

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF DECEMBER 20, 1990

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular meeting on Thursday, December 20, 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 8:02 p.m. and proceeded with agenda items.

ITEM #1 - Chairman's Report

Mr. Filley gave his last report as Chairman including an extension of condolence to Mr. Friedman, Administrator, in the loss of his mother and an introduction of Mr. Wesley Ewel, Steamship Authority Planner.

Mr. Ewel thanked the Commissioners and Mr. Simmons, MVC Staff, for inviting him to the meeting. He stated he will be accessible as the person to speak to at the SSA regarding planning. He gave a brief description of his professional planning background.

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of November 15, 1990

It was motioned and seconded to approve the draft minutes as presented. There was no discussion on this motion. The motion carried with no opposition, 2 abstentions, Colebrook and Young.

ITEM #4 - Report of Nominating Committee and Election of Officers

Mr. Fischer reported as Chairman of the Nominating Committee by stating that the 7 member committee had met twice and come up with a unanimous recommendation for the slate of officers for 1991. He gave the recommendation as follows: Jenny Greene, Chairman; Bob Lee, Vice-Chairman; and Tom Sullivan, Secretary/Treasurer.

Mr. Filley called for discussion on this recommendation. There was none.

It was motioned and seconded to accept the report of the Nominating Committee. This motion passed unanimously with no discussion.

When there was no additional discussion, it was moved and seconded to elect the slate of officers as recommended by the Nominating Committee. This motion passed with no opposition. (Ms. Bryant who had arrived during this agenda item abstained.)

ITEM #5 - Committee and Legislative Liaison Reports

Mr. Morgan, Chairman of the Land Use Planning Committee, asked Mr. Clifford, Executive Director, to report on the last meeting since he was unable to attend.

Mr. Clifford stated that Packer was on the agenda but they did not come, they will be rescheduled. A modification regarding the Playhouse Theatre Decision was discussed. Mr. Clifford reviewed the modification as a change brought upon by a decision of the Zoning Board of Appeals requiring one large theatre instead of 2 smaller ones as approved in the MVC decision.

Discussion followed on this DRI including the following issues: approved and proposed number of seats; number of seats as it relates to the impact on traffic; possible increase in the monetary donation to the Regional Transit Authority in light of the change of the number of seats; the fact that the previously agreed on figure was an applicant offer and not a Commission determination; the \$16,000 per year payment required by zoning in lieu of parking as it related to the applicant's offer of \$20,000; additional Wastewater Commission approval required; and the procedure requiring a determination of whether or not the modification is significant enough to warrant a public hearing and if not significant enough whether the Commission will approve or deny the request for modification.

Following the discussion, it was moved and seconded that the modification was insignificant and did not warrant a full DRI review and public hearing. This motion passed unanimously.

There was further discussion regarding the monetary contribution specifically relating to the fact that the contribution does not exempt the development from current or future by-laws.

It was motioned and seconded to approve the modification as requested. There was no further discussion on this motion. The motion passed unanimously.

Mr. Clifford closed his report by stating that the question of the Hugh Taylor project being a DRI or not is being re-examined by the Town. They have asked for a new application and will then make their determination. There was some discussion on the thresholds qualifying as a DRI, an Inn, a Bed and Breakfast, restaurant, etc. as they relate to commercial usage.

Mr. Morgan reported as Legislative Liaison by stating that Senator Rauschenbach and Representative Turkington were on Island yesterday and met with representatives of the Special Parents Group, Community Services and Sports Fishermen. Mr. Morgan encouraged everyone to write letters on behalf of Tom Bennett at Community Services who is facing the loss of his position there. He further reported that the Enhanced 911 Bill had been signed, that the House Bill 6299 regarding deposit insurance had been rejected, and House Bill 6812 regarding access over M.V. Regional High School Land for Elderly Housing has

become law. He then discussed House Bill 2638 which deals with the administrative handling of expenses from the Regional High's Superintendents office and the new tax bill on Nantucket as a model for Martha's Vineyard.

Mr. Adams, MVC Planner, handed out a document entitled "MVC Comprehensive Plan Summary Report". He stated this is an overview of the work to date and asked Commissioners to read the report.

Mr. Jason, Commissioner, asked Mr. Adams about the responses to the Open Space Questionnaire. Mr. Adams responded that approximately 200 of the 500 distributed in the selected mailing were returned. The Land Bank is calling those who did not return a survey. We got a good response from town boards particularly from West Tisbury and Chilmark with a fair number from Edgartown and some from Tisbury.

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

ITEM #6 - Possible Vote - Written Decision - Rattner DRI, Town of West Tisbury

It was motioned and seconded to approve the Rattner DRI Decision as written. There was no discussion on this motion. The motion passed with a vote of 13 in favor, 0 opposed, 3 abstentions, Colebrook, Donaroma, Young.

ITEM #7 - New Business

Mr. Clifford directed Commissioners attention to his memo which was distributed. He stated that during his interview he was asked what direction he would take. At that time he indicated he would observe for a period and then indicate the direction he wishes to take. This memo outlines that direction. He reviewed the plans outlined in the memo.

There were some questions and comments from Commissioners including the following: change in the presentation order for public hearings, the applicant will go first and "sell" his proposal, then the staff will address concerns or issues not raised by the applicant; applicant presentation will be limited to a specified time frame; request for staff to list concerns and possible mitigations for Commissioners review; expanding the area of contact to include Capri, Edgartown's sister city; and possible topics for the newsletter.

ITEM #8 - Correspondence

Mr. Filley read the following letters of correspondence: FROM: Choate, Hall & Stewart, RE: Magid Decision. SUMMARY: In relation to the question of the start of the clock for the Town's option of land in that subdivision, Commission Counsel and Mr. Rosbeck's Counsel's previous opinion are that the clock started when the plans were filed, March 7, 1988 and extends for three years from that date. Mr. Rosbeck has been sent a letter to this effect asking him to reexamine his counsel's previous opinion. FROM: Senator Rauschenbach, TO: John

DeVillars, EOE, cc: to the MVC. RE: Farm Pond, Oak Bluffs.
SUMMARY: Joins the MVC in strongly urging reconsideration and the issuance of a waiver of the EIR in view of new circumstances noted in the letter.

Mr. Filley thanked everyone for their assistance and stated he has enjoyed his year as Chairman and serving on the Commission.

Mr. Early thanked all of the outgoing Executives for their services.

Ms. Greene added thanks to all outgoing Commissioners and stated they will be missed.

The meeting was adjourned at 9:07 p.m.

ATTEST

Jane A. Greene 1-03-91
Jane A. Greene, Chairman Date

Thomas Sullivan 1/3/91
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

Present: Bryant, Colebrook, Early, Eber, Donaroma, Filley, Fischer, Greene, Jason, Lee, Morgan, Schweikert, Sibley, Sullivan, Wey, Young.

Absent: Benoit, Clarke, Allen, Geller, Harney, Davis.