MINUTES OF MAY 24, 1990

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing Thursday, May 24, 1990 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following Development of Regional Impact (DRI):

Applicant: Vineyard Assembly of God
Rev. Greg Bar
RFD# 619
Vineyard Haven, MA 02568

Location: State Road
Vineyard Haven, MA

Proposal: Construction of a facility qualifying as a DRI since it is greater than 1,000 sq. ft. and designed to serve the residents of more than one town.

Robert T. Morgan, Sr., Chairman of the Land Use Planning Committee, (LUPC), read the Vineyard Assembly of God Public Hearing Notice, opened the hearing for testimony, described the order of the presentations for the hearing, and introduced John Schilling, MVC Staff, to make his presentation.

Mr. Schilling reviewed the staff notes including correspondence summaries (available in the DRI and meeting files) and showed a video of the site depicting the existing conditions, vegetation cover, contours, access road, and site distances from State Road. He then answered questions from the Commissioners.

Mr. Young, Commissioner, asked if the lot is an existing sub-standard lot? Mr. Schilling responded yes. Mr. Young asked if the applicant has proposed any improvements to the access road? Mr. Schilling responded it will be graded and covered with stone. There will be a maintenance program. Mr. Young asked about the visibility clearing. Mr. Schilling discussed, are the trees proposed to be cleared on State owned land requiring Dept. of Public Works (DPW) approval? Mr. Schilling responded to the west the trees are on the property. However, they are within the 40' right of way and would require DPW clearance. Mr. Young asked, in reference to the letter from the Tisbury Board of Health, is there any way that the well location could be changed to achieve the required setbacks? It was decided that this question would be addressed later during applicant's presentation.
Mr. Schweikert, Commissioner, asked if the vegetation was removed would this mean a car wouldn't have to come out onto the road for visibility? Mr. Schilling responded yes, with the tree removal you would have 400' site distance there. Mr. Schweikert asked, so the curve in the road doesn't really affect the view? Mr. Schilling responded no, the trees affect it more.

Mr. Geller, Commissioner, asked about the statement made in the Kingsbury letter regarding 3 acres zoning? It was stated that this letter would be read in its entirety during the correspondence section of the public hearing. Ms. Eber, Commissioner responded that the zoning is now 3 acres. The lot was created before that zoning and is grandfathered. It is a sub-standard lot.

Ms. Sibley, Commissioner, asked about the acreage of the Kingsbury and Land Bank properties? Ms. Greene, Commissioner, stated she believe the Land Bank property to be 3 acres.

Mr. Young stated that in the video it didn't appear that you were that far away. Was the distance at the Scottish Bakehouse 300 ft.? Mr. Schilling stated I went 300 ft. then farther to 400 ft. Mr. Young asked and the visibility was OK? Mr. Schilling responded yes.

Mr. Early, Commissioner, asked Mr. Schilling if he had any comments from the Chief of Police? Mr. Schilling responded no, not directly.

Ms. Greene asked if there would be any lighting on the road? Mr. Schilling responded no, in the parking area and the entrances to the church only.

Ms. Sibley stated that she personally tried to pull out of that driveway and she didn't get the impression that the visibility was 400 ft. Mr. Schilling stated that was the distance we calculated.

Mr. Sullivan, Commissioner, asked if we have any idea how the DPW would be disposed to the tree removal discussed? Mr. Schilling stated there has been no contact with DPW?

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

Mr. Arthur Smith introduced himself, agent; Greg Bar, Pastor; Mark Hutker, architect; Peter D'Zmura, engineer; and Joe Gervais, well driller. He gave a history of the Vineyard Assembly of God including their existence on the Island for 11 years, their current location and the fact they are a duly organized religious organization. He stated that the Assembly provides a wide array of service and has a lot of support from the congregation, as you see here tonight. There were several letters recently submitted and I don't feel the summary did them justice. He resummarized 13 letter received at the Commission at noon on May 24th. Mr. Smith stated that these letters are testimonials to the good work the Church does in the Community. To clarify one point, in the correspondence summary it lists 30 abutter in two instances. This is not 60 total but 2 letters from the same 30 abutters and they mostly consist of 2 families. He gave a history of
the Assembly's current building and their search for a new location including review of 28 sites. He stated that a Church is permitted in any and all zoning. This proposal would move the Church away from an area of major traffic congestion. He stated that if you look at the existing Churches most of them are in residential neighborhood and exist without imposing undue hardships on the abutters. Regarding the 3 acres zoning, the proposal is one 1 1/2 acres. The land right across the street is R50 zoning requiring only 50,000 sq. ft., not 1 1/2 acre or 3 acres. Regarding the discussion Mr. Philpot had with Chief McCarthy, the information he related was that there was an average of 4 accident per year in this area. Half of these accidents involve mopeds and bikes. Some were black ice related and some alcohol related, occurring in the early morning hours. Only 1 access/exit type accident and that was at the Scottish Bakehouse. The visibility is good. This is the longest straight stretch of State Road in Tisbury. Regarding the parking, we have spaces for up to 70 cars. However, half of our congregation are children and there are usually only about 20 cars at a service. Also in Mr. Kingsbury's letter he states he has been here for 53 years and has only seen 8 accidents, that isn't much. The landscaping will either be as it is shown or equivalent. The coverage, height, and calipers will remain the same but we may need some flexibility, say for instance we can't get all 19 dogwoods in. There has been discussion of wastewater and potential for change of use. As I understand your regulations, once a DRI always a DRI. Therefor, any change in use or increase in use would have to come back for review. In closing, the Church has demonstrated to be a benefit to the Community, to have developed a well through out plan and a thorough search for the best property. Mr. Smith then answered questions from the Commissioners.

Mr. Young asked if you only anticipate 20 cars why do you have 70 parking spaces? Mr. Smith stated it is required by zoning, 1 spot for every 3 people anticipated. Mr. Young stated that in a previous application we would it out with the applicant and the town that the parking would be put in for only the amount the applicant thought he would need. The remaining excess area was covered with grass until such time as it was needed. Would you be willing to consider something like that? Mr. Smith stated it sounds like a very good idea and we would be agreeable.

When there were no further questions, the applicant's agent continued the presentation.

Mr. Mark Hutker, architect, reviewed the building. He stated that it will be 2 stories but because of the knoll and the Church being placed at the top of the hill with a portion of the hill cut, the only 2 story part will be in the rear. This design facilitates handicap accessibility. The view from State Road will be 4-5 feet of shingles and then a hip and gable roof. It is designed to be low profile as seen from State Road. We have moved it back to 90 ft. from the Road rather than the 70 ft. previously proposed. The proposal is designed to allow for growth and the seasonal variety of the congregation. The parking shows that we can integrate the amount required. Following a LUPC request for move the parking into the slopes, which we did. Mr. Hutker then discussed the lighting of the proposal in relation to LUPC
concerns for adjacent property and glare onto State Road. He stated that Tisbury Zoning requires a certain number of trees per parking space. We would like to retain the existing trees and use them for this purpose. But we have shown additional trees on this plan in case we can't meet zoning with the existing trees. Regarding the concerns over the measuring of site distance. We did it in very much the same way as the staff did. The site distances are perfectly adequate for the 40 mph zone. It is clearly a good recommendation to remove trees on State Road however. Mr. Hutker showed the 2 handicap accesses. He then answered questions from the Commissioners.

Mr. Early, Commissioner, asked about the dormer shown on the West Elevation plans, will this be stained glass? Mr. Hutker stated it will be a subtle cross design. We haven't decided if it will be stained glass. There will be a window there to allow light to come in high above the Mr. Hutker then discussed the allowable height in the Inland Zone of the Island Road District in relation to the contours and height of this proposed structure. He stated they are within the height limitations and submitted additional information on contours and building height (available in the DRI and meeting files).

Mr. Sullivan asked if there is any relationship between the Vineyard Assembly of God and a larger organization? It was stated that Rev. Bar would answer that question during his presentation.

Mr. Hutker responded to an early question about acreage of adjoining property. The Kingsbury property is 10.10 acres, the property to the ear is 2.9 acres and to the east it is 4.4 acres.

When there were no further question for Mr. Hutker, Mr. Gervais continued with the applicant's presentation.

Mr. Gervais stated he is the well driller for this project. The well will be a 4" PVC well. It is standard for hundreds of structures up-Island. Under the Department of Environmental Protection (DEP) a Church is considered to be public and therefore must meet setbacks for a public well. It is impossible to meet these setbacks on this lot. DEP suggested we could install bottled water and that is our intention. The well will provide the toilet and sink water. This has been arranged through the Board of Health as noted in their letter of correspondence.

Mr. Filley, Commissioner, asked what is the proposed separation? Mr. Gervais responded 125 ft.

Mr. Peter D'Zmura, engineer, continued the applicant's presentation by stating that the septic is of conventional design. It has been approved by the Board of Health. The lot has been perked. There is not such to say about it.

Rev. Greg Bar then submitted a pamphlet describing the Assembly of God. The Assembly is located in all 50 states with 11,000 churches and 2 million people in the United States. We have locations in over 120 countries. The Vineyard Assembly of God is part of that organization. We are part of the Southern New England District.
participation do they have? I am under them. They make the decisions.

When there was no further testimony from the applicant or questions from the Commissioners, Mr. Morgan called on Town Board testimony. There was none. He then called for testimony in favor of the proposal.

Candance A. Nichols stated that this is an important organization with a lot of important activities, specifically their work with children. I am involved in a church after school program and I would be impressed if we could get another facility. I am in favor of this proposal.

Joseph Gervais stated he has been a member of the Church for the last 5 years. I am very happy to be a member. Over the past 5 years we have seen steady growth at the Church. The present facility is very small for the number of people we have in it. The Sunday School ceiling runs 4 X 6 ft. and we have 8 students and 2 adults. It is a very difficult situation. In the course of the last few years we have seen a number of people leaving Martha's Vineyard, but the membership of the Church has increased. I think that speaks to the benefit the Church has to the community. I asked that you approve this application.

Mr. John Leitz stated he is not a member of the Church but is familiar with the organization. I am a Christian and I think we need more Christians on this Island. They need this place to expand. The existing site is difficult with the traffic there. I am in the towing business on the Island and I have seen a lot more accidents near the current site than near the Kingsbury property. The Church has been doing some great work and I am in favor of the proposal.

Pam Schultz stated she is a single mother and the Church has helped me and means a lot to me. I am the Nursery Coordinator and we really need more space for the children.

Tom Nutter stated that he and his 6 children go to this Church. The Church has been a tremendous help to my family and my children. They are in desperate need of space and this proposed site would be more than adequate. It would make me happy not to have to worry about my kids running out into the street because this proposed building is 90 ft. from the road. I am in favor of this and I hope you are too.

When there was no further testimony in favor of the proposal, Mr. Morgan called for testimony in opposition.

Craig Kingsbury, abutter, stated that there is terrific traffic problem on this stretch of State Road. I've heard that Sunday isn't a bad traffic day. Well on Sunday at 9 a.m. when I went out to get my paper, I had to wait for 37 people who were going to the boat. They when I got back I was in traffic with all the people who had just got off the boat. I have lived here for 53 years and have seen 8 fatal accidents. There have been a lot more than 8 accidents reported and a lot that don't get reported. The traffic starts on this road at 7:30
a.m. and goes until 11:00 p.m. Between the Town line and Lambert's Cove Road there have been more fatalities than on any other stretch of road on the Island. I think the records will show that.

Mr. Barney Zeitz stated that he lives on the driveway directly across from the DECA Construction Drive (2 lots east of the proposal). I think this is a beautiful plan but I keep hearing about growth. I am concerned with the well being of the abutters. I feel they need additional space but not here. No one goes 40 mph on this stretch of road, they go 45-50 mph. I am concerned with their well being as well as ours. I don't feel the site is adequate.

Mr. Ken Billzarian stated he lives almost directly across the street from this site. The traffic on this part of the road is more serious than people are making it out to be. When you pull out of Mr. Kingsbury's driveway you can't see to the left (up-Island). I don't understand how Mr. Schilling (MVC Staff) measured that distance. The cars are coming from the same side of the road not the side of the Scottish Bakehouse. So the site distance should be measured from the same side. I have lived here and hear screeching tires from this road for 18 years. I never allowed my children to enter this road on a bike, it is too dangerous. I don't think this proposal would work here. I think it would be too hazardous. There is also a rise in this road and you can't see above it. It is not as null as everyone thinks it is.

Guy Cotting stated that he has personally been involved in 2 accidents in this area, 1 in front of the Scottish Bakehouse. Both accidents were head on collisions caused by the other car driving on the wrong side of the road. They were no, my fault. I have also seen a fatal accident in front of my house.

Patty Cotting stated that there are also a lot of accidents that go unreported. She gave a number of examples. I am also of a different opinion regarding the traffic on Sunday is off-peak. In July and August the traffic is incredible on Saturdays and Sundays. There are tour buses, moped, bikes, cars, trucks, etc. When you consider that you have to go into the other land to pass a bike the situation is very dangerous. I don't see how you could allow this. If you are considering a DCPC and moratorium I don't understand the difference between now and then. Why should this be allowed if you are considering a DCPC because the traffic is so bad.

Ms. Greene, Commissioner, explained that this area would not be part of the amendment and moratorium because it is already part of the Island Road District DCPC.

Bill Kingsbury stated that he is employed by the Tisbury Water Works and licensed by the State to do coliform counts. The State requires there tests to be done 12 times a year, not 4 as has been proposed. Regardless of whether you have bottled water or not, the children will drink the water, they will wash their hands and get water on open uts, etc. The State requires 12 tests a year for health reasons and I don't see why test should only be done at this site 4 times a year. Regarding traffic, I heard testimony that children can get hurt at the
present location with minimum setback from the road. Well if children

...that is going to happen to them if the get hit where cars are

...travelling 40-50 mph. I have lived here all my life, I'm 40 years

...old, and I have picked up 6 dead people on this road between the

...Wooden Tent and the lower end of Lambert's Cove Road. I remember

...these incidents distinctly and I would hate to see that happen to some

...kid. I would hate to see them get coliform and all the rest of the

...damn water born diseases that are going to be in there. The test has

...to be once a month. Coliform bacteria doesn't show up every four

...months, it shows up when it shows up. It needs testing far more

...frequently than four times a year.

Tom Zinno stated that he is an abutter who has been living across the

...road from this site for the past 8 years. First I would like to state

...that I have no objections to the Assembly or their goals. I am

...looking for the Commission to do a comprehensive review of this

...project. We know that it is a controversial project but we as

...abutters want a fair shake. We want everything to be looked at very

...carefully. We all consider the traffic in this area to be a real

...problem. We have been living there for a long time and we know what

...goes on daily. We know that when we pull out of our driveways the

...amount of sight distance there really is. There are 6 driveways with

...400 ft. of each other and they all interact. We know how you interact

...with the traffic going down the road, with the curves on the road,

...with the blind spot coming up the hill. Cars are usually going 40-50

...mph or greater. There are tour buses, moped, bikes, cars and they all

...interact on a very narrow stretch of road. There are no shoulders.

...As far as access and traffic reports there are a lot of thing that go

...unreported that happen on that road. People get injured, joggers,

...bicyclers, and don't go to the E.M.T. I have a question because I

...spoke extensively to Chief McCarthy and Justin Welch and their

...testimony was submitted by one of the members of the Church. Both

...said to me that they did not know that what they were talking about

...during this conversation about the accident that happen in that area.

...They stated that they had no idea that a facility of this size, with

...70 cars, would go in this location. They thought they were talking

...only about the traffic and the speed limit for the area. What the

...Chief said was that the Commission should approach him, write him a

...letter, and asked for a detailed analysis and his opinion of this. He

...didn't really appreciate any off-the-cuff remarks being submitted as

...evidence to the Commission. As far as the site, there are a few

...problems I have with that too. When the information was handed in

...they said that they were really trying to consider their neighbors and

...if you look at the parking facilities, John was mistaken about the

...white gate on the road. The white gate does not delineate the

...property line. The property line is only 50-70 ft. from the actual

...house behind the property. The white gate is actually there to

...delineate the septic system for that house which happens to be in the

...road. The plan shows the access coming in the front of the roadway

...going all the way to the back property bounds, 50 ft. from the house,

...and then the anticipation of 50-70 cars waiting to get out there

...whenever a meeting would be ending would be a problem. This lot of

...subdivided by Doug DeBettencourt back in 1983 and his intention for

...these 2 lots at the time was 2 single family residences. Even though
the zoning laws are stated that way, it was never that intention, it was the intention that a single family dwelling would be built there. The present owner at one time had cleared the site and was going to build a house there. A facility of this size and magnitude on this lot just doesn't work. It doesn't work as far as the water quality, they will have to use bottled water, it is impossible to discuss all the problems they could have with that. It doesn't work because of the traffic. As far as traffic if you consider sight distances without considering all the other driveways, all the other people that use that small stretch of road, their limited sight distance and how this will all interact, you can't really make a determination on that. What we are really looking for is a fair shake. We want this to be evaluated just like anything else would be evaluated and we would like it to be seriously considered. Everyone within a half mile of this vicinity has signed a petition saying that this is a problem area. We all realize that and we are trying to get that across the members of the Commission that we want to have a good evaluation and that maybe there is a better location for this if there are these problems here. As far as the members I believe Mr. Smith stated there are only 3 families represented by this petition. This is not one big family, they are separate property owners in this area. Thank you for your consideration.

Mr. Morgan then called for any further testimony in opposition. When there was none he called for testimony neither for nor against the proposal.

Mr. Burton Engle stated that he is concerned with the traffic and the problems that the Commission is already prepared to address apparently, the failure of the road in the business district. It appears that the business district has implications beyond the business district that apparently goes as far as the Scottish Bakehouse. I am impressed with the presentations from both sides here and I hope that this will give you plenty to think about, not just in relation to this particular project but to the highway in particular. The highway is not Vineyard Haven's private road and this is the way that Vineyard Haven is looking at it. It is an artery for the rest of the Island. Every other town, except for Oak Bluffs, is served by that road to some extent and each of those towns should have somebody here to say something on their own behalf. They are not here so I am doing the best I can for the whole of up-Island. It is really a serious situation and I think that maybe your capacities are stretched to the limit in tackling this. I think that the State as the owner of that road should be brought into this argument and provide whatever expertise they can provide for a bankrupt State. Maybe somebody will do it on a volunteer basis, I don't know. I am very much impressed with the citizen's participation that you are getting here tonight, there has been some very sensible arguments from both sides.

Mr. Mark Philpot author of the statement that you have concerning traffic and the discussion with Chief McCarthy. During the discussion I had with him he fully knew that we were talking about a church in that letter. Also regarding the part about the D.P.W. doing a study about reducing the mph limit and the fact that they decided that there was no reason to, that study was only done within the last year. So
if you need information between the Lambert's Cove intersection and 
the West Tisbury line you should be able to get something from them. 
When we had our discussing he fully knew that we were talking about a 
church moving down here and I wanted to clear that up.

Pam Schultz stated that she knows one person on the road that is not 
opposed to this. Marion McClure is impacted by one side of the 
traffic anyway and I know she wasn't opposed to it. I also think that 
Kathryn Tweed is back from the Scottish Bakehouse, perhaps half a 
mile, and is also impacted by traffic and isn't opposed.

Karen Bar stated that for those of you who are not familiar with our 
Church services and the nature of people that we are. We do not all 
rerun out of the building and line up in our cars to leave. My husband 
and myself are usually the last to leave and we leave sometimes after 
1:00 p.m. It is a slow trickle out, we like to talk and be with each 
other. Also, in case some people don't realize, we are not creating a 
bunch of new traffic. We are shifting it out of Town. I realize that 
it does impact the people who are living there and we are going to do 
our best, if this is approved, to work and change it. As Mr. 
Kingsbury said about directing traffic, we are all for that. We don't 
want to watch people die.

Mr. Gervais testified again by stating that he wanted to address a 
statement made by Mr. Bill Kingsbury. In my knowledge as a well 
driller I have never known a private well on Martha's Vineyard to be 
contaminated with coliform bacteria. I wish I could say that I have 
asked to every board of health on the Island about this, but my only 
source was Bill Marks, who was doing all the samples as of two years 
ago. He said that he had never found a well with coliform bacteria in 
it.

Mr. Engle stated that he lives in Chilmark on Middle Road and the 
people who live at the beginning of my driveway, closest to the road, 
had a septic system that was very close to their well and they had to 
have a new well. They didn't have new well because they didn't like 
the taste of the water, it was spoiled by coliform bacteria. Now I 
don't know where that has to be recorded so that every well driller 
knows it but there is a case right there.

Mr. Zinno then submitted two letter from abutter who could not be 
present tonight and asked that they be read into the record.

Ms. Borer, Executive Director, then read the letter from Karen Bar 
that as requested to be read into the record and then the two letter 
that Mr. Zinno submitted from Paul & M.J. Munafo and Joyce Elbert. 
(All letters of correspondence are available in the DRI file.)

Mr. Morgan then called for any further testimony.

Mr. Kingsbury stated that regarding fire protection, sprinklers should 
be put in. The response time for a fire truck to get to this wooden 
structure with 200 people in it, I think, is ridiculous. You have 1 
pumper and no place on this lot to get water. This building needs a 
sprinkler system for fire protection of 200 odd people.
Mr. Smith stated that he has a few comments and then there are two letters from Susan Nichols and Patricia Nicols that were requested to be read into the record. I have copies of them if you want.

Ms. Borrer asked if these were already reviewed in the staff notes? Mr. Smith responded yes, with one sentence summaries but the people who wrote them requested they be read into the record.

Mr. Smith stated that the one comment he had was that several opponents have mentioned that the MVC hasn't given this due consideration or weight. I think if you look around the room here you see maps, you see plans, the work that went into this to provide you with all the information that you need was immense. Any suggestion of the fact that you don't have enough information to make a decision on this I think is silly. He then read the two letters.

Before the applicant's final testimony, Commissioners asked the following:

Ms. Bryant, Commissioner, asked about statements made by Pat Nicols regarding a day care facility. How would that fit in? The only times you discussed using the facility was Wednesday and Sundays. Would there be a day care center and after school facility? Wouldn't that be more often than just Sundays and Wednesdays?

Mr. Geller, Commissioner, stated I would also like the applicant to address the sprinkler system and the possibility of having a policeman on duty at the times they have these meetings.

Mr. Morgan stated that if the applicant is unable to answer these questions at this time the record will remain open for one week so you would be able to submit the answers at that time.

Mr. Bar testified as pastor of the Vineyard Assembly of God. In answer to the day care, to tell you the honest truth, I never really planned on a day care. That is all I can give you right now. I don't plan on day care. As far as the sprinkler system I am not an engineer but if a sprinkler system is need and feasible, then we would do it. As far as the police things goes, I have seen it done at other churches, if it is needed and certainly if there was a problem and that was the way to fix it, we would do it. Mr. Bar then a letter from himself to the Martha's Vineyard Commission. (This letter was not submitted for the record, the applicant has been contacted requesting a copy).

Mr. Hutker asked to respond to the issue of a sprinkler system. He stated that this building does not require a sprinkler system. We have designed safe egresses. The sprinkler system is designed to safeguard the building not the occupants. By the time the sprinklers went off the people will have had to clear the building because of the
smoke. It is the smoke detectors and egress design that safeguards the occupants.

Mr. Morgan asked if the Commissioner had any further questions.

Ms. Sibley, Commissioner, stated that there seems to be some controversy regarding the Tisbury Police Chief's testimony. I suggest we send staff to interview the Tisbury Police Chief to clarify this testimony. Commissioners agreed.

Mr. Young, Commissioner, stated I would also like contact with the Tisbury Fire Department on the sprinkler system and the Tisbury Planning Board regarding the possibility of reducing the paved parking. This was also agreed.

When there was no further testimony or questions, Mr. Morgan closed the public hearing at 10:00 p.m. with the record remaining open for one week.

Following the public hearing, Mr. Filley, Chairman, opened the special meeting of the Commission and proceeded with agenda items.

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

ITEM #2 - Old Business

Mr. Filley asked Mr. Geller, Commissioner, to read the letter he drafted to the Land Bank Commission following last week's discussion. Mr. Geller read the letter addressed to the M.V. Land Bank Commission (available in the Meeting and Correspondence files). Following the read the Commissioners gave a round of applause and their vote of confidence to sent this letter.

Ms. Barer stated we were going to discuss the modification request to the Magid DRI decision tonight, however I do not see Mr. Rosbeck here so we will address this at another time.

ITEM #3 - Minutes of May 17, 1990

It was motioned and seconded to approve the draft minutes as presented. There was no discussion. This motion passed with no opposition, 2 abstentions, Fischer and Young. (Geller was in favor, Allen abstained.)

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of LUPC, asked Mr. Simmons, MVC Staff, to report on the issue of a possible amendment to the Island Road District to include the Tisbury Business Districts and his meeting with the Planning Board last night.

Mr. Simmons, transportation planner, stated that on Monday night I met with the Tisbury Board of Selectmen. Several Commissioners attended
this meeting also. At that meeting the Selectmen asked me to bring this to the Planning Board. So I asked and was placed on Wednesday's Planning Board agenda. I presented the same material to the Planning Board as I had presented to the Selectmen on Monday. I then answered questions that started at 8:00 p.m. and ended at about 11:00 p.m. There were quite a few people in the audience and many concerns discussed including financing, moratoriums, purpose, use of previous studies and time limits. After the dialogue, my general reaction was that many issues were better understood following this discussion. One issue that is still outstanding is the moratorium. The Planning Board is not in favor of a moratorium. The Board of Selectmen and the Planning Board have agreed to meet with each other and discuss this action plan. It was also suggested that they might want to meet with the Commission directly.

Ms. Greene, Commissioner and LUPC member, stated that in general the Selectmen felt it was probably something we are going to have to do, something that has to be addressed. I feel they were a little taken aback by the breath of the proposed amendment to the DCPC. I don't think that they fully comprehended how big an area we are looking at. I think in general it went pretty well.

Ms. Sibley, Commissioner and LUPC member, stated she wants to commend Mr. Simmons. I was very impressed with the research and the presentation. Ms. Skiver and Mr. Simmons really pulled together information that was impressive on the State Road corridor. I was impressed that Mr. Simmons, who is so new here, could talk about that whole stretch as if he actually knew the geography and only misnamed one road. It was really good. I agree with Ms. Greene that I think they were a little surprised and overwhelmed. I also think, and somehow many of the Tisbury representatives to the Commission could clarify this, but I think there is a real misunderstanding about the concept of a moratorium. People just seem to go into cardiac arrest when they hear the word.

Mr. Sullivan, Commissioner, stated that he thinks they understand the word well enough.

Ms. Sibley stated that this is a situation where you have the 2 major developments in that area saying that they can live with it and where the process of exemption makes room for the little fish when that is appropriate, I don't think there is any need to fear it. It works, it has worked well in other places.

Ms. Eber, Commissioner and Tisbury Planning Board member, stated that she has said it before but she will repeat herself. They will never, never accept a moratorium. Unless we figure out a way of doing it without the moratorium I think we are wasting our time. The Board of Selectmen and the Planning Board will never accept it and they represent the Town's people.

Mr. Morgan stated that there were about 30 people there and it looked like they represented the business community or a substantial part of it.
Mr. Schweikert, Commissioner, stated I heard the discussion about the moratorium and I guess it is obviously the big concern. Wouldn't anything that happens over there come before us? If that is the case why can't we have a DCPC without a moratorium? In which case anything that is going to happen is going to come before us and we can then work with that within the context of a DCPC.

Mr. Morgan stated only projects that are 1,000 sq. ft. or more.

Mr. Schweikert stated that if we have somebody before us and we feel we have to wait for a corridor study or something like that we will deal with that.

Ms. Eber stated that the idea is that what has caused the whole thing is the fact that we had all those applications before us that are on State Road, starting with the Edgartown National Bank, MVY Realty Trust, Bernier's Cronigs Market and now the Church on the same road. That is what really what triggered it, all those applications. Mr. Schweikert stated yes but we haven't had the corridor study yet. Ms. Eber stated that I have heard, that the feeling was, all right if you want to do the study and the Town doesn't have to pay any money, OK.

Mr. Schweikert stated, if in fact we are talking about a DCPC, I don't know the ramifications of it but we can certainly can make our own up in the sense that we have a DCPC we are studying and every applicant who comes before us if we have to, we put them on ice for a few months. Ms. Sibley stated that is what is called a moratorium. Mr. Schweikert stated I said if we have to. I am not saying you are making exemptions but you are making exceptions.

Mr. Filley stated we need a more complete scope, cost breakdowns and continuing dialogue with both the Planning Board and the Selectmen as well as other members of the Tisbury community as to the specifics of the DCPC and then bring it back for discussion at that point as to how to take next step. Whether we go ahead with a DCPC nomination or go ahead with an action plan without a DCPC. I think we need to follow up with some other information first and then deal with making our decision at that time.

Mr. Schweikert stated that what I was discussing is that the exemptions are flip-flopped. If they are small projects then we deal with them. If they are not they are put on hold until we finish our corridor study, which the engineer anticipated would take 6 months.

Mr. Filley stated that the corridor study is our major focus and I think we really have to pull together the pieces of that so that we can take that step. But I would like to delay any DCPC discussion until we have a revised scope for that corridor study.

There was some discussion regarding the fact that a moratorium is necessary for an amendment to a DCPC as well as a new DCPC.

Mr. Early, Chairman of Planning and Economic Development Committee (PED), reported that they have drafted a memorandum of agreement (MOA) between this Commission and the Town of Oak Bluffs for Phase I of the
Oak Bluffs Planned Development District (OBPDD) Master Plan. Copies are in your packets (available in the Meeting and DCPC files). He briefly described the document. The Town of Oak Bluffs is very anxious to get this executed. I would like to see this approved and enacted as soon as possible so we can get going on this project.

Ms. Borer stated that PED has been working on this for a few weeks.

Mr. Filley commended PED for all their work in this very difficult task. This is an excellent first step in addressing a very complicated issue.

Mr. Early also thanked Mr. Jason, former Chairman of PED, and the Oak Bluffs Committee, and staff for all their work on this.

It was motioned and seconded to approved the draft MOA as presented. There was no discussion. This motion passed unanimously.

Mr. Morgan reported as legislative liaison by stating that the State budget is being worked on. Up until about 2:30 p.m. today there have been about 500 amendments. The last I knew today, the Speaker had indicated that he was going to keep everyone there until it is done. Regarding the Senate Tax Bill there are members of the House that feel it is as good if not better than House Bill. It speaks to not increasing the 5% sales tax but increasing it in areas of legal fees, public relations, and the like. The 5% could conceivable drop to 4% in the near future and that isn't a bad idea. The Senate view of local aid is not a bad situation. They are suggesting that an authority be declared to work on the local aid. However, based on today's number that wouldn't necessarily help a lot of communities on Martha's Vineyard and Cape Cod. 26% of all residents would be destined for local aid according to the Senate. However, the conference committee will not take place until the house finishes its budget. The House and Senate will get together and work out the differences they have in the tax package. Mr. Morgan then discussed a bill filed by himself and Representative Turkington which in summary speaks to the installation of trash compactors in all building constructed in Dukes County after January 1, 1991. He closed by discussing the issue of the Attorney General reviewing the moped issue.

ITEM #5 - New Business

Mr. Fischer, Clerk/Treasurer, announced the birth of his daughter.

Mr. Filley asked if LUPC could review the public hearing procedures and see what improvements they can make to it to expedite the method of getting the best information from the public. Mr. Morgan agreed. Mr. Early asked if they could look into limiting the amount of written testimony that is available to be read into the record. Several Commissioners agreed.

ITEM #6 - Correspondence - There was none.
The meeting was adjourned at 10:37 p.m.

ATTEST

J. Woodward Filley, Chairman

Albert O. Fischer, III, Clerk/Treasurer

Attendance


Absent: Colebrook, Jason, Lee, Benoit, Harney, Davis.

* Ms. Bryant arrived at 8:04 p.m.
** Mr. Wey arrived at 8:03 p.m.