

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 18, 1990

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a continued public hearing on Thursday, October 18, 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: Stephen Bernier
Cronig's Market
Box 689, 109 State Rd.
Tisbury, MA 02568

Location: State Road, Tisbury, MA

Proposal: Addition to an existing market qualifying as a DRI since the floor area is greater than 1,00 sq. ft.

Robert T. Morgan, Sr., Chairman of the Land Use Planning Committee, (LUPC), opened the hearing and immediately continued it indefinitely based on discussion with the applicant.

Mr. Filley, Chairman, opened the regular meeting of the Commission at 8:05 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report

Mr. Filley introduced Mr. Jack J. Clarke, new Governor's alternate to the Commission. Mr. Clarke thanked Mr. Filley and the Commission and took a few minutes to review his background and interest in the Cape and Islands area.

ITEM #2 - Old Business

A Commissioner asked about the status of the Magid Subdivision site visit? The site visit has not yet been done.

ITEM #3 - Minutes of September 20, 1990

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

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of LUPC, report on their meeting Monday with Mr. Bernier of Cronig's and their discussion on a continuation based on the Road Corridor Traffic Study. We also discussed a subdivision proposed by Mr. Look. On October 22nd we will be working on the DRI checklist.

Mr. Early, Chairman of Planning and Economic Development, asked Mr. Saxe to report since this will most likely be his last Commission meeting. Mr. Saxe, MVC Staff, reported on the completion of Phase I of the Oak Bluffs Planned Development District Master Plan, correspondence with Mr. DiDato regarding Phase II, and the Town process to follow.

Mr. Filley thanked Mr. Saxe for all his hard work for the Commission.

Mr. Simmons, MVC Transportation Planner, reported on the upcoming Marine Transportation Symposium. He referred Commissioners to a tentative schedule in their packets and stated he has 110 confirmed participants and responses are still coming in. Everything is working out well.

Mr. Filley thanked Mr. Simmons for his excellent work on this Symposium.

Mr. Sullivan, Chairman of the Roads Corridor Committee, reported that they had met with the Tisbury Planning Board. New members were assigned to the committee. The discussion was general in nature and well received. We discussed the long and short term plans. Mr. Barwick, Chairman of the Planning Board, stated he had been in touch with the Steamship Authority Governors and they may be willing to help.

Mark Adams, MVC Consultant, reported on the Regional Open Space Plan by referring Commissioners to an open space questionnaire in their packets. He discussed the development and distribution plans of this questionnaire and asked all Commissioners to complete one. He stated he will be giving a progress report on the entire plan at a later date.

Ms. Sibley, Chairman of the West Tisbury Special Ways DCPC Committee, reported that the West Tisbury Town Meeting did not approve the regulations for this DCPC district. She asked members of the Committee to contact her to set up a meeting.

ITEM #5 - Discussion - Ferry Boat Village, Town of Tisbury

Mr. Morgan reported that LUPC had not taken a vote on this. We were waiting for a letter from the Tisbury Conservation Commission which we have received. The question before the Commission is do they feel this is significant enough to warrant a public hearing.

There was lengthy discussion regarding the following issues on this Form A subdivision request of property that was previously a DRI:

Tisbury Conservation Commission's Order of Conditions being noted on the subdivision plan; current and potential uses for the subdivided lot; MVC jurisdiction should a building be proposed on that lot; existing Town regulations for that area; correct administrative procedure and precedent; and questions on the need for MVC counsel to review.

It was motioned and seconded that the modification is insubstantial and does not warrant a public hearing and further that the modification be allowed with the stipulation that the following be noted on the plan: the Order of Conditions from the Tisbury Conservation Commission #74-115 applies to this subdivision; that the current use as boat storage can continue and that the property is the subject of a previous DRI and would have to return as a DRI under Checklist Item #13 if development permit(s) were sought for this lot. This motion passed with a vote of 11 in favor, 2 opposed, 1 abstention, Schweikert. (Harney was in favor.)

ITEM #5 - Discussion - Spring Cove Realty Trust, Paul Adler, Town of West Tisbury.

Mr. Saxe, MVC Staff, discussed the DRI, the previous litigation and the test borings as they relate to this modification request. The request is a modification of a Commission condition requiring at least 5 test borings to be done at the bridge site.

Mr. Morgan stated they were disappointed by the response received from Mr. Odgen because the question regarding the borings was not addressed. He stated that personally he is not willing to replace the 5 test borings conditioned with 1 done with an auger on dry land.

There was lengthy discussion regarding this issue including testimony given by DEP expert that no perched wetland exists; the final conditions stating that it doesn't relieve the permittee from local regulations; the questions of whether 1 auger test outside of the wetland can give the same indications as 5 done with other methods within the wetland.

There was a motion to deny this modification request. This motion was seconded but later withdrawn after discussion of the need to determine if the modification is substantial enough to warrant a public hearing first. There was discussion on the significance of this modification request.

It was motioned and seconded that the this DRI modification request is substantial enough to warrant a full DRI review and public hearing. This motion passed with 1 opposition, Eber and 0 abstentions.

ITEM #6 - New Business - Dukes County Retirement System

Mr. Norm Friedman, Administrator, discussed the request to petition the Dukes County Retirement System for membership. He stated that the Commission has had no social security deductions or retirement plan since its beginning. We have to accept Chapter 32, section 1-28 and petition for admittance.

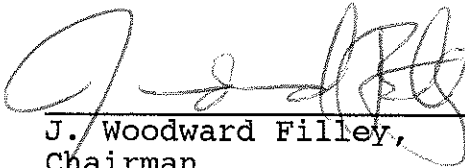
After a very brief discussion, it was motioned and seconded to accept Chapter 32, sections 1-28 and petition for admittance to the Dukes County Retirement System. This motion passed unanimously.

ITEM #7 - Correspondence

Mr. Filley read the following letters of correspondence: FROM: Wampanoag Tribal Council of Gay Head, DATED: 9/14/90, RE: Thanking us for our support of their HUD Block Grant Application. FROM: J. Woodward Filley, DATED: 10/18/90, RE: Giving notice he will be not be seeking another term as MVC Commissioner.

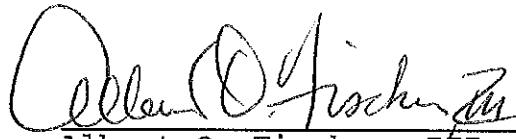
The meeting was adjourned at 9:55 p.m.

ATTEST



J. Woodward Filley,
Chairman

10/15/90
Date



Albert O. Fischer, III,
Clerk/Treasurer

11-15-90
Date

Attendance

Present: Bryant, Colebrook, Early, Eber, Filley, Green, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Young, Clarke, Harney.

Absent: Durawa, Fischer, Wey, Benoit, Allen, Geller, Davis.