

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF FEBRUARY 28, 1991

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, February 28, 1991 at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following:

Applicant: Town of Oak Bluffs

Proposal: Proposed Amendments  
Coastal District Regulations

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the public notice and opened the hearing for testimony at 8:05 P.M. He called upon the applicant to present the proposal. Pam Kogut, representing the M.V. Hospital explained the proposal and the reasons therefore. She explained the shortcomings of the existing Coastal Regulations and the relationship of the MVC decision regarding the Hospital DRI to these regulations. A discussion of this matter followed.

Mr. Wey discussed the uniqueness of the Hospital relationship to the regulations. A discussion of this matter followed. A discussion of the opening of a Pandora's box followed. A question of what other towns were doing followed. Mr. Simmons, MVC Staff, discussed what had gone on during the Hospital DRI and what had been discovered with respect to the Coastal regulations. A discussion of this matter followed.

Mr. Schweikert called for testimony from local boards. Peter Martell, Planning Board, discussed the Planning Board's feeling on the matter. He discussed the non-conforming uses in the areas and noted that there were only two - the Hospital and the Lobster Hatchery. A brief discussion followed.

Mr. Schweikert called for proponents - there were none. He then called for opponents - there were none. He called for any other testimony, there was none.

Pam Kogut discussed the Oak Bluffs Zoning Ordinance confusion and the history thereof. She felt the confusion was caused by clarifications made by recent Supreme Court decisions. Peter Martell discussed the matter further, explaining the Oak Bluffs By-Law.

There being no further discussion, the hearing was closed at 8:22 P.M.

Pending the time of the next posted Public Hearing, the Special Meeting of the Commission was called to order at 8:22 P.M. by Jennie Greene, Chairman of the Commission.

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

ITEM #2 - Old Business - There was none.

ITEM #3 - Minutes of February 7, 1991 & February 20, 1991

On a motion to approve the minutes of February 7, 1991, duly seconded, the vote was in the affirmative.

On a motion to approve the minutes of February 20, 1991, duly seconded, a brief discussion of this meeting followed. Mr. Early felt that some valid points came out of the meeting; application completeness, etc. The vote was in the affirmative.

A discussion of this matter followed.

Mr. Donaroma discussed how Edgartown deals with the passing of information to the Commission regarding their feelings about projects. He had discussed this matter with some of the Tisbury Planning Board members.

Ms. Greene recessed the Special Meeting and turned the chair over to Mr. Schweikert for the purposes of the second public hearing.

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The Martha's Vineyard Commission held a public hearing on Thursday, February 28, 1991 at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following:

Applicant: Town of West Tisbury

Proposal: Proposed Amendments  
Special Ways Regulations

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the public notice and opened the hearing for testimony at 8:33 P.M. He called for testimony from West Tisbury.

Virginia Jones, West Tisbury Planning Board, discussed the history of the proposal and the reasons for the modifications. She discussed the recent town meeting vote.

Mr. Colaneri discussed the proposal and asked what the differences were. Ms. Jones explained the changes made to the proposed regulations. She discussed the reasons for the removal of Red Coat Hill Road and the removal of the redundancies. A discussion of the matter followed.

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Ms. Jones discussed several issues related to the legal nature of this proposal and information given to the Town by legal counsel.

Ms. Sibley raised a point regarding the purpose of the meeting and whether the regulations as proposed are in conformance with the guidelines of the Commission. She discussed the steps involved in the development of the guidelines and whether the changes to the regulations conflict with the spirit of the guidelines.

Rez Williams discussed the issue of whether there was a taking or not of lands involved.

Ms. Sibley raised an issue regarding the change to the 40 foot distance and asked way there was a change. Craig Saunders, West Tisbury Planning Board, explained the Board's reasoning for this matter.

Mr. Early asked for an explanation of the change in wording regarding paving. Ms. Jones discussed the matter further. A discussion of this matter followed.

Mr. Schweikert called for further questions.

Ms. Dionis Riggs - has used these road for nearly 100 years and non one has been disagreeable. She discussed hope for continuance of same.

Mr. Schweikert called for any Town Boards - there were none.

He then called for any proponents - there were none.

Mr. Schweikert called for opponents.

Benjamin Hall, Jr. indicated that he would abstain due to family being affected. He spoke as a member of the public and indicated that the seeking of easements would have been better since there already was too much governmental interference.

There being no further testimony, the hearing was closed at 8:58 P.M.

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The Martha's Vineyard Commission held a public hearing on Thursday, February 28, 1991 at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA regarding the following:

Applicant: Town of West Tisbury

Location: State Road, West Tisbury

Proposal: Addition and renovation of the Howes House qualifying as a DRI since the proposal is for the modification of the exterior of an historic structure.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the public notice and opened the hearing for testimony at 9:01 P.M.

John Early, Selectmen from West Tisbury, left the table.

Mr. Schweikert called upon Joe Eldridge to present the proposal. Mr. Eldridge discussed the proposal. He discussed the proposed changes in the structure, the reasons therefore and the uses of the building today. He indicated that the Up Island Council on Aging was very constrained in the use of the present structure. He discussed the internal arrangement of the proposal, the parking situation, the entrance drive, etc. He indicated that there would be a relocation of the handicapped parking to the rear of the structure. He discussed the shared septic facility with the new proposed library. He discussed the need for access to the second floor for handicapped and at this time there was nothing proposed since an elevator would be needed for access.

Mr. Eldridge discussed the issue of traffic and the impact of the proposal thereon. He discussed the handicapped access to the building.

Mr. Schweikert asked for questions from the Commissioners or staff. Ms. White, MVC Staff, raised a number of questions, covered handicapped drop-off area, the type of surfacing to be placed on the parking lot and the fire egress as related to handicapped access. Mr. Eldridge responded to the issues.

Mr. Schweikert then called for testimony from Town Boards. John Early, Selectmen of West Tisbury, discussed the need for such an expanded facility due to present overcrowded nature of the existing facility. He urged support for the project.

Rez Williams, West Tisbury Conservation Commission, discussed the usage of the second floor and raised the issue of where the Conservation Commission would meet if the second floor were not usable. Mr. Eldridge discussed the future accessibility of the second floor and when it may be usable.

Mr. Schweikert called for testimony from proponents. Virginia Jones, West Tisbury resident, discussed the history of the Howes House, the past usage of the facility by the Town and urged a positive response to the proposal.

Mr. Schweikert then called for opponents - there were none. He then called for other testimony. Mr. Eldridge urged fast decision due to the pressing need for contractual arrangements.

There being no further testimony, the hearing was closed at 9:30 P.M.

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Jennie Greene, Chairman of the Commission, reconvened the Special Meeting at 9:31 p.m.

ITEM #4 - Committee Reports

Land Use Planning - Mr. Schweikert discussed the past two meetings of the Committee. He discussed the standards and criteria draft as well as the Alder review.

Road Corridor Committee - Mr. Sullivan discussed the cancelled meeting of the Scully-McDonough draft report.

Planning and Economic Development (PED) - Mr. Early noted that there was to be a committee meeting very shortly.

ITEM #5 - Discussion - Whitmore DRI

Ms. Greene noted that this would be a Commission only discussion.

Mr. Schweikert discussed the number of recommendations.

Mr. Simmons gave a brief update of the application. He indicated that the Fire Dept. indicated no problem in accessing the proposal.

A discussion of the staff recommendations followed.

A discussion of the provision of an afternoon tea followed.

A discussion of the relationship of the proposal to zoning, the building code, etc. followed.

A discussion of the elimination of a number of the recommendations followed.

A discussion of the possibility of giving an easement to the Town for beach front usage in the future followed.

Mr. Clark offered the following wording: The applicant will provide to the Town an easement for lateral public access below mean water along the beach front between sunrise and sunset and shall be so posted and that shall be contingent upon adjacent easements being acquired as links to already existing public right-of-way.

A discussion of this matter followed.

A discussion of donations to a future transit system followed. A discussion of using a similar mechanism as was used for the Edgartown National Bank with respect to traffic followed. A further discussion of the issue of contributions to a traffic study or transit system followed.

It was suggested that the wording used in the Edgartown National Bank DRI be used in this case.

A discussion of the issue of traffic and this development followed. A discussion of consistency followed.

Mr. Early discussed the need for very rational view of this approach and must deal with the selection of a very nominal fee be sought.

Ms. Sibley discussed the relationship of trips and rooms as a basis. A discussion of the use of \$100 per room followed.

A further discussion of reasonableness followed. A consensus of the use of \$100 per room followed.

Mr. Wey discussed the need to expedite the process this evening and to eliminate a number of these issues.

A discussion of seeking funding for a harbor study followed. The consensus was to eliminate consideration of any harbor fee.

Ms. Greene then proceeded to review each of the recommendations and those present indicated concurrence or non-concurrence.

Mr. Early questioned mechanisms for issuance of certificate of compliance and when such would occur.

A discussion of venting the kitchen exhaust at the highest point of structure followed. A discussion of on-site food preparation followed. The consensus of the group was to have it vented to the highest point on the structure.

A discussion on the wording "afternoon tea" followed.

A discussion on the need to regularly clean the septic system followed. All agreed to this and added grease traps to the list.

Mr. Hall offered that there shall be no HVAC units facing the north side abutter's property.

Mr. Sullivan discussed the scale and scope of the proposal. He felt that only the existing structures should be used and eliminate the new construction. A discussion of the economic benefit vs. detriment followed.

A discussion of visual impact of the proposal upon the area followed. A discussion of the scale of the proposal followed.

Mr. Sullivan offered a condition that there shall be no expansion of the existing building footprint, duly seconded. The vote was in the negative.

Mr. Hall offered a condition to eliminate the glass breezeway from the plan. There was no second.

Mr. Early moved to approve with conditions, duly seconded by Ms. Bryant. On a roll call vote the Commission voted 14 - 0, with one abstention, in the affirmative.

ITEM #5 - Discussion - West Tisbury Special Ways Regulations

Mr. Lee moved to accept the West Tisbury Special Ways Regulations as amended, duly seconded by Ms. Bryant.

A discussion of what was legally being voted upon followed. Mr. Colaneri felt that there were still certain legal issues regarding the proposal and questioned whether there should be a deferral until these questions are answered.

A discussion of how detailed the explanation to Town Meeting was followed.

On a vote of 11 - 1 the motion was approved with 3 abstentions.

ITEM #5 - Discussion - Oak Bluffs Coastal Regulations

Mr. Wey moved acceptance, duly seconded.

Mr. Lee discussed a clarification of the issue. A discussion of this matter followed.

On a vote of 13 - 0 the motion was approved with 2 abstentions.

ITEM #5 - Discussion - Howes House DRI

Mr. Colaneri moved approval, duly seconded by Mr. Lee.

Mr. Sullivan felt that it was clearly a public benefit and that it should be approved.

A point of procedure was discussed - a motion being needed to waive the fees.

A motion to waive the fee was made by Mr. Hebert, duly seconded and passed by a show of hands.

The vote on the motion was 14 - 0 with 1 abstention for approve as presented.

ITEM #6 - Written Decision - Harthaven DRI

Mr. Wey raised an issue regarding the openness of the land for the public. It was noted that such was located on Page 6.

It was moved by Mr. Early, seconded by Mr. Lee, to approve the written decision.

The vote was 11 - 0 with 3 abstentions.

ITEM #5 - Decision - Packer DRI

Mr. Schweikert discussed the staff recommendations that had been distributed. He went through each one.

A discussion of who would make decision on results of proposed test followed. Mr. Schweikert offered a change to #1 of the recommendations regarding the compatibility of particle size for use on State Beach in Oak Bluffs.

A discussion of Item #3 followed. A discussion of whether this matter could be conditioned or not followed.

A discussion of a monetary contribution to a harbor study program followed. A discussion of whether a number or a percentage should be used as a guide followed.

Mr. Clarke discussed the project and the Tisbury Harbor Study and the need to have an overall picture of what Mr. Packer had in mind for the future. He expanded upon his remarks. He discussed the State's concern for having a clear picture of what the future might hold. State was concerned with segmentation approach to area. A discussion of this matter within time frame of process followed. A discussion of need for additional information followed. A discussion of how to address the segmentation of plans followed. A discussion of tabling the matter followed.

A discussion of waiting a week to discuss this matter further followed. A discussion of a lighting plan followed.

Mr. Wilcox discussed a need to be concerned with the effect upon the sheltered area of the harbor from reflected waves bouncing off a solid fill structure.

The proposal was tabled until the next meeting.

ITEM #7 - New Business

Ms. Greene noted that McDonough & Scully would be at the offices on Wednesday, March 6th to discuss the traffic report with the Corridor Study Committee.

ITEM #8 - Correspondence

Ms. Greene read a postcard from Larry McCavitt and his tour of the world.

There being no further business the meeting adjourned at 11:50 P.M.

