

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF AUGUST 16, 1990

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a regular meeting Thursday, August 16, 1990 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Mr. Filley, Chairman, opened the regular meeting at 8:14 p.m. and proceeded with agenda items.

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

ITEM #2 - Old Business

Ms. Eber, Commissioner, stated she wants to address the issue brought up by the Vineyard Conservation Society in correspondence from last week's meeting regarding the sale of 5 acres of State Forest land to the Department of Public Works (DPW). She asked if the Commission plans to take action? She stated that she thinks we should.

Mr. Filley reread the letter from the Vineyard Conservation Society dated August 9, 1990. (This letter is available in the Commission's correspondence file.)

It was moved and seconded that we send a letter stating our opposition to losing 5 acres of State Forest and suggesting that a more appropriate location would be in the proposed Airport Business Park.

After discussion on this motion, the motion and second were withdrawn.

There was discussion relating to the MVC's DCPC designation of the State Forest, the location of the 5 acre parcel, alternate locations for the DPW facility, past discussion with Airport Commissioners for an alternative site and the fact that DPW could stay in its present location for an undetermined period, and storage of materials that could be potentially hazardous to the protection of the aquifer that was one of the main reasons for DCPC designation. There was a question of whether or not we would review this as a DRI?

It was moved and seconded that we send a letter to Mr. Kendall at the Department of Environmental Management this week stating that we are very concerned, include a copy of the DCPC with the letter and stating that we have staff reviewing it, the Commission will review it again and will be getting back to him on it. This motion was approved unanimously.

ITEM #3 - Minutes of August 9, 1990

It was motioned and seconded to approve the draft minutes as presented. Mr. Filley added a commendation to Laurie White, Executive Secretary, for the brief and accurate synopsis of a very long meeting. The motion to approve the draft minutes passed with no opposition, 3 abstentions, Young, Fischer, Sibley.

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of the Land Use Planning Committee (LUPC), reported that he will give his LUPC report on the Hospital recommendations under Item #5.

Mr. Early, Chairman of the Planning and Economic Development Committee (PED), reported that the meeting for tonight will be rescheduled. We will poll the committee members to set a date. Mr. Didato has been talking to representatives from Oak Bluffs, primarily Mike Joyce who is the liaison for the Town. The O.B. Planned Development District plan is coming along nicely.

Ms. Sibley, Chairman of the Special Ways DCPC Committee, reported that Tuesday there will be a public hearing on the proposed regulations for the West Tisbury Special Ways DCPC.

Mr. Sullivan, Chairman of the Road's DCPC Committee, reported that they met earlier tonight and had a very lively discussion. I thought it was positive overall. A lot of the discussion centered on elements in common between the Planning Board's proposal and the Commission's suggested DCPC and how they could work in synch or how they are related. It was a very good meeting.

Ms. Green stated they would be meeting with the Planning Board again next week. Mr. Sullivan stated we are meeting at the Town Hall Annex next Wednesday at 7:00 p.m.

Mr. Geller, Commissioner, asked for a report on the Commission's traffic study that is being done? Mr. Simmons, MVC Staff, stated he has met with McDonough & Scully to discuss the traffic counts we do not have on the State Road corridor. Everything that we do not have is being done this week and next week by the people at Nobnocket, MVY Realty Trust, who have agreed to give us their results and by myself. The counters are out.

Mr. Filley then took the agenda out of order.

ITEM #8 - Correspondence

Mr. Filley read a letter that relates to Item #5 from Judith and Victor Linn regarding a letter previously submitted to the Commission regarding the M.V. Hospital Long Term Care Facility. The letter was never received into the record. The letter asked that the original submittal be read into the record.

There was discussion regarding the fact that the letter was not received into the record however it was mailed to the individual Commissioners, whether or not this should be allowed into the official record since it was not received in time and would set a precedent whereas others who wish correspondence put into the record could simply pre-date the letter and state it was sent but not received, the letter could be read, considered and discussed but not be part of the legal record. Several Commissioners stated they were approached by abutter requesting this be read into the record. At the request of several Commissioners this letter, dated July 25th, was read in its entirety under correspondence.

ITEM #5 - Discussion - M.V. Hospital Long Term Care Facility

Mr. Filley stated that as usual this discussion is for the Commissioners only. The only outside input allowed will be at the request of a Commissioner through the Chair. Mr. Filley asked Mr. Simmons, MVC Staff, to update the Commissioners on this DRI.

Mr. Simmons reviewed the major aspects of the proposal and stated that several letters of correspondence were received within 7 days of the public hearing from various boards and individuals. He summarized letters from the Oak Bluffs Conservation Commission; Joyce Stiles, Tisbury Council on Aging, Julie Van Belle, R.N.; Sally Coleman, R.N. Clinical Director of the existing LTC Facility; Mr. Neofotistos, Engineer relating to the mercury found in one of the wells; and the M.V. Hospital addressing some issues raised. (These letters are available in their entirety in the DRI and Correspondence files.) Mr. Simmons then restated the concerns raised at the public hearings and answered questions from the Commissioners.

Mr. Young asked where is the well located where the mercury was found? Mr. Simmons showed the location of well #2 on a wall display.

Ms. Bryant, Commissioner, asked if they filed a Declaration of Needs? Mr. Simmons responded yes.

Mr. Morgan then gave the recommendations from LUPC. He stated that in complying with Sections 14 & 15 of Chapter 831 we decided that the benefits will exceed the detriments. We voted 4 in favor and 1 abstention to recommend to the full Commission approval of this DRI with conditions. Some of the conditions discussed you have heard from Mr. Simmons referring to the snow removal techniques, a very important issue was maintenance of catch basins, and the admittance policy. We also voted unanimously to deny the request for the waiver of the filing fee that amounts to about \$21,000.00.

Ms. Bryant asked if she could get some reassurance from the Hospital that if the day care needs increase they will guarantee that they will provided the day care. It was listed as a benefit that they would try to employ year-round residents and single parents. For this to be a benefit they must guarantee day care will be provided. This is crucial.

Ms. Abbey Taylor, Hospital Representative, responded that we have asked Dennis Ingram, architect, to do an overall plan for the day care center basically going up into the attic space above the day care center. We have a concept and an estimate of what it would cost to do it. I can give you a letter in writing stating that we have been looking into it. If we have to expanded it, yes we will expand it. Ms. Bryant stated she wants some guarantee that this issue will be addressed. Regardless of how you do it, that you will provide day care for the staff of Long Term Care. Ms. Taylor stated that one of the things our recruitment person down here said is that we should look to hire the young mothers that are home. What we are concentrating on is how we can provide benefits for those people. We've looked at it but I don't know how we are going to afford it. That is the problem. We don't have \$100,000 to build it. Ms. Bryant stated she understands that the costs are expensive but one of the things that the M.V. Hospital stated it would do for the community is make every effort to hire locally so that we don't have to worry about housing because they are people that are already housed. But none of that stuff can be in place unless you can guarantee day care. Ms. Taylor stated that you could include it as a condition of the approval and that would be your guarantee.

Mr. Sullivan asked to direct the following question to someone at the Hospital: is there a large use of mercury in the Hospital? Is it used or stored in any quantity? Mr. Taylor responded as far as I know, no we couldn't find any mercury use. We couldn't figure out that measurement. It was in the well way off to the northwest. We cannot find a source within the Hospital that would account for that. Mr. Sullivan asked isn't it used in thermometers anymore? Ms. Taylor stated we use digital thermometers now.

Mr. Early asked if the data is suspect? Who did the test? The response was Vineyard Environmental Protection agency.

Ms. Bryant stated that I assume that the staff at the Long Term Care Facility will be provided medical benefits. She then asked that if there was a change of use of the Long Term Care Facility if it would be brought before the Commission? Mr. Filley stated we could make that a condition if we feel strongly enough about it.

Mr. Early asked in regard to the Hospital's offer of 1 representative from the Island Council on Aging and 1 from Elder Services, who are the other 5 members on the Admissions Committee? Mr. Brian Toomey, Hospital Representative, responded the President of the Hospital, Director of Nursing, Clinical Director of the Long Term Care Unit, Medical Director of the Long Term Care Unit, and a social worker in Long Term Care. Mr. Filley asked so it would be a seven member board? Mr. Toomey responded yes, there are 5 now. Mr. Toomey stated that the only thing is that those groups that have been suggested don't know they have been volunteered.

When there were no further questions, Mr. Filley moved to the next agenda item.

ITEM #6 - Possible Vote - M.V. Long Term Care Facility

Mr. Filley addressed the issue of the request for a waiver of the filing fee.

It was moved and seconded to follow the recommendation of the LUPC for a denial of the request to waive the filing fee. There was discussion on this motion as follows: the Long Term Care Facility benefits the community but so does the MVC. We need resources. Ultimately it would be a cost accrued to the community. It might as well not be waived. The motion to deny the request for a waiver of the filing fee passed with 1 in opposition, Wey.

It was motioned and seconded to approve with conditions the M.V. Hospital Long Term Care Facility. The conditions will be stated individually.

The conditions were discussed and voted on individually. They are as follows:

- 1) Day care be provided by the Hospital for the staff of the Long Term Care Facility and sliding fee scale will be provided.

This condition passed with one abstention, Sibley.

- 2) Any change of use to another type of facility comes back to the Commission as a DRI.

This condition passed with one abstention, Sibley.

There was discussion on the concern raised by abutters regarding their right to use Hospital Road. Mr. Filley asked the Hospital to reponded to that concern. Mr. Reynolds, Hospital counsel, stated that we haven't discussed it other than to generally recognize that the people living on Windemere Road presumably have the right to travel. We have not independently researched what the nature of their right of way is but they clearly are lots shown on a plan which generally gives them at least implied rights of way along the road. Mr. Filley asked if it would be appropriate for the Hospital to recognize that right? Mr. Reynolds stated absolutely. The Hospital has no problem with the right of way that has been used historically by these people.

- 3) Control the use of salt during the winter and a schedule for maintenance of the catch basins be set up per the Oak Bluffs Conservation Commission's recommendations.

Condition #3 passed with one abstention, Sibley.

- 4) Accept the applicant's offer to include 1 representative from each of the following groups, Elder Services of the Cape and Island and Island Council on Aging, on the Admissions Committee for the Long Term Care Facility and that preference will be given to Island residents.

Condition #4 passed with on abstention, Sibley.

The following condition was motioned and seconded: no further additions be made to that Hospital. This motion failed on a vote of 6 in favor, 8 opposed, 1 abstention.

It was motioned and seconded that we condition that the proponent has suggested that there will be no emissions from the sewage treatment facility, if any occur and complaints are registered with the Board of Health that the Board of Health has the authority to see to it that the Hospital complies with its promises. After lengthy discussion this motion and second were withdrawn.

- 5) The Hospital shall develop a system of regularly measuring odors and gas emissions to be approved by the Oak Bluffs Board of Health. The Oak Bluffs Board of Health shall have the authority to require the Hospital to reduce these emissions when the Board of Health deems necessary.

Condition #5 was seconded and approved with 1 opposed, 1 abstention, Sibley.

- 6) A Hospital/Neighbor Relations Committee be formed and meet periodically to discuss and address any potential problems and that the committee be ongoing after construction.

This motion was seconded and passed with 2 abstentions, Jason and Sibley.

- 7) It was motioned and seconded to have the landscaping plan, including any other appropriate screening, come back to LUPC for review and approval.

The motion passed with 1 abstention, Sibley.

- 8) The width of the entrance road be 22 ft., the parking areas be designated uses and brush cutting be provided so that ITE sight distances are clear 10 ft. back from the curb cut per recommendations for MVC Traffic Engineers, McDonough & Scully.

This motion was seconded. Condition #8 passed with 1 abstention, Sibley.

Although it was not conditioned the Commissioners wished to go on record as urging the Hospital to provide confinement and treatment for the mentally ill. The Hospital stated they are currently working on this problem and training has begun for police departments, the sheriff's department and Hospital personnel. They stated that services will be provided.

When there was no further discussion Mr. Filley called for a vote on the motion to approve the M.V. Hospital Long Term Care DRI with the conditions enumerated above.

The motion to approve the M.V. Hospital Long Term Care Facility DRI with conditions passed with a vote of 13 in favor, 1 opposed, 1

abstention, Sibley. (Allen and Geller were in favor, Harney abstained.)

ITEM #7 - New Business - There was none.

ITEM #8 - Correspondence

Mr. Filley read the following letters into the record: FROM: Town of Tisbury, DATED: August 8, 1990, RE: MVY Realty Trust. Summary: Strongly urges Commission to reconsider its order against the MVY Realty Trust, requesting the return of soil. FROM: Linda Marinelli, DATED: August 15, 1990, RE: Ship's Inn. Summary: Disturbed by the Commission's recent handling of the Ship's Inn DRI question.

There was lengthy discussion regarding the Ship's Inn issue. Commissioners agreed there should be some document clarifying the procedures for DRI referrals regarding referral by certified mail.

The meeting was adjourned at 10:40 p.m.

ATTEST

  
J. Woodward Filley, 8/23/90  
Chairman Date

  
Albert O. Fischer, III, 8-23-90  
Clerk/Treasurer Date

Attendance

Present: Bryant, Early, Eber, Durawa, Filley, Fischer, Green, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Wey, Young, Allen, Geller, Harney.

Absent: Colebrook, Benoit, Davis.