MINUTES OF JANUARY 26, 1989

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Special Meeting of the Commission Thursday, January 26, 1989 at 7:00 p.m. at the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Mr. Early, Chairman, opened the meeting and welcomed the members of the Edgartown Planning Board for a working session to review the Harry Dodson plan and the Edgartown Planning Board's goals for the Business District II on Upper Main Street.

Mr. Dellorusso, Chairman of the Edgartown Planning Board (EPB), began with a review of the agenda for this meeting including the following: I. History of Concern; II. Dodson B-II Concept Plans; III. B-II Zoning Changes Proposed; IV. MVC Business Area planning concerns; V. Actions to be taken next.

Mr. Dodson stated that they are working under a grant from the Massachusetts Council for the Arts and Humanities. The goal is to look at the ways in which the character of this district could be improved, preserved and enhanced through site planning and design steps. We wanted to not only beautify the area but take steps to prevent it from becoming a typical commercial strip on the way into town. We looked at the existing conditions, assets, and problems of the area and we did a base map, he referred to this map which was displayed on the wall. He summarized the assets as follows: The district still has a certain mixed residential quality to it; the buildings form a strong edge on the street; some of the new buildings have been done quite well, they have a strong relation to the street; there are open spaces and views that still exists in this district. He summarized the negative aspects as the traffic problems resulting from a high flow, large number of curb cuts, and difficulty in turning patterns, concerns over large areas of parking or "seas of asphalt" that are extending up and down the district. He explained a series of area perspective displays showing 2 different ways the district could grow. One being the typical growth involving large areas of parking, numerous curb cuts, not much change in the intersections, and large, massive buildings. This type of development is seen a lot in Massachusetts but we feel it does look right for Edgartown. An alternative approach is shown involving a couple of changes. One is that overall density is lowering, the building expansion is being done in terms of architecture and site planning to try to pick up on the Edgartown character. Not mimicking the center of town but picking up some of its characteristics. We have attempted to locate the parking in the rear with the majority of the building frontage on the street.
This will allow the traffic to flow behind the shopping areas on a rear access road and allow modification of the traffic pattern through a special permit process. This will also reduce the number of curb cuts necessary. A dense screening buffer will be required to protect the residential areas from the parking. We want to keep the Open Space identified on this plan as Open Space so the area doesn't become completely commercial. To avoid a strip-type commercial area. We have been working on modifications to the Zoning By-laws to encourage this type of appearance. Another way to encourage this is to use examples. Our concern is how to deal with continued expansion in this district and the greater density. Growth, that is inevitable, would be better planned, designed, and laid out to reduce the negative effects. Mr. Dodson then addressed questions and comments from the Commissioners.

Mr. Ewing, Commissioner, asked about the landscaping plans for the road? Mr. Dodson responded that there would be the addition of a left hand turning lane in front of the A&P. The landscaping and tree planting would be along the existing median strip and road shoulders. There would be mainly large canopy trees added. The idea for the bike path would be to relocate it either to the rear of the shuttle parking area or around Pine Hurst Road and the existing bike path would be converted to pedestrian use. Mr. Ewing then asked what types of business do you envision here? Mr. Dodson stated that it would be great to help the B-II district become an area for shopping for essential services, i.e. hardware, supermarket, post office. A year-round commercial center. The downtown area is now dominated by tourist related businesses. However there is only so far you can go to control the types of business in the area lawfully. Mr. Ewing then asked what he envisions the size and number of buildings to be on individual lots? Mr. Dodson responded that the area is currently only 1/3 built out. They hope to encourage only a doubling of the current density instead of building to the remaining 2/3 figure. We are encouraging adding smaller structures to the existing ones rather than demolition of the smaller buildings and adding large structures in their place. The 20% open space requirement and the parking requirements will help to reduce the floor area ratio from the current 1-1 figure. Mr. Ewing asked, so by combining the open space and parking requirements it will limit the amount of development on each individual lot? Mr. Dodson responded not necessarily limit the number of buildings but would require 20% of the lots be open space and then the parking requirements would be based on the type of facility.

Ms. Sibley, Commissioner, asked if the buildings proposed on the wall presentation at the triangle were located there to block the expanse of the traffic? Mr. Dodson responded partially. These areas are not true building footprints. We are trying to bring the buildings to the edge of the street to help promote pedestrian shopping and reduce traffic. It is an attempt to promote development of a traditional New England town streetscape.

Ms. Harney, Commissioner, asked on the conceptual plan of the area, are the green areas currently in the B-II district? Mr. Dodson responded yes with the exception of the wooden strip and the golf course areas.
Mr. Filley, Commissioner, asked about the assets of the residential character. Are there components for residential use here in this plan? Mr. Dodson responded that residential use is allowed under zoning. Our feeling is that mixed use has worked here and residential use should not necessarily be discouraged in the future. However it will probably be phased out of this area due to economic factors. Mr. Filley then asked if you envision mixed use in the same structures, i.e. apartments over store fronts? Mr. Dodson stated it is a definite possibility.

Mr. Evans, Commissioner, stated that it appears that the traffic orientation and planned development of this district would double the density on this road. What predictions have you made on the traffic on the road into town? What population of the Island would this area serve? Do you feel that the B-II district is the right shape? Mr. Dodson responded that whether the traffic density would double or not would be based on the types of business in the district. We assume a fair amount of the traffic downtown in the summer from tourists would be alleviated by the shuttle service. We envision this district to serve the Edgartown year round population and some of the surrounding areas, we don't envision it to service the regional population. Concerning the shape of the B-II district, it is based on the shape of Upper Main Street and is hemmed in by the residential areas on both sides.

Mr. Early then asked to address the proposed B-II zoning changes.

Mr. Dodson stated the main point is that special permits would be required for all businesses. The proposed By-law changes are translating a lot of the traffic and site planning recommendations into criteria for the special permit.

Mr. Ewing, Commissioner, asked how you envision the open space being obtained, through acquisition, development rights? Also, I think that in the area from the triangle towards main street the A&P is probably one of the largest problem generators and I was wondering what your ideas would be on the possibility that the A&P might be expanded and how that would fit into the whole concept? On A&P they could go in a number of directions one would be for them to tear down the existing building and start over again and that is what is shown on this wall display. Bring the building right up to the street, have the parking in the rear and work with the architecture to try and break up that bigger building into smaller shapes. Another approach would be to add on to the existing A&P but bringing it out toward the street so there would be a similar result. A 3rd approach would be to add on to the side and increase the amount of planting buffer along the street. Mr. Ewing asked, you think the street could handle the addition traffic that would be generated? Mr. Dodson stated there would definitely be additional traffic but the left hand turning lane that we are proposing would improve the flow at this point. The use of the shuttle parking area and this access areas gives you an additional way to get people into parking in the rear of the A&P.
They then moved on to ITEM #5 on the Planning Boards agenda. Mr. Early stated that the actions to be taken by the town were both specific and non-specific. It seems vague what actions should be taken by the MVC. Mr. George Strimel, Edgartown Planning Board (EPB), stated that regarding the first point, we want to know what if we missed anything. The other points encourage continued cooperation between the MVC and the EPB. We hope this isn't the only meeting we will have on this topic. Mr. Early stated that he is aware of the potential for several DRIs for this area in the near future.

Mr. Dodson stated that there were several questions related to the traffic volume brought up tonight that we couldn't answer. It would be useful to study the impact of the proposal on traffic and suggest improvements in terms of the flow. How much will be tourist related and how much will be shoppers? The shuttle effectiveness would be based on this determination. There should be a comparison on the amount of traffic generated and the amount of parking.

Mr. Jason, Commissioner, stated he would like Mr. Dodson to address the architectural review discussed in the proposed zoning by-law amendment. Mr. Dodson said there are some architectural elements in the proposed zoning changes for example on the last page, location of the building in relation to the street and the requirements that the building appearance be consistent with other structures in the area as to mass, roof pitch, etc. Mr. Jason stated that he was thinking more along the lines of what Historic District Architectural review process is like. Mr. Dodson said no this is not in the historic district and it would not be as easy to use that kind of approach. The challenge is not to get architecture that copies the downtown historic structures but to get architecture that fits in with this area. It was felt that you could go too far in terms of the architecture and design recommendations in the special permit in that some of this stuff would be difficult to enforce legally. We should approach it as a series of voluntary design recommendations and using a guides or examples. It is hard to legislate down to the last detail what a building will look like.

Mr. Ewing, Commissioner, the only 2 assets of this district seem to be the open space and the mixed use, do you have any recommendations on how to maintain these mixes? Mr. Dodson stated that the 20% open space requirements will do this at the scale of the building. It would be difficult to legally restrict the change from open space to commercial and unfair to the owners. There are however approaches such as transferring the density from say one of the open space lots to an adjacent lot that could be looked into. There are possibilities of working with land trusts and such but at this point we haven't developed a specific formula for how to do that. I think the density transfer is probably the fairest all around.

Mr. Jason then asked if the 20% open space includes the setbacks? The response was yes it includes the 20-25 ft. setbacks from the street, however it would not include the buffers in the parking lots. We are hoping to use the 20% open space to create more pedestrian space and provide good buffers from the parking in the back not to encourage building/open space/building/open space design.
When there were no further comments Mr. Early thanked the Mr. Dodson and the members of the Edgartown Planning Board and closed this portion of the meeting.

The Martha's Vineyard Commission held a public hearing on Thursday, January 26, 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: Swan Neck Trust
Thomas C. Wallace
P. O. Box 210
Edgartown, MA 02539

Location: Edgartown Great Pond
Edgartown, MA

Proposal: Subdivision of land qualifying as a DRI since the proposal is a division of land greater than 30 acres.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Swan Neck 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 showed the site location on maps and aerial photos, showed a short video of the site depicting beaches, Swan Neck peninsula which is slated as a wildlife preserve, site topography and vegetation. She then went on to review staff notes (available in the DRI file). After making her presentation Ms. Waterman answered questions from Commissioners.

Mr. Early, Chairman, asked in reference to the Wildlife Preserve Management plans, it states this area would be open only to experts, what constitutes an expert, what about the homeowners, and how do they propose to do that? Ms. Waterman responded that this was not stated and perhaps we should ask this of the applicant.

Ms. Colebrook, Commissioner, asked if there was any response from the Board of Health concerning Mr. Wallace's response of January 6th to their September 26, 1988 letter? Ms. Waterman responded not to my knowledge.

Mr. Ewing, Commissioner, asked in reference to Mr. Wallace's letter of January 6th, Item #2, it states there is a change between grade and groundwater of between 6.9' to 9.3' and that 2 lots will be too close by .1', what does the applicant propose? Ms. Waterman stated that the applicant will move the septic. Mr. Ewing then asked how it was calculated that the greywater effluent would not reach the pond in less than 145 days based on 150' per day permeability value? Ms. Waterman stated perhaps the applicant should explain this.
Mr. Lee, Commissioner, asked about the statement that guesthouses would be allowed, is this on all lots? Ms. Waterman said this is not specified.

Mr. Young, Commissioner, asked in reference to the September '88 letter from the Board of Health, they express concerns about the rise of groundwater when the pond rises, the applicant responded to the fall of the groundwater, is it the same lag time? Mr. Young said he would ask the applicant to address this. He then asked about the statement that a tank and well would be provided for fire protection, does that include a hydrant or will the town provide that? It was suggested that the applicant should respond to that also. Mr. Young then asked how many lots will use the existing road for access? Ms. Waterman stated this subdivision and the Boldwater subdivision of 36 lots.

Mr. Lee, Commissioner, asked Ms. Waterman to point out the location of the turn off from the Pohoganot Road and asked how close it is to the paved road? Ms. Waterman showed the location on the wall map and indicated it is less than 1/2 mile.

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

Mr. Tom Counter, Wallace & Co., showed the West Tisbury Road and South Beach on maps. He stated access would be from the Old Pohoganot Road to the Flynn Farm, a 50' right of way through the Boldwater land connects to this subdivision road. Boldwater has 36 lots, there area 3 private lots, therefore the road will service approximately 50 lots, including this subdivision. The 15 acres surveyed for the wildlife preserve is calculated when the pond is at its lowest level, the acreage fluctuates with the pond level and is sometimes actually more than 15 acres. Wildlife experts would be people like Gus Ben-David and Ray Long, with whom we have had talks about formulating management plans for this wildlife refuge. Birds use this area as a retreat now that South Beach is disturbed almost year-round. He then used the way maps to show the 10' contour line the Coastal District and the required setbacks for septics. In the Coastal district that setback is increased between well and septic and septic and septic in Edgartown to 200' over the 100' required out of the Coastal District. It doesn't mean that it contaminates the water to any greater degree or that it influences that much more area but the water table is probably closer to the surface there, therefore that requirement. It was easy to relocate septic systems further out, although the plans here don't reflect this, we can in fact eliminate placing the septics in the Coastal District. He explained the boundaries of the Coastal District. I have been working on this plan since April of 1986. We have been conducting Pond studies since then. He showed maps designating the building site and Conservation Commission prescribed land by the by-laws. We have been asked if a fence should be installed, that has not been decided. We will depend on the advice of the experts as to how best preserve the wildlife habitat. When there are severe storms the wildlife comes back from the shore into the trees, so they will have sufficient area for...
protection within the green area, and a fence might prohibit this. He referred to a map showing building envelopes that have been proposed. He stated these building zones range from 250 ft to 400 ft back from the shorefront so that when someone wants to cut vegetation in that area they have to get permission from the Conservation Commission. Regarding the suggestion of cluster development, these lots are big, they average 8.6 acres if you include total piece and divide it by 9, if you take the lot excluding the wildlife area they come out to about 6.7. When looking at the building envelopes the largest is 2.4 acres and the smallest is about 9/10ths of an acre, with a range of 1-2 acres not including the roadway. In effect we have clustered this away from the water. We have addressed the conservation and come up with a good plan and that is one of the benefits that this development is offering. Concerning the question of why subdivide, the owner sold this land because it is too expensive to hold such a large parcel of land with the existing taxes. The development rights have been offered to the Land Bank and we will be meeting with them Saturday to discuss this. The setbacks between the houses are twice what is required and the setbacks from the subdivision road are also twice what is required. The road is to be 8 ft. wide to allow the turnouts and keep the road dirt and allow it to wander to preserve trees, etc. The road will also serve the Fuller House and the undeveloped lots. There will also be shared driveways. Concerning the fire protections measures, the tank, well, hydrant, the whole package will be provided. They can pump from the pond but when this is not possible the tank will be available for use by the whole area. Summer homes are traditionally in this area. Income to the Town generated by this subdivision will be over 1 million dollars, with the houses developed it will be nearer to 20 million. This type of development generates jobs and adds to the economy. Concerning who will control the protective conveniences, the Architectural Review Committee will have strong power to control the architecture. The convenience will address the road maintenance. Improvements to the Wildlife Preserve and a control program will be developed. The access has been removed at the suggestion of the Conservation Commission. This is not a preserve for the landowners but a true wildlife preserve. It is obvious to me that affordable housing in this area would be a negative. It would be a struggle for people to live here in the winter with children, the roads are not plowed, there are no neighbors, and the schools are not close by. Wallace and Co. will work with the Housing Authority for affordable housing in other areas of town. We will commit to a permanent resident housing for the caretaker of the property. Mr. Counter then answered questions from the Commissioner.

Ms. Bryant, Commissioner, stated that concerning affordable housing she would like to see a family struggle in this area. I don't think a caretakers cottage is a solution to the affordable housing issue. I think the plan should show a real affordable housing lot.

Ms. Sibley, Commissioner, concerning the wildlife moving back during bad weather, my concern is will the wildlife retreat into the wood with the people there? Is there a sufficient buffer? This is the last refuge. Mr. Counter responded that the wildlife is mainly driven
off by vehicular traffic and that won't be the case here. Ms. Sibley
then asked if this is a complete, functional habitat. Mr. Counter
responded that it is now and will remain one if the building envelopes
are developed as proposed. He went on to state that there is a 90
acre area belonging to Sheriffs Meadow right above this area. Some
people would like to see no houses here but .... Ms. Sibley then
asked if cluster development in the upper area might leave a better
wildlife habitat? Mr. Counter stated they tried to balance the
wildlife habitat with the desire of people to have waterfront
property.

Ms. Colebrook asked if the area indicated for possible cluster of the
development is above the 10 ft. contour? The response was yes.

Ms. Waterman stated that the bird habitat is the beach area and that
other species such as racoons would use the upland area.

Ms. Bryant asked where Mr. Counter got the data that a family wouldn't
like to live here? Mr. Counter responded that he didn't remember
exactly but that he didn't make it up. This is on a mile and a half
direct road. I am not trying to argue this point, affordable housing
is a blessing, but one that may not be best suited for this area.

Mr. Early stated that an affordable housing provision for the
caretaker might benefit the wildlife preserve. However there is no
public access to this preserve so it will not be enjoyed by the
residents of Edgartown. We should make sure that the area is indeed a
working preserve and perhaps erection of a fence may be in order.
What is needed is a well thought out management plan that addresses
access from the homesites. All it would take is a couple of dogs in
there and the preserve wouldn't be worth much. Mr. Counter stated
that they can work out a written guarantee and they will commit to
addressing this.

Ms. Sibley asked if the Boldwater Subdivision was also through the
Wallace Co.? The response was yes. Ms. Sibley asked why then is this
area more densely developed than Boldwater when this area is more
sensitive? Mr. Counter responded there are a couple of reasons.
Boldwater has a lot more land and land prices were lower when
Boldwater was developed. The reasons are economic.

Mr. Jason, Commissioner, asked if the caretakers cottage had ever been
constructed on the Boldwater subdivision? Mr. Wallace responded that
it has not been built yet, however the Board of Directors has approved
a contract for the caretaker and interviewed several applicants.
Within the next 30 days we will be choosing a caretaker from these
candidates. The first lot will be sold at a discounted value to the
caretaker. This position is a part-time one and in addition to the
reduce value of the lot there will be compensation for the caretaker
duties. Mr. Jason then asked if there will be 2 caretakers or 1 to
service these two subdivisions? The response was 2 caretakers, each
with a affordable unit.
Ms. Colebrook asked if the applicant got a response from the Board of Health to his letter of January 6th? The response was no but Mr. Lolley goes to these meetings weekly and has address some of there issues. There are only 2 lots that don't meet the separation and that is by .10'. He introduced John Lolley to address this. Mr. Lolley stated that the way the elevations were done was by aerial survey so the .10' couldn't have been picked up accurately. These are rough locations only, the designs have not been done. Ms. Colebrook and Mr. Lolley then discussed item #4 in Wallace's response letter to the Board of Health, regarding the calculation for the number of days it took for greywater effluent to travel to the pond.

Mr. Evans asked Mr. Counter to give him an idea of the visual impact of these houses, what is the height restriction 32'? Mr. Counter responded that many of the houses in the Boldwater subdivision require cedar shingles and other design standards. The canopy height is 30'. We will address the issue of roof height as it relates to canopy cover. These house site were picked not only because of their water views but also because they are not in low vegetation areas. Mr. Evans then asked, there are no design restrictions at this point? The response was no.

Mr. Ewing asked if the gradient and time it took the nitrates to reach the Pond was steeper when the Pond is being emptied? The response was yes. Mr. Ewing then asked if this was calculated over that time? Mr. Lolley responded that the average of the gradient of the Pond being emptied over a 5-6 day period was used. Mr. Ewing then asked this is 3 ft above mean sea level? Mr. Lolley responded 3.78 ft. Mr. Ewing then asked if the pond rises another 1/2 ft how much of a percentage change would there be? Mr. Lolley's response was that it would be less.

Mr. Jason asked which lots greywater will go to the Pond and at what rate? Mr. Lolley depicted these on the maps. He stated that this has to do with permeability of the soil. It takes 3-6 weeks for bacteria to die in the ground, it will be maintained in the ground before it gets to the water. Mr. Jason asked if he is sure it will go into the Pond? There was further discussion between Mr. Lolley and Mr. Jason on this issue.

Mr. Young suggested that the questions regarding nutrient and greywater flow should be given to Ms. Waterman so she could get answers from the applicant at a later time.

Mr. Fischer, Commissioner, asked what controls there would be on herbicides and pesticides? Mr. Counter responded that Conservation Commission conditions protects against this and these can be added in the covenants. There will be an educational process that the owners will have to go through. Slow release fertilizers will be in the covenants.

When there were no further questions Mr. Young called on members of Town Boards for comments. There were none. He then called on public testimony in favor of the proposal.
Mr. Wallace, applicant, stated that he has lived on the Pond since 1982 and therefore has a personal and emotional interest in what happens here.

Mr. Eric Peters stated that his family sold Boldwater to Mr. Wallace and that there were many things he could have done there that he didn't. Everything he said he'd do he has done. We are very pleased. That is the primary reason why we sold him this land. He is certain Mr. Wallace will do what he says he will do.

Mr. Young called on public testimony in opposition to the proposal, there was none. He then called on the applicant for a closing statement.

Mr. Wallace stated that the Fuller's have a fee interest in the land designated as a Wildlife Preserve and that they are interested and enthusiastic about our plans.

Mr. Jason, Commissioner, suggested that this hearing be continued so we could look at and answer some of the questions brought up in this hearing. There was a consensus agreement.

Mr. Young stated that the public hearing would be continued to a date to be specified at a later time. He encouraged Commissioners to make a site visit.

Mr. Young then read the hearing notice for the continued public hearing concerning the following Development of Regional Impact (DRI):

Applicant: Wesley Trust
Peter Martell, Trustee
One Lake Avenue
Oak Bluffs, MA 02557

Location: Lake Avenue and Commonwealth Square
Oak Bluffs, MA

Proposal: Demolition of existing hotel and construction of a new hotel qualifying as a DRI since the proposal has a floor area greater than 3,000 square feet.

James Young, Chairman of the Land Use Planning Committee (LUPC), read the Wesley Public Hearing Notice, apologized for the delay, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced Mark Adams, MVC Staff, to make his presentation.

Mr. Adams, MVC Staff, reviewed staff notes for this DRI (distributed during the meeting and available in the DRI file) using maps and plans on the wall for reference. The following correspondence was presented in a summarized format during the public hearing (correspondence in its entirety is available in the DRI file): To: Peter Martell, From:
Ken Debettencourt, Dated: August 3, 1988; To: Peter Martell, From: Oak Bluffs Board of Health, Dated: August 4, 1988; To: Carol Borer, From: Alishan Haigazian, O.B. Building Inspector; To: Peter Martell, From: Kathleen McKechnie, Sec. of M.V. Campmeeting Association, Dated: May 31, 1988; To: Peter Martell, From: Gordon MacGillivray, M.V. Campmeeting Association, Date: June 22, 1988; To: M.V. Commission, From: Robert Connelly, Dated: July 15, 1988; To: M.V. Commission, From: Robert Connelly, Dated: July 14, 1988; To: M.V. Campmeeting Association, From: Jeffrey Gould, Water Pollution Control Section, DEQE, Dated: July 22, 1988; To: M.V. Commission, From: Robert Connelley, Dated: July 28, 1988; To: Carol Barer, From: Valerie Talmage, State Preservation Office, Mass. Historical Commission, Dated: August 2, 1987; To: Martha's Vineyard Commission, From: Gene Lasko, Dated: August 4, 1988; To: M.V. Commission, From: Rev. Clarence S. Cleasby, Jr., President of Board of Directors, M.V. Campmeeting Association, Dated: August 4, 1988; To: M.V. Commission, From: Linda Marinelli, Dated: August 4, 1988; To: Peter Martell, From: Carole Borer, Dated: August 15, 1988; To: M.V. Commission, From: Robert Connelly, Dated: September 19, 1988; To: Peter Martell, From: David Giannotti, State Ethics Commission, Commonwealth of Massachusetts, Dated: October 20, 1988; To: Anne Harney, Commissioner, From: Robert Connelly, Dated: November 22, 1988; To: Chairman, M.V. Commissioner, From: Robert Connelly, Dated: November 17, 1988; To: Robert Connelly, From: Carol Borer, Dated: December 6, 1988; To: Carol Borer, From: Robert Connelly, Dated: December 9, 1988; To: M.V. Commission, From: Russell O. Steele, Dated: January 14, 1989. Mr. Adams then showed a short video of the site depicting the Wesley Arms and the main Wesley Hotel, the parking area on Commonwealth Square, the view to the harbor from beyond the site, and the current structure (interior and exterior). Mr. Adams then answered questions from the Commissioners.

Mr. Ewing, Commissioner, asked Mr. Adams to explain what is new since the last hearing? Mr. Adams responded that there are new plans with dimensions, use of rooms, and materials noted. The stairway configuration is different. There is a new site plan with contour lines, including the 10 ft. contour. Septic plans have also been provided. Mr. Ewing asked in regard to the septic, after we review will this still go to the DEQE for approval and if they condition approval how will it affect our consideration? Mr. Adams stated that he had attended one of the meetings held last fall and DEQE said they would not favor expansion of use until there is a set timetable for review of the campground property. However, they do have a procedure for exemption. Mr. Adams then asked if any exemptions have been given? This was unknown.

Mr. Young, Commissioner, asked if the total septage of the 2 hotels has been calculated? Mr. Adams responded there are 58 bedrooms in the main hotel with a proposed 33 in the new x 110 gallons per day would be approximately 10,000, when you add the 40% town requirement you would still be under the 15,000 limit requiring an on site treatment facility.

When there were no further questions from the Commissioners, Mr. Young called on the applicant to make his presentation.
Mr. Art Smith, Agent for the Applicant, stated that he believes that all of the documents requested have been provided. Concerning the discussion on the DEQE approval, one way to work this would be to condition your approval on the DEQE permission. Mr. Martell has in the past endeavored to maintain the style of the Wesley and the Wesley Arms. He does a good job with his projects and has won awards. Concerning the lighting we intend to replace the existing building with lighting of the same intensity. Concerning the increased usage, parking, congestion, etc, there is new parking, only 4 spaces are required by zoning by-law, we are providing 13 new spaces in addition to the 25 shared with the Wesley. Mr. Martell has done an excellent job with drainage on the Wesley and plans to meet the Wesley Arms drainage needs in a like fashion. We will upgrade the existing septic system to Title V, the existing system is an old one. Concerning water, we are on Oak Bluffs town water. The usage of the building will be seasonally therefore there will be no impact on the schools, and the impact on fire and police will not be significantly increased. Mr. Martell plans to cater to senior citizens at the Arms, which will be particular attractive because of the handicap access provided by the installation of an elevator. When talking about the type of visiting population, one can assume they normally don't bring their own cars. Senior citizen groups most often travel in bus tours. Concerning staff we will probably increase the seasonal staff by 2 people. There is no significant wildlife habitat in this area that would be affected by this proposal. He went on to state that the site footprint is slightly larger than the existing one. The advantage in the slight movement of the building footprint is the increased setback from the rear building, a fire safety feature, and it does meet the setback from the street. Our main concern was is the Arms structurally sound to allow major renovation? There is no foundation. It is set on posts and they are in a state that would make raising them difficult if not impossible.

Mr. Lee, Commissioner, asked for an explanation of the fire egresses on the 2nd and 3rd floors? The response was there are two internal staircases, the main and a rear set, there is also egress from the porches, so there are 3 ways out on each floor. Mr. Lee asked 2 internal and one external? The response was yes.

Mr. Fischer, Commissioner, asked if the septic plan has been submitted to DEQE yet? The response was negative. He then asked how do you intend to cater to the handicap populations? Mr. Martell responded that the intent is to cater to the senior citizen population and that one of the main ways is the installation of an elevator. To my knowledge this will be the only hotel on the Island with an elevator.

Ms. Colebrook, Commissioner, asked if the building is currently occupied? Mr. Martell responded that it is closed in the winter.

Mr. Lee asked what the standards are for demolition of this type? Mr. Martell stated that they would tear the building down and haul it to the dump, with the required permits. You break it down into 4 ft. lengths and are charged by the load for the dumping.
Mr. Filley, Commissioner, asked if the lack of the foundation was the only structural problem found? Mr. Martell responded that the supporting sills are gone, decayed and there is no way to lift up the building to make repairs. This structure was previously 3 separate cottages and there is simply no place to start.

Mr. Morgan, Commissioner, asked if Mr. Martell feels he will have to go to the Zoning Board of Appeals for a permit? The response was no. As the building inspector's correspondence states, this is in the B-I district and in my opinion it is not in the Coastal Zone. Mr. Morgan then asked about the setbacks. Mr. Martell responded that since the campgrounds are considered to be 1 lot there are no internal setback requirements, the street setback is 5' and we have given 20'.

Mr. Ewing asked about the question in the staff notes concerning the 65% increased use and its appropriateness considering the proximity to the harbor and Sunset Lake? The response was that there is no indication that there is any pollution to either body of water and that the new septic system will meet Title V requirements.

Mr. Morgan asked Mr. Martell if his intention was to tie the other system into this one if it should fail? Mr. Martell responded that he doesn't think this will ever be a problem.

Ms. Colebrook then asked how this system meets Title V. Mr. Martell responded that it is actually designed 40% over Title V as required by the Town of Oak Bluffs. Mr. George Soratie, of George Wey Engineers, stated that the system complies with Title V and the Oak Bluffs Board of Health requirements and that the only variance that will be required is from DEQE regarding the 15,000 gallon per site issue. A new septic plan was submitted tonight which Mr. Adams stated would be stamped and available in the DRI file for review. Mr. Soratie used this to show the existing locations of systems in the area. Ms. Colebrook asked if this showed all of the main Wesley Hotel cesspools. The response was most of them, and pointed out the main holes.

Ms. Sibley, Commissioner, asked why the location of the structure had been moved considering the narrowing of the view? Mr. Martell responded this point needs to be clarified. What we have done is move the building forward 8 ft. to increase the rear setback and then 2 ft. away from the street to help sustain this view window. There was further discussion on the view window and explanation of the setbacks.

Ms. Harney, Commissioner, asked about the previous attempts to buy the house adjacent to this site, what is happening there? Mr. Martell responded that the Campmeeting Association won't allow me to purchase that property.

Mr. Young asked about the statement in the staff notes about housing for 15 staff, where is that located? Mr. Martell responded in an apartment building in Lagoon Heights, it is mainly for transient staff. Mr. Young then asked how many bedrooms were available? The response was 7.
When there were no further questions Mr. Young called on Town Board members for comments, there were none. He then called on public testimony in favor of the proposal.

Mr. MacGillivray, Vice-Chairman M.V. Campmeeting Association, stated that moving the building 2 feet was not in a direction that would obstruct the view but was moved to give more of a view. The lighting referred to early is not on the Wesley Arms lease lot but on the Commonwealth Park area and it is the Campmeeting Association's prerogative to determine the lighting there. All aspects of the proposal have been reviewed by the Campmeeting Association. The size of the proposal has been cut considerably from the original plan in order to obtain our approval. It is the Campground property and it is up to us to say what happened here, what is done and what is not, it is not up to the leaseholders who only rent.

When there was no further testimony from public in favor of the proposal, Mr. Young called on public in opposition.

Linda Marinelli read a letter which is summarized as follows: (the letter is available in its entirety in the DRI file). She states she strongly objects to the planned demolition and reconstruction of the Wesley Arms Hotel. She feels this proposal will have a detrimental impact on the Town of Oak Bluffs as well as the Oak Bluffs Harbor. She appeals to the Commission to deny the proposal for the following reasons: 1. a 65% increase in intensity of use and with its proximity to the harbor and Sunset Lake 2. the increased water usage in the Town of Oak Bluffs and specifically the Wesley will, if the growth continues, require a new well field with a cost of about seven hundred and sixty thousand dollars. 3. the existing structure is 100 years old and is of historic value and according to the State Historic Preservation officer the campground is a significant area as a homogeneous community and if would be unfortunate to see these resources removed. There was also discussion about 20% tax credit that was received with the intention that the building would be rehabilitated. 4. Coastal district 2.7 - D states there shall be a minimum separation of 300 ft. between sanitary disposal facilities and the fact that the hotel is one foot eleven and three quarters inches away from this district. 5. questions the accuracy of the applicants statement that 90% of the guests will not bring their own car and states that it will generate more traffic and congestion than presently exists. 6. she states applicant wears many hats and goes on to explain what she refers to as "a strange and amazing chain of events", listed as items 7-11.

Patty Lasko, resident at 14 1/2 Commonwealth Square, asked for further clarification of the movement of the building envelope and its effect on the view window. She went on to ask about the porches and their association with the corridor. She stated that the video taken of this site was not representative of the parking problem because it was taken on a beautiful summer day when everyone was at the beach, a better representation of the area would be a video taken at 7:00 a.m. when the area is congested with illegally parked cars.
Mr. MacGillivray stated that the complaints about parking are always left until this type of meeting, if the residents call and report them the Campmeeting Association will have them tagged and towed.

Ann Margretson wanted to discuss the view corridor. The building has been moved 8 ft. forward and this will significantly impact the view and environment. It is a more bulky design and will take up more area, light and sky than can be imagined. She also pointed out that one thing DEQE doesn't seem to account for in their review is that when people are on vacation they take 5 times more showers than they do at home. They get up, take a shower, go to the beach, take a shower, go out for a walk, take a shower, get ready for dinner, take a shower. It is unrealistic to consider the flow as if it were a normal living situation. We as taxpayers are going to have to pay for this. Regarding the Coastal District, even though it is not actually in it, it is very close, and this should be considered in light of that districts regulations.

Craig Lowe, resident at 25 Commonwealth Square, directly next to the Wesley. He stated that although Mr. Martell has done a good job on the area there are still many problems with parking as shown in photos he has. Concerning the 25 space lot behind the Wesley there are only 15 marked spaces. Regarding the 8 ft. movement of the building he believes this will have a major impact not only on the view corridor but also on the major thoroughfare. The discharge of bus passengers on Lake Avenue will only add to the amount of traffic problems, the question is how much. He also questioned the front porches and how this change will impact the area.

Linda Bernocka, 25 Commonwealth Square, stated that the leaseholders of the Campground are not represented by the Campmeeting Association. That even though leaseholders are not abutters they need to have input. A 21 member Board of Directors are speaking for approximately 365 cottages.

Robert Connelly stated that he would not repeat all of his early testimony and correspondence. However he does urge the Commission to go slowly. He hopes that Mr. Martell will get the DEQE problems solved and the local boards permission and then come back to the Commission after this approval and information is received and then the Commission will make its decision. At the last hearing we heard that this does need to go before the Zoning Board of Appeals for a special permit, tonight the statement is that it doesn't. Mr. Smith stated that all documents required by the executive director have been submitted, however these plans submitted are not stamped, there is no logo, as you saw earlier tonight other groups submit proper drawings and plans with a professional stamp. What was requested in the letter is not what is on the walls at this time. Incomplete information could cause an erroneous decision and he questions why we are here tonight at all when all the things required have indeed not been submitted. He again urged the Commissioners not to rush this through with a conditional decision but to take the time to look at it slowly.
When there was no further testimony in opposition to the project Mr. Young asked if the applicant wanted to make a closing statement, he did not.

Mr. Early, Chairman, wanted to state for the record that the notification process used for abutters for public hearings was the same as used for all DRIs. There were 197 public hearing notices sent out.

Mr. Young suggested the Commissioners take the time to read through the large amount of correspondence in the DRI file. He then closed this public hearing at 11:15 p.m with the record remaining open for one week.

Mr. Early reconvened the special meeting at 11:20 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report - There was none.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of January 19, 1989

It was motioned and seconded to approve the draft minutes as prepared. There was no discussion. This motion carried with no opposition, one abstention, Evans. (Harney and Geller abstained).

ITEM #4 - Committee Reports

Mr. Young, Chairman of LUPC, reported that they would meet on Monday, January 30th with the applicants for the Millbrook/Crocker Subdivision. They will be discussing with both Towns and members from both Chilmark and West Tisbury will be in attendance. Mr. Young urged Commissioners to attend.

ITEM #5 - Discussion - Lagoon Pond DCPC Regulations

Mr. Early called on Ms. Waterman, MVC staff, to review the draft regulations. Ms. Waterman stated there are 4 handouts: the draft of the Tisbury Regulations, the draft of the Oak Bluffs regulations, a summary of correspondence received and responses to questions raised in this correspondence, and a statement from the Lagoon Pond DCPC subcommittee. Ms. Waterman explained that any changes in the regulations from the ones distributed at the public hearing are underlined in this draft and she reviewed these changes. She then asked for Commissioners questions and comments.

Mr. Filley asked if there are provisions for acid use in the septics? Ms. Waterman responded in Tisbury's prepared regulations there are not in Oak Bluffs. Ms. Colebrook, Commissioner and Tisbury Board of Health Agent, stated that she believes Oak Bluffs has added them. Ms. Colebrook went on to state that it is proposed in the Tisbury
regulations to required upgrade to Title V when property is sold or transferred regardless of the operational condition. The change in B of the wording to "appears to be in good operational condition" at the time of inspection might be used as an escape to undermine the next section. Ms. Waterman stated that the next section was changed also to the same wording. Ms. Colebrook then asked if Tisbury wants to make their regulations more stringent than this is that permissible? Ms. Waterman stated definitely.

Mr. Young read a statement from the Lagoon Pond DCPC Subcommittee (distributed to the Commissioners and available in the meeting file) which is summarized as follows: 1) The subcommittee deferred to the Tisbury Planning Board in excluding the Marine Commercial District from the area covered by this DCPC. We reserve the right to amend the DCPC boundaries to include this district if timely and significant steps are not undertaken to identify and remedy threats to Lagoon Pond emanating from this district. 2) The subcommittee recognizes poor circulation and inadequate flushing actions as contributing factors to the water quality problem and commend the towns for having identified specific areas for dredging projects and offers the Commission staff's assistance with obtaining funding. 3) States the regulations and suggestions imply a strong interrelationship between boards with the two towns and gives examples. 4) Recommends that the towns make use of the Lagoon Pond management committee as a citizen's advisory committee. 5) Scheduled 3 and 6 months meetings to assess the implementation of these regulations and identify any problems of coordination or enforcement.

When there was no further discussion Mr. Early moved on to the next agenda item.

ITEM #6 - Possible Vote - Approval and adoption of the regulations for the Lagoon Pond DCPC.

It was motioned and seconded to approve and adopt the Oak Bluffs Lagoon Pond DCPC regulations as written. Further, the Regulations conform to the adopted designation guidelines. This motion carried with a vote of 12 in favor, 0 opposed, 0 abstentions. (Harney and Geller were in favor.)

It was motioned and seconded to approve and adopt the Tisbury Lagoon Pond DCPC regulations as prepared. Further, the Regulations conform to the adopted designation guidelines. This motioned carried with a vote of 11 in favor, 0 opposed, 1 abstention, Colebrook. (Harney and Geller were in favor.)

Due to the late hour it was decided that the DRI Standards & Criteria Amendments discussion and possible vote would be addressed at the next meeting, February 2nd.

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence - There was none.
The meeting was adjourned at 11:40 p.m.

**ATTEST**

John G. Early, Chairman  3/6/89

James Young, Clerk/Treasurer  3/6/89

Attendance:


Absent: Medeiros, Scott, Wey, Delaney, McCavitt, Allen.

* Mr. Filley was not present at the table during the Swan Neck DRI#296.
** Mr. Jason left the meeting at 9:45 p.m.
*** Mr. Geller arrived at 8:25 p.m.