

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 19, 1989

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular Meeting of the Commission on Thursday, October 19, 1989 at 8:00 p.m. at the West Tisbury School Cafeteria, Old County Road, West Tisbury, MA.

Mr. Early, Chairman, opened the Regular Meeting of the Commission at 8:10 p.m. and proceeded with agenda items.

### ITEM #1 - Chairman's Report

Mr. Early reported that recently several Commissioners participated in the defense of a lawsuit, which was successfully defended by the Town of Edgartown, regarding a taking of the Nickerson property adjacent to the Katama Airport in which the Town had taken property by eminent domain. The Town took the property for \$1,000,000, I believe, the previous owner disputed this. The outcome of the case was that the property really wasn't worth \$1,000,000 it was only worth, \$800,000, so they have to give \$200,000 back to the Town of Edgartown.

### ITEM #2 - Old Business

Mr. Early read a letter received October 18th addressed to himself and Carol Borer, Executive Director, from Barry O. Fuller, Sr., General Manager, Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority. (This letter is available in its entirety in the Commission's Correspondence files and the Meeting file.) In summary, the letter responds to the Commission's letter of August 31, 1989 and states that Mr. Stutz has directed Mr. Fuller and his staff "to work cooperatively in all areas that concern the Martha's Vineyard Commission" and continues that "as soon as things settle down" Mr. Fuller will be in touch to set up the "preliminary meeting" the Commission suggested. It closes by stating that they "look forward to exploring, with you, ways the Steamship Authority can appropriately help meet the challenges the Commission is prepared to undertake".

### ITEM #3 - Minutes of October 12, 1989

It was motioned and seconded to approve the draft minutes as presented. There was discussion regarding Item #7, New Business.

Several Commissioners stated that they were under the impression that last week's vote was to instruct the Executive Director and Commission Counsel to explore the possibility of amending Chapter 831 to allow the 4 Governor's Appointees to vote, not draft the proposed amendment. Discussion followed regarding the following topics: the November 1st

deadline for the filing of bills and the fact that missing this deadline would probably only delay the amendment for a few months; the quorum requirements being part of the Commission's By-Laws and therefore not requiring a change in the Statute; the fact that the public hearing for an amendment to legislation would be held at the State House and the reaction, in terms of public relations, of the Island population to the filing of this bill without having a public hearing at the local level, including discussion with local town governments; the question of balance of representation, in that 4 voting Governor's appointees would outnumber the representation from any given town on the Island; the urgency of filing this amendment this year specifically in light of the difficulties the Cape Cod Commission bill is encountering in Ways and Means and the possibility that their difficulties might encumber our Commission; and investigating the reasoning for the initial decision that the Governor's appointees not be given a vote. It was decided to ask the Commission Counsel to prepare a draft amendment to be presented next week at which time the full Commission will decide how to proceed with a public hearing process if this draft amendment is to be pursued.\*

The motion to approve the minutes was amended to include one correction: Page 5, 3rd paragraph, 2nd sentence, change the words "to draft" to "to investigate". This motion passed with no opposition, 2 abstentions, Colebrook, Schweikert. (Allen and Harney abstained.)

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Legislative Liaison, began by reporting that Cora Medeiros has arranged free bus transportation from Woods Hole to the Cape Cod Community College on October 27th for the 5:30 p.m. public hearing by the State Government Operations Committee to discuss the recent rate hike from Com/Electric. Mr. Morgan then discussed a revised deed excise bill that would be filed that asked that Dukes County get an additional \$1.14 of which approximately 50% would go to the MVC. The Barnstable Chapter currently gives that County this amount in addition to the \$2.28 to the State and the \$2.28 to the Jails, Houses of Corrections and Registry of Deeds. Mr. Morgan stated there would be no time limit on this bill. He then discussed the ongoing work on the conflict between large draggers and local pot fishermen and stated that they hope to organize a discussion among all interested parties. He closed by commenting on the recent student demonstration at the State House and stated that he thought it did their cause more harm than good.

Mr. Young, Chairman of Land Use Planning Committee, reported that they had met Monday with the Edgartown Planning Board to discuss 2 proposals in the B-II District of Edgartown: Tedesco's (Keyland Trust) and a large, rather complex proposal by Tom Wallace. We will meet again Monday, October 23rd to discuss the Playhouse Theatre, Dreamland and Ocean Moor Subdivision DRIs.

Mr. Ewing, Chairman of the Edgartown Ponds DCPC, reported that they had conducted site visits on Tuesday and following these visits, voted on 6 exemptions. All but 1 were approved with varying conditions. The one denied was for construction of a new home on very low land.

\*Ms. Eber, at the 10/26/89 MVC Meeting, amended the minutes to include discussion on the fact that 4 voting Governor's appointees would also give more appointed than elected members on the Commission and therefore elected members could be outvoted by appointed members.

We met again tonight and reviewed some very good plans which we did approve. We will be scheduling another meeting soon. Ms. Waterman, MVC Staff, added that the Edgartown Ponds DCPC Subcommittee will be meeting with the Edgartown Conservation Commission on November 1st to discuss this DCPC.

Mr. Filley, Chairman of the Comprehensive Planning Advisory Committee (CPAC), reported that they have completed the series of special topic workshops and are in the process of preparing recommendations to present to the full Commission. CPAC will be meeting next Tuesday at 4:30 p.m. at the Dukes County Extension Service.

Mr. Early discussed the meeting between Mark Adams, MVC Staff, and the All-Island Selectmen regarding the Comprehensive Plan and stated that Mr. Adams would be addressing the Selectmen again on November 15th at 7:30 p.m. at the Edgartown Selectmen's Meeting room and he urged Commissioners to attend.

ITEM #5 - Discussion - Surfside Inn DRI, Town of Edgartown

Mr. Early called on Tom Bales, MVC Staff, to give a review of this DRI.

Mr. Bales reviewed the location and major aspects of this proposal and stated that the two areas that may need to be addressed in conditions are the issues of handicap accessibility and adherence to recommendations of the Oak Bluffs Architectural Assistance Board.

Mr. Young, Chairman of LUPC, reported that they had unanimously recommended approval of this DRI based on Sections 15a, 15b, 15c, 15d, 15e, 15g and 15h of Chapter 831. He briefly discussed each Section as it relates to this proposal. He stated that there had been no discussion of conditions.

There was discussion among the Commissioners regarding the following issues: requiring the applicant to meet handicap accessibility standards is an important issue and worthy of being conditioned; whether the applicant's offer of employee housing was sufficient to address the affordable housing issue or if the condition should specify that this employee housing will be affordable, Mr. Sherman, agent for the applicant, was asked to address this and he stated that he was unsure of the tenancy agreement but it would either be at no or low cost; and any connection between this proposal and the Standby Diner proposal with regards to its 6 rental units and a possible shared access.

ITEM #6 - Possible Vote - Surfside Inn DRI, Town of Oak Bluffs

It was motioned and seconded to approve the Surfside Inn DRI with the following conditions: the Commission accepts the applicant's offer of 1 unit for employee housing; the applicant be required to meet handicap accessibility standards of the Architectural Barrier Board; and that the application comply with recommendations of the Oak Bluffs Architectural Assistance Committee regarding exterior architecture. There was lengthy discussion about the wording of the condition

relating to the employee housing and the possibility of including the word affordable in this condition. There was discussion on the following: advantages to the owners of keeping the room affordable to entice potential and current employees to work at this establishment; the location of the unit; and the possibility of the employee having more than one job and that if this were the case they should be paying rent. Ms. Borer, Executive Director, stated that of the past 14 commercial DRIs that have affordable housing provisions, 12 deal with employee housing and the rent structure was never discussed in any of these. We have always accepted the applicant's offer to provide employee housing without conditioning the rent structure. The Commissioners agreed that it would be satisfactory to word the condition as is, as long as it is clear that the intent of the MVC is that this condition is meant to address the need for affordable housing stock.

The motion to approve with conditions as stated above passed with a vote of 11 in favor, 2 opposed, 3 abstentions, Wey, McCavitt, Early. (Harney was in favor, Allen abstained.)

ITEM #6 - Possible Vote - Written Decision, A&P Expansion DRI, Town of Edgartown.

It was motioned and seconded to approve the draft decision as presented. There was discussion about the location of certain conditions and typographical corrections required, specifically changing the date from October 12th to October 19th and combining lay out into one word. This motion passed with 9 in favor, 3 opposed, and 4 abstentions, Colebrook, Ewing, Lee, Wey. (Harney and Allen abstained.)

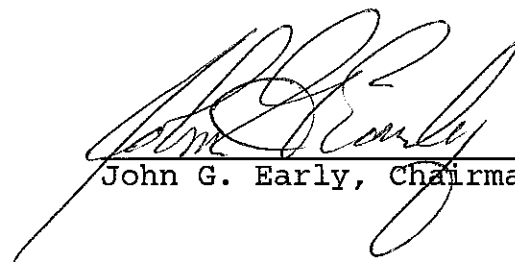
ITEM #7 - New Business

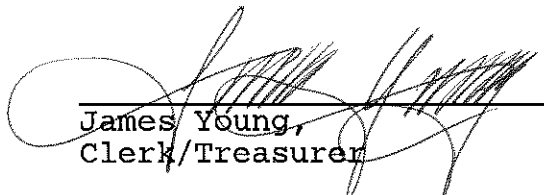
Commissioners wished a happy birthday to Chairman John Early.

ITEM #8 - Correspondence - There was none.

The meeting was adjourned at 9:25 p.m.

ATTEST

  
John G. Early, Chairman      10/26/89  
Date

  
James Young,  
Clerk/Treasurer      10/26/89  
Date

Attendance

Present: Bryant, Colebrook, Early, Eber, Ewing, Filley, Fischer, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Wey, Young, McCavitt, Allen, Harney.

Absent: Greene, Geller, Davis.