

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MARCH 2, 1989

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, March 2, 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: Juan and Claire DelReal
Box 640
Edgartown, MA 02539

Location: 92 Main Street
Edgartown, MA 02539

Proposal: Conversion and addition of a residence to an Inn qualifying as a DRI since the proposal is greater than 1,000 square feet and the application involves the alteration of an historic building.

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

Ms. Saxe reviewed staff notes (available in their entirety in the DRI file) using wall displays to depict current and proposed facilities and an assessor's map to depict surrounding uses. Mr. Saxe showed a short video of the site and reviewed correspondence (available in its entirety in the DRI file) from the following people: Edgartown Selectmen, dated February 23, 1989; John and Ruth Galvin, dated February 21, 1989; S. Warriner, L. Fischer, C. Berger, I. Cook, C. Canerdy, P. Graham, P. Sheehan, E. Kopec, P. Weidman, J. Boyle, R. Mathiesen, and the Zoning Board of Appeals (ZBA). Mr. Saxe then answered questions from the Commissioners.

Mr. Evans, Commissioner, asked who forecasted the room needs for 1995? Mr. Saxe responded that the applicant had contracted Atlantic Design. Mr. Evans asked if these forecasts were based on future Island population? Mr. Saxe responded no, on Edgartown populations. Mr. Evans questioned if this was a good way to calculate the needed number of rooms, relating it to populations counts,

Mr. Lee, Commissioner, asked this was changed to the current zoning, residential, in 1973, what were the reasons? Mr. Saxe responded that

he had not reviewed the minutes from the meeting however he did discuss it with Mr. Bettencourt and Ms. Brown and they indicated that a review of the area showed little retail and since it was already serving as a buffer between the B-2 and the downtown district the determination was made that this should be maintained because of its significance as the approach to the downtown and waterfront areas.

Ms. Harney, Commissioner, asked if this is a residential zone why is it before us? Doesn't the Zoning Board of Appeals determine if this use is appropriate in this zone? Mr. Saxe responded yes.

Mr. Filley, Commissioner, asked about the sewer permit, is it current? Mr. Saxe responded it is an existing permit for a maximum of 10 persons.

Mr. Young asked Mr. Saxe to show on the assessor's map where this residential zone abuts the B-1? The response was from Church St. to the bay on one side and on the other side it follows School St. beyond Pent Lane. Mr. Young then asked, from the elevation plans the 2nd floor dormer appears to have a flat roof, is that true? Mr. Saxe responded it appears to be from the elevations.

Mr. Lee asked for a history of the house? Mr. Saxe stated he didn't have details, however, he knows that the kitchen portion, to be removed, was a recent addition.

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

Mr. DelReal, applicant, wanted to address some of the questions he has heard. Concerning the sewer situation we are currently on Town sewer and have a permit to convert the existing 5 bedroom residence to a 5 bedroom Inn. Since there will be no additional sewage the Sewer Commission has no objections. Concerning the question of why it is here instead of at the Zoning Board of Appeals it is my understanding that the potential change in use involving 1,000 sq. ft. puts the jurisdiction here prior to the ZBA. Concerning the zoning in the area, refer to the assessor's map in the staff notes, everything shaded is not residential. In the 5 block area around this site approximately 70% happen to be non-residential uses. Concerning the questions of the dormer roof, it is a flat roof. The Historic Commission hasn't had official input because they must follow the MVC and the ZBA to determine what is permitted or not. We have, however, had an unofficial meeting. They indicated their main concern is that we not affect the front of the property on Main Street. There were changes in the window/dormer design and the chimney was realigned based on their comments. The unofficial indications is that they have no problem with the concept/approach that was used. The kitchen is the only section of the building to be removed and that was an addition done in the 1950s. The original building constructed somewhere around 1780-1790s will be unaffected. The interior space will be changed. There is nothing historic about the kitchen that would be lost. Concerning the past uses it has been rental property during its currently ownership, there has been no year-round

residents. During the summer-fall season it is rented on a weekly basis and because of the cost of rental 10 people per week or more stay there. That is according to Father Joe at the rectory next door, who also stated that there is a lot of activity and noise there because so many people rent it at one time. Mr. DelReal then asked Mr. Saxe to show the video depicting the current Shiverick Inn. He stated that he and his wife purchased this Inn in 1987 and immediately closed it down for approximately 11 months for restoration. The amount of detail was super in terms of restoring the 1840's house to the smallest detail. For an example we replaced Mexican tiling on the floor of one room with original barn wood we found and milled to match the existing flooring. The reason I point this out is because we intend to use the same attention to detail used at the Shiverick on this proposal. Anything the Historic Commission determined is necessary I would have to follow. Personally I am interested in restoring it as closely as I can to the character of that period. I have taken pictures of the rear of the site to show that the lawn character will not be changed, if anything it will be enhanced. He submitted the photos for the record. This landscaping is Donaroma's concept of the property. The questions of sewer monitoring can be addressed by stating that they can inspect the system anytime. There is a lot of non-rental space. The intent is not to convert it. I would be interested economically in more rental space but due to Sewer Commission restrictions this is all I can do. The possibility of social functions was addressed both by LUPC and in the staff notes. I want to point out that the conference facilities will be used for just that, conferences. Sometimes the main house is rented as a whole and they want conference facilities, there are none currently existing in the Main Inn, we use the breakfast room. This would accommodate people who want to rent the Inn as a whole. Many of the rooms in the Main Inn were converted to rental space by the past owner. We choose to convert them back to a library, a garden room, for common use. We feel that any Inn that wants to promote comfort needs more places to go than just a bedroom and that is our purpose here. Mr. DelReal then answered questions from the Commissioners.

Ms. Eber, Commissioner, asked what meals would be served? The response was only breakfast. In order to cut down on overhead we plan to serve most breakfasts out of the Main Inn. There will be some reasons for having it here, at the Annex, for instance if the whole house is rented by one group. That is why the kitchen facilities were incorporated, but for day to day operations we will use the Main Inn breakfast facilities.

Ms. Medeiros asked about the provisions for employee housing? Mr. DelReal responded that they currently house some staff at the Main house and those they can't accommodate are given a housing subsidy.

Ms. Harney asked if after the sewer moratorium you have plans to convert rooms to rental uses? Mr. DelReal stated absolutely not. As with the Shiverick Inn we feel that the common areas are important for the comfort and pleasure of the guests. Ms. Harney asked, didn't you state you would like more rooms? Mr. DelReal responded yes, but not

by converting common areas, the deck for instance is a wasted space that could be utilized for additional rental area.

Mr. Filley asked how this building would be accessed? Mr. DelReal responded the first floor entrance on Main St. has been block by the configuration of bedroom #1. The entrance would be through the back along the brick path. Concerning the 5 parking spaces and the impact on the Pent Lane area, he would like to eliminate all these parking spaces. We have 10 spaces currently at the Shiverick Inn and we have found that not more than 4 guests bring their cars at one time. We persuade them not to bring them. We have more than enough currently and don't need more. We could preserve a lot more lawn. Mr. Evans asked if this design is based on the zoning by-laws? Mr. DelReal responded yes, we must have one parking space for each guestroom. Mr. Young stated that in past DRIs we have discussed the option of making a monetary contribution to the public transit system in lieu of parking. Mr. DelReal stated it is my understanding that is only in the B-1 district.

Ms. Mederios asked if the people staying at this Annex would be greeted at the Main Inn? The response was yes they would be greeted, given room assignments and then escorted to the Annex by Inn personnel.

When there were no further questions for Mr. DelReal, Mr. Young called upon Town Board testimony, there was none. He then called on public in favor then public opposed to the project. There was none. When there was no closing statement from the applicant, Mr. Young closed the public hearing at 9:00 P.M. with the record remaining open for one week.

After a short recess Mr. Early opened the Special Meeting at 9:10 P.M. and proceeded with agenda items.

ITEM #1 - Chairman's Report

Mr. Early stated we have received nominations papers for 2 new Districts of Critical Planning Concern (DCPC). One DCPC nomination is for the Edgartown Great Pond. He reviewed the anticipated boundaries briefly and appointed the following DCPC Sub-Committee: Mr. Ewing, who will act as chairman pro-temp until the first organization meeting, Mr. Lee, Mr. Jason, Ms. Colebrook, Mr. Young, Mr. Geller, and Ms. Medeiros. The second DCPC nomination is for the Gay Head Cliffs and the following DCPC Sub-Committee was appointed: Mr. Fischer, as chairman pro-temp, Ms. Bryant, Ms. Eber, Mr. Morgan, Mr. Wey, Mr. McCavitt, and Mr. Early.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of February 16, 1989.

It was motioned and seconded to approve the draft minutes. There was discussion by Mr. Evans concerning grammatical re-wording of the last paragraph on page 1. When there was no further discussion the motion to approve with corrections to page 1, last paragraph was passed with no opposition, one abstentions (Ewing). (Harney was in favor).

ITEM #4 - Committee Reports

Mr. Early called on Greg Saxe, MVC Staff, to update the Commission on the MEPA Review process for the Airport Draft Environmental Impact Statement (EIS). Mr. Saxe called the Commissioners attention to a memo in their packets and reviewed the summary of projects covered by the EIS including: New terminal building; new parking lot; demolition of 14 buildings; new air carrier apron; relocate fuel farm; hangar construction; general aviation apron and taxiway; and runway 06 MALSR (lighting system). He stated that the hearing was February 16th on the draft EIS and that the record would be open until March 10th therefore this is the time to ask questions that we want addressed in the final EIS. Mr. Saxe stressed that currently the terminal did not meet FAA safety standards. The design is not so much for expansion as it is to address what is required now. He then asked if the Commissioners had any questions.

Ms. Colebrook asked if the word apron related to a barracks type structure? Mr. Saxe responded no, it refers to the parking for planes and taxiway.

Mr. Ewing asked if the proposed lighting was to meet current standards or is it in anticipation of the 727s that might come here in the future? Mr. Saxe responded it is to meet current standards.

Mr. Early asked if the additional lighting would be similar to what was visible from Barnes Road, specifically the blinking strobe? Mr. Saxe responded that his understanding is this strobe is for location purposes and not for landing, he thinks it is brighter than the ones proposed for landing would be.

Ms. Eber asked Mr. Saxe to give more specifics about the parking expansions for cars and planes. Mr. Saxe stated there would be both added and showed the proposed location on a wall display.

Mr. John Lolly, public, asked if the FAA had looked at this yet? The response was yes. Mr. Lolly asked about the proposed uses, i.e. jail, etc.? Mr. Saxe stated that no particular buildings have been proposed in the municipal or business park as of yet, therefore they have not reviewed it yet, but of course they will meet FAA standards in terms of height, light generation, attracting seagulls and so forth. This is somewhat significant in terms of what can go into the business park. We have had substantial applications for fertilizers processing and that type of thing.

Mr. Early stated he has been involved with this committee and the Airport Advisory Committee since the beginning. This is really pretty exciting. The facility we have out there is not only totally inadequate but is a disgrace to the Island. We have a good airport commission, good management, and I think good architects and consultants. They are very responsive to the feelings of the community and any input on this will be very much appreciated. Mr. Early then called asked for a committee report from LUPC.

Mr. Young, Chairman LUPC, reported that they met Monday with the applicants for the DelReal DRI, heard earlier and the Wesley Arms and Vineyard Crossing DRIs, these reports would be given under item #5.

ITEM #5 - Discussion - Alice Bourne DRI, Town of Edgartown

Mr. Early stated that as usual I will remind members of the public that this discussion is for the Commissioners only with public input accepted only at the request of a Commissioner through the chair.

Mr. Early stated that the written decision is due on March 17th. He then thanked Mr. Jason, Commissioner, for his assistance with the site visit and the visual aides showing the roof peak and eave heights at either end of the building. Mr. Jason stated that thanks should go to staff person Melissa Waterman and the applicant's architect, Mr. Hutker.

Mr. Evans, Commissioner, stated that he was unable to attend the site visit and would like someone to give their visual impressions.

Mr. Young responded by saying, not having been present at the original decision, my impression now after taking a close look at the property, especially the proposed location of the new house, is that the proper location for a house on that property is on the hill on the street. I think that any obstruction of the view that would result from locating a house there first of all would be very much in character with the existing street. You catch glimpses of the Harbor between houses directly on this street all the way down. One house further down and you are in front of the Harborview and you have an unobstructed view of the entire harbor. I think it is wrong to build on the flood plain and what is resulting here from the combination of the language of the original decision and what the applicant would like to end up with, is an extremely long, low building in the flood plain which has no precedent on the waterfront. I think we would end up with something grossly out of character with the Town despite the legitimate efforts of the architect to try to get the building to have some sort of flavor of the existing architecture along the street. I think the scope he is working within, is itself, out of character.

Mr. Jason, Commissioner, stated we should maintain the architectural integrity of the block. Although I am not knocking the architects plan, he was given an impossible task.

Ms. Colebrook, Commissioner, asked, should the house be developed on the hill it would impede the vista? Mr. Jason stated that if you look at the site and travel 100' further down the road you have a forever wild lot with a vista that encompasses the entire Harbor and Chappaquidick.

Ms. Sibley, Commissioner, stated she was unable to attend the site visit and have the benefit of the visual aides, however, she did visit the site herself. I would agree that a house that was in keeping with the existing houses, a captain's style house, would be attractive. Yes it would block a very small piece of view but 100' further down the street there is a huge view. The alternative that we have been offered here won't look like anything that is indigenous to the area. This would do more than block the view it would be odd in that particular location.

Mr. Ewing, Commissioner, stated he tends to agree. I think it would be setting a dangerous precedent especially considering that the Morey property was just sold and the new party might turn around and decide to do a similar project on that lot. I think the small bungalow type houses down in that low area is a little more appropriate for that spot than a large house on the hill. The original decision was for 2 900 sq. ft. guesthouses. Similar to the one existing down there. I think they fit in much better.

Mr. Morgan, Commissioner, asked how someone could put a 3-4 room bungalow on a million dollar lot? If the Morey's build on the hill, the purchaser of the third lot has the right to construct a 900 sq. ft. building there. So if you put a big one on the hill then you put the 900 sq. ft. guesthouse on that lot and see nothing of the harbor, wouldn't we be better to force construction below the hill and hope to see something over them? He stated he agrees with the people who say that 100' down there is view forever and then we won't have to be fighting anyone over this. Mr. Morgan stated he is comparing moving this house onto the hill with the possibility of construction on the other lot considering the amount of space on that hill. He can't visualize a captain's housing fitting on that hill.

Mr. Jason stated that he thinks the issue right along has been whether or not we can protect the vistas. I think we can all agree that if you go 100' there is a magnificent vista that is protected. We have to ask ourselves if we then try to protect every little spot of the harbor you can see coming up North Water Street or do we try to protect the integrity of North Water Street by the architecture?

Mr. Evans stated that after a long struggle the Conservation Commission got the park and established vistas but the thing that interests me, given the fact of the open area around that park, is whether we should influence the context of the park. The Lovell house is an anomaly there. My sense is that it might be a meaningful thing for Edgartown to make some arrangements with the Lovell's to have an option of that property and to raise the house. It is interesting inside but not Historical interesting outside. If the release of that view happens sooner because of these empty lots, if construction or

use of those lots can be accommodated without spoiling the introduction to that broad view, then I think something extraordinary powerful can be created from a public standpoint. When North Water Street was developed on the east side, the ability to gain visual access to the Harbor became compartmentalized. When you protect the vistas at the end you make it available to everyone so that it becomes a tying element for the community. For me, it is very important not to protect the experience while you are there but protect the context. My thoughts lean toward a long term hope for Edgartown that not only would the vistas from these property be protected but that at some point the Town may have the option to remove the Lovell house from the vista so this is really open. I would argue against the concept of the Captain's house.

Mr. Filley, Commissioner, stated the optimum option would be if the Town would purchase and I'm not sure if that option has been exhausted. However, after I looked at the setup with the stakes it is obvious there is a division of smaller houses down front and the larger houses set back. I believe this would be in direct conflict with this. If the people are able to do their project we should go in one direction or the other, a smaller house down front or pull it back to make it feel more in place with the buildings on this Street. Looking at this area from different perspectives, for instance riding to Chappy each day, and trying to imagine something like this down there it just seems extremely out of character.

Mr. Lee, Commissioner, stated that if he ruled the world he would tell Alice Bourne to buy Mary Wakeman's house, a lovely property for sale, and leave this property alone. If she doesn't want the Wakeman house then I would say if you want to build a grand house on the hill then come before us again with your plan for a grand house. But right now that flood plain is impossible and the vista is precious. Whether the Lovell house is there or not it is awful nice to look out and see the harbor as you are going up the street.

Mr. Early stated that just for review two lots, now in different ownerships, are allowed by Commission decision to build one 900 ft. guesthouse on each lot, which is what was applied for. The application was for a 900 ft. guesthouse and the Commission said OK but that is all you can build, and that is why we are here tonight. Anything other than a 900 sq. ft. guesthouse or anything higher than 15' must come back to us. It has been to court, they said come back.

Mr. Jason asked if we shouldn't be giving the applicant a little more guidance as to what it is we really want to see. I agree that there was a pattern set many years ago with small bungalos built in the flood plain, but if there was no vista there and we were faced with whether or not to allow a house to be built in the flood plain, I think we would all agree we would not go along with that. I think we should tell the applicant he should locate the house on the hill, he should use similar architecture to what is existing on the street, and he should place the house as close to the street as is allowed by law and setback. Perhaps we could approve it with the condition it be referred to the Historic Commission.

Ms. Colebrook stated she doesn't think it is our responsibility to offer him a solution. This is a catch 22 situation. It is wetland on the low end, which in my opinion shouldn't be built on, and on the high side he would interrupt the vista. I don't want to be locked in to offering a solution in the decision I make today. Mr. Early stated she would not be. The decision tonight is to approve or deny what is presented.

Mr. Filley stated he agrees with Mr. Jason. He doesn't want to be in the position where someone besides ourselves decides what should go there. Higher authorities may look differently at this than we do considering the value of the land there. I would like to at least feel we have some input. We might not get everything we want. He then asked if the town were still interested in those properties? Mr. Ewing stated that the article was withdrawn from the town warrant. So it is not a priority at this time. Mr. Filley stated that we have to move ahead. We can't continue to deny this, not only because it's value to the applicant but also the value to the Town and the Island as a whole. We should come to some agreement so the decision is made here on the Island.

Ms. Sibley stated we can't, in fact, make a promise that if they come back with a captain's house on the hill we would say yes. The question is, is this proposal appropriate on the grounds of what it looks like or the grounds of it being very large in the flood plain.

Mr. Early stated it appears what is being eluded to is a denial with conditions, which we are unable to do.

Mr. McCavitt asked what the square footage of this is? Mr. Hutker responded 2,696 sq. ft. excluding the car port and the deck.

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

ITEM #6 - Possible Vote - Alice Bourne DRI, Town of Edgartown

It was motioned and seconded to deny for the following reasons: The size, scale, location, and architectural style are inappropriate for this area; for ecological reasons, the flood plain; and the character of the area. Mr. Early opened the motion for discussion.

Mr. Morgan asked how substantial the reason of flood plain would be considering that the Board of Appeals would deal with this? Ms. Waterman stated it is a valid fact. She pointed the 11 ft. elevation on wall displays and stated it would be in 9-11 ft. of water in the 100 flood.

Mr. McCavitt stated that the original decision is based on the attention to preserve the view. With the structure as it is, it itself would be 2,696 sq. ft. covering almost the entire lot in the flood plain and would become part of the view and is a denigration of the view. It becomes part of the problem not a solution. In my opinion this particular proposal does not meet the requirements of

preserving and protection the view that exists, it further deteriorates it. Note: The square footage of this building was calculated to be 3,776 sq. ft. according to staff documents.

Ms. Sibley stated she agrees entirely and is not sure this has been clarified in the motion, that it violates the character of the view and the existing environment. It was pointed out that the reference to architectural style in the motion would cover this point.

The motion to deny the Bourne DRI for the reasons stated above passed with a vote of 14 in favor, none opposed, 1 abstentions (Medeiros). (Harney was in favor.)

Mr. Early then moved on to the next item of discussion.

ITEM #5 - Discussion - Wesley Arms DRI, Town of Oak Bluffs

Mr. Early called on Mr. Young to give a review of Monday's LUPC meeting with the applicant.

Mr. Young stated there was discussion on the aspects of a Commission Decision in relation to the DEQE. LUPC proceeded to question if it is corrected for us to grant permission within a DEQE Septic Moratorium area. Mr. Jason pointed out, and LUPC agreed, the way to proceed is to consider the DRI on its own merits without DEQE. In considering the balance of benefits vs. detriments we need all the information possible. Therefore we need more information concerning the structural condition of the existing building. There are no documents to support the statement that it is impossible to renovate this structure and we want to see some. We also want an EIS on the possible effects to Sunset Lake and the Harbor resulting from the installation of a septic system meeting Title V requirements. Mr. Young stated that Mr. Martell has agreed to extend the time period until, I believe May 26th. Ms. Borer corrected this by stating we have received his letter today and he has agreed to an extension until April 28th. Mr. Young asked why has he changed this date? Ms. Borer responded that the applicant feels this is sufficient time to get the structural report and EIS completed.

Mr. Morgan stated that contrary to LUPC agreement, I don't think we should do one more thing. I'm not sure we should discuss this much further.

Mr. Ewing agreed with Mr. Morgan. The potential impact of this is important. DEQE is best qualified to determine this potential impact and we should look to them and their ruling to help us.

Ms. Sibley asked if the EIS we are asking the applicant to supply is similar to the one that DEQE would require? The response was yes.

Ms. Colebrook stated that she is much more disturbed by these proceedings now that she has read the administrative order from DEQE. It states several points that were also listed in our concerns. There is mandated, among other things, that this project could not include increased intensity of use. Why then are we considering this over DEQE's head?

Mr. Morgan stated that Mr. Martell had said during LUPC that he didn't think it would take him a long time to get an exemption since one was recently granted for a business on Circuit Ave.

Mr. Adams, MVC Staff, then stated to clarify the points, concerning the timetable set in the administrative order, DEQE has stated that they do not intend to stick to this timetable. Mr. Martell has no control over this, his project is, as they state, irrelevant in comparison to the entire Camp Meeting Association. No exemptions have been granted within the Campgrounds. The exemption granted was on Circuit Avenue but was not within the Campgrounds. DEQE would not look favorable on anyone with permits for creating additional sewage. Too much expansion within the Town is making a commitment to even greater future generation of sewage. LUPC stated we could deal with other issues, i.e. structural report, traffic design, etc.

There was further discussion about the DEQE moratorium, the requests for additional information, and the timetable for the decision. Mr. Morgan stated that he isn't sure about the EIS but he is concerned with the statement that this is a fire-trap and must come down. We should find this out so the option of renovation could be addressed.

It was decided to continue with the procedure of requesting the EIS and structural report from the applicant and extending the timetable for the decision until April 28th.

Mr. Early then moved on to the next agenda item.

ITEM #6 - Possible Vote - Written Decision, Vineyard Crossing DRI, Town of Tisbury.

Mr. Young stated that he has been swayed by applicants arguments since the last vote. His main objection was the density. There has been discussion about lowering the number of lots. I agree that this proposal would provide affordable housing to the Regional Housing Authority and would provide additional lots which will, at the very least, remain at the bottom of the affordable range. I motion we reconsider the vote on the motion to deny Vineyard Crossing DRI. Ms. Eber seconded this motion.

Mr. Early opened discussion on the motion to reconsider.

Mr. Young began by stating that Mr. Jason had proposed at LUPC 18 lots with 2 being affordable housing lots. This would allow a 200' buffer from the Com-Electric power lines and decrease the density at the same time. The applicant said he would be agreeable to lowering the density to 23 with 3 lots being affordable housing lots.

Ms. Sibley asked if we vote to reconsider then the next step would be to motion to approve with conditions, i.e. lower the number of lots? The response was yes.

Mr. Early asked if we had requested an extension from the applicant? The response was no. Mr. Early asked Mr. Wallace if he were willing to grant an extension? Mr. Wallace agreed.

Mr. Evans asked if any concrete suggestions have been made? Mr. Jason responded that the issues were density and power line easements. The maximum density is 40 odd lots, the applicant came in with 28 lots and 100' no build zone for the power lines easements we have changed this to 18 lots with a 200' power line easement. So there has been a 40% reduction in density in addition to the increased buffer.

Ms. Eber stated that the ecological effects of the nitrogen loading would still be one objection. Mr. Morgan asked what Ms. Eber would suggest? Ms. Eber responded 14 lots with 2 affordable housing lots.

Ms. Sibley stated the discussion seems to say there is enough potential for a new plan and that this is worthy of a vote to reconsider.

Mr. Morgan called for a vote.

Mr. Evans asked for clarification of the procedure following the vote. Mr. Early stated that we will extend the time period on this DRI until April 21st and request the applicant bring a scaled down modification of the configuration to be presented to LUPC. Then we will put it on the agenda for discussion and possible vote.

The motion to reconsider the vote on the motion to deny Vineyard Crossing DRI passed with a vote of 10 in favor, 0 opposed, 5 abstentions (Evans, Filley, Medeiros, Sibley, McCavitt). (Harney abstained).

ITEM #6 - Possible Vote - Written Decision, Ordnance Removal, South Beach, Town of Edgartown.

It was motioned and seconded to approve the written decision as prepared. There was no discussion. This motion carried on a vote of 13 in favor, 0 opposed, 2 abstentions (Ewing, Medeiros). (Harney abstained).

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence

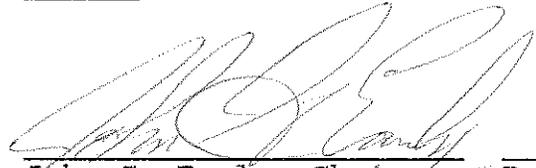
Ms. Borer, Executive Director, read a letter regarding the recent Preister's Pond condition re-wording. FROM: H.K. Bramhall, Jr., Vice President, Seven Gates Farm Corporation. DATED: February 24, 1989. The letter is summarized as follows: The re-wording does not address the fact that Crocker Pond, up to and including the waterline, is owned by Seven Gates Farm Corporation and therefore only Seven Gates Farm Corporation has the right to allow access thereto. We request that you remove Crocker Pond from condition 3b. It is not part of Priester's Pond Associates' property, and should not have been included in the DRI Decision to begin with. Ms. Borer stated that now the question is whether to again re-word the condition or let it stand.

It was decided on a concensus vote after a short discussion to let the condition stand as re-worded and to send Mr. Bramhall a letter explaining the reasoning for our language and that we take no stand concerning the ownership of the pond(s).

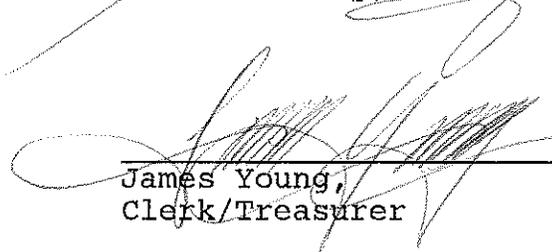
Following this discussion Mr. Early asked Mr. Morgan to give us an update on the progress of the Senate Bills. Mr. Morgan made note of the copies of the Senate Bills made available for the Commissioners. He then reviewed the proceedings on Senate bill #2547 yesterday and stated that they hoped for a favorable response. He urged Commissioners and their constituents to write to Senators Olver and Flood, Room 236, Boston, 02113. Mr. Early added that letters from respective boards would be helpful also. Mr. Morgan stated they have received support from the All-Island Selectmen and they are very encouraged. Although there were many people trying to get things passed we had the advantage of specifying what the money was to be used for. There was some discussion among the Commissioners regarding the moped issues.

The meeting was adjourned at 10:37 p.m.

ATTEST



John G. Early, Chairman Date



James Young, Clerk/Treasurer Date

Attendance:

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

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

* Ms. Bryant arrived at 8:17 p.m.

** Ms. Colebrook arrived at 9:10 p.m.

*** Mr. Early left the table during ITEM #8 Correspondence.

**** Mr. Filley left the table during ITEM #6, Vineyard Crossing DRI.