above ground as shown on the plan. Now it appears they going 5-6' higher than the Commission originally decided it should be when considering the view. Concerning visual quality, he read from MVC
document "Policies to be used in considering development proposals whose impact is of a regional nature", adopted June 5, 1975, Section 2.904 and 2.905. He concluded by reading the preamble to the Edgartown's Conservation Commission's Wetland By-laws.

When there were no other members of the public to speak in opposition to the project Mr. Young called on Mr. Renehan to make a final statement.

Mr. Renehan stated that so everybody understands, if we get the special permit this house will be exactly the same height as what was approved before. If we don't get it and are forced to live with the flood plain then you get the differential. So the special permit is in everybody's interest because it lets us build to the height of the cottage next door.

Mr. Lee, Commissioner, asked who the current owner of lot 5.1 is? Mr. Renehan who responded Mr. Peter Sharp.

Mr. Early responded that lot 5.1 is also the subject of a previous DRI and any development of that lot would come before the Commission as such.

When there were no further questions Mr. Young closed the public hearing and stated that the record would remain open for written testimony for 1 week.

After a short recess Mr. Early reconvened the special meeting at 10:35 and proceeded with agenda items.

ITEM #1 - Chairman's report

Mr. Early welcomed the four new Commissioners, Ms. Colebrook, Ms. Sibley, Ms. Bryant, and Mr. Fischer. He stated that the roll call voting would be done alphabetically for the elected and appointed Commissioner, then the governor's designee and governor's appointees however anyone may pass temporarily if they wish to and the Chairman will vote last in case I have to break a tie.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of December 22, 1988

It was motioned and seconded to approve the draft minutes as prepared. The motion passed with no opposition, 5 abstentions (McCavitt, Colebrook, Bryant, Sibley, Fischer). (Harney abstained)

ITEM #4 - Committee Reports

Mr. Young reported that Land Use Planning Committee would meet next Monday on Vineyard Crossing, Swan Neck, and Crocker Millbrook, West Tisbury proposal. Mr. Morgan asked why is this plan before use again? Ms. Borer responded because the applicant has have submitted a form C
for their subdivision plan, before it was a form b. There was further discussion among the Commissioners as to the fact that the entire plan should come before us at the same time. Ms. Borer stated that it has been suggested to the applicant to bring the entire proposal at one time. The applicant agreed that he is not quite ready for his public hearing but would like to sit down with LUPC as many times as necessary to see what might occur. We might also bring this issue up then.

Mr. Young continued with his LUPC report by saying there has been an attendance problem at LUPC meetings, and requested Commissioners sign up.

Mr. Jason reported that the Planning and Economic Development Committee would meet next Thursday at 6:30 p.m. to discuss possible guidelines and funding for the proposed Planned Development District.

Mr. Early reported that the Joint Transportation Committee and the Regional School Space Needs Planning Committee also need a member from the Commission.

Mr. Young reported that the Lagoon Pond DCPC Committee will hold a public hearing next Thursday on regulations in Tisbury and Oak Bluffs here at the Commission Offices.

ITEM #5 - New Business

Mr. McCavitt, Commissioner, stated that there has been a lot of turnover in State government lately. The governors announcement that he would only be with us a few more years. Secretary Hoyte resigned as of December 31. I also regret to tell you that Rich Delaney has informed us that he is leaving Coastal Zone Management as of January 20th to go to a new post as Director of a newly created Urban Harbor Institute at U. Mass. Because of budget constraints all open positions require a lot of paperwork before you can fill them.

Ms. Harney stated she had met Mr. DeVillars, New Secretary of EOEA, and had discussed the Commission and invited him to attend a meeting. Ms. Borer will put together a package of information for him to brief him on the Commission.

Also under new business Mr. Early asked the new Commissioners if they had any questions or comments about the proceedings tonight.

Ms. Colebrook asked how the Bourne DRI came before us before it came before the Town. Mr. Early responded that because it was a crosstown referral it came directly here. Ms. Colebrook asked if it was a question of limiting the development rather than denying it? Is denial beyond our mandate? The response was no it is not.

Ms. Sibley asked isn't it contrary in terms to say a guesthouse is the only thing allowed on the lot? Mr. Early responded we approved what was applied for. They applied for 2 guesthouses and we said fine that is what you get. Then they realized that that was not ultimately what they wanted and they filed a complaint.
ITEM #6 - Correspondence

Mr. Early read a piece of correspondence from Seven Gates Farm Corporation regarding the Priester's Pond Association as follows:

Dear Ms. Barer, The Martha's Vineyard Commission decision on the Priester Pond Associates subdivision was recently brought to our attention, and we wish to take exception to the working of paragraph #3 b. on page 15: "The applicant has agreed to allow residents to fish Crocker and Priester's Ponds with permission." Crocker Pond, up to and including the water line, belongs to Seven Gates Farm Corporation, as does roughly two-thirds of Priester's Pond. We therefore respectfully request the Commission to re-word this paragraph. Sincerely yours, H.K. Bramhall, Jr., Vice President.

There was some discussion among the Commissioners and Mr. Early stated that it would be addressed as an agenda item in the future.

The meeting was adjourned at 11:00 p.m.

ATTEST

John G. Early, Chairman  
Date

James Young,  
Clerk/Treasure  
Date

Attendance:

Present: Bryant, Colebrook, Early, Eber, Evans, Ewing, Filley, Fischer, Jason, Lee, Morgan, Scott, Sibley, Young, McCavitt, Harney.

Absent: Medeiros, Wey, Delaney, Allen, Geller.