

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MAY 9, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, May 9 1991 at 7:30 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: Cape Cod Company
Squibnocket Ridge
c/o VOLF - Mark Racicot
Box 319X RFD
Vineyard Haven, MA 02568

Location: South of Squibnocket Pond
off Squibnocket Road and bordering
the Atlantic Ocean

Proposal: Subdivision of land qualifying as a DRI since
the proposal is a contiguous ownership of 20
acres or more and proposes to divide the land
into 10 or more lots.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony at 7:45 p.m., described the order of the presentations for the hearing, and asked for the applicant's presentation.

Mark Racicot introduced himself as the Executive Director of the Vineyard Open Land Foundation (VOLF). He described the Cape Cod Company as a family partnership that expanded to include several families. He discussed the history of the land being in Hornblower ownership since 1920 and the sales to other families in 1980. He described the intent of the proposal as serving the needs of the existing owners by providing house lots and settling the estate of 2 deceased owners. Mr. Racicot stated that VOLF has been working for 4 years to come up with an environmentally sensitive plan and that they had been discussing this with the Chilmark Planning Board for 3 years. He discussed the fact that the owners agreed to put their plans on hold when the Town put a subdivision and building moratorium for the Squibnocket district. He discussed their cooperation in the study including allowing access, providing test well data and environmental impact review information. He stated the Chilmark Planning Board has been reviewing this plan for the past 9 months to work out the details for the final plan.

Mr. Racicot then reviewed the maps on displays noting particular points of interest including the location; acreage; proposed building sites; existing structures; density; roads; elevations and type of land forms; soils and suitability for septic; watershed divides; direction of flow for surface and groundwater; test wells drilled and existing well locations; well production and water potability; septic test holes; septic separations; possible variances by future owners to provide mounded instead of pumped septic systems; siting of homes to reduce intrusion on views; wetlands; plant and animal habitats; inventory work performed; species location; proposed wildlife and plant habitat protection areas; plant and habitat management plans; rare species existing on-site and proposals to move species to protected areas. He discussed the traffic as it relates to this proposal and existing uses surrounding the site.

Mr. Racicot then discussed the mitigations measures proposed which are outlined in the EIS including: road design, swales and grass ditches to manage run-off; building zones which would include houses, lawns, parking; designated rare plant management zones which will be managed with under recommendations of the Mass. Natural Heritage Program; limiting the number of residential structures and any further subdivision; preserving the agricultural heritage of lots 17 & 25; habitat protection in non-residential lots, open space and passive recreation, potential for agricultural use, discussed acreage of non-residential use; architectural review process within the Homeowners Association; affordable housing proposal for 2 lots off-site and alternative for 3.3 acre beach lot in Menemsha; preservation of archeological sites according to the Mass. Historic Commission; changing routes to beach access per Town requests, gates to prohibit vehicular traffic; management of beach, no beach clubs, owners and guests only; allowing floating roadway on lot 20 to allow access to Town beach. Mr. Racicot stated there are no letters of correspondence from the Fire or Police Chiefs but I have talked to them both and they have no problems with the plan and see no notable impact on their departments.

Mr. Schweikert then called for a staff review.

Bill Wilcox, MVC Staff, stated that the Environmental Impact Review prepared by the applicant is all inclusive. The site is complex but the amount of information is good and shows that a successful sewage disposal and water supply system can be done. He reviewed the staff notes including the breakdown of acreage as follows: 153 acres for house lots; 133 acres for open space and 102 acres for beach. He discussed the density of the proposal, the Squibnocket district and Town by-laws. He discussed the possibility of mounded systems instead of pumped systems on the 3 larger lots and stated pumped systems could be done and that either way it is not a water quality problem more an engineering situation. He discussed the pump tests indicating the aquifer is good and the drainage and contour lines for the site. He discussed the open space, the good density and the minimizing of the impacts on the ponds. He stated that Mark Racicot has covered everything and I agree with it.

Mr. Schweikert then called for Commissioners questions.

Questions for the Commissioner covered the following topics: drinking water quality, response was iron is high but that is an aesthetic problem not a health problem; percentage of land that is potentially buildable, unsure exactly but more than proposed; any dry wells found, a couple dry and a couple that couldn't meet 5 gallon per minute requirement, water can be found for all lots however; results of water quality study on Squibnocket done by Woods Hole Oceanographic Institute, used data in EIR, showed negligible impact on pond; status of pond now, healthy but low salinity, too many waterfowl for shellfish production; nature of archeological sites, discussed shell middens and other sites; power lines, existing overhead, new will be underground; maintenance of habitats, probably mowing, per recommendations of Natural Heritage Program; discussion of possible donation of Menemsha lot and its statistics, stated is in Chilmark Master Plan to acquire beach east of public landing, request Commission let Town determine which option to exercise; guesthouses, not allowed, lots over 6 acres can have 2 structures according to regulations; clearing outside building envelopes, Squibnocket Pond Advisory Committee would deal with soil erosion and agricultural uses, Homeowners Association would deal with land clearing; Town beach, lease for 99 years began in 1950 for \$2,000, paid in full, town manages for residents of Town only, full now in summer can't be expanded; possible agricultural expansion of open space; relocation of plants; protection of tiger beetle and piper plover on beach through restriction of vehicular use and no beach clubs or selling of interests, to keep use low; formal recreational facilities, i.e. tennis courts, would be allowed within building zone if allowed under Squibnocket regulations but not thought to be necessary by owners; discussion of abutting properties and their uses; and hopes to allow continued access for Christmas Bird Count.

When there were no further questions, Mr. Schweikert called for Town Board testimony.

Russell Walton, Chilmark Planning Board and Conservation Officer, testified that he had confirmed the wetlands locations and that the Town has worked with the applicants on this proposal. He stated that some think it is a reasonable density for the area and some would just rather see nothing there at all. I am pleased to see that Great Island has no new house sites proposed. He discussed the fact that some Planning Board members were disturbed by the long barrier beach access, he stated that it may be inaccessible during major storms. In closing he stated that he thinks they have done a very good job working within the limits that were available.

Ms. Bryant asked Mr. Walton how the Planning Board feels about the affordable housing proposals? Mr. Walton replied that they want at least 1 Chilmark Youth Lot. The proposal for the Menemsha land was discussed but not as a complete replacement for affordable housing lots.

There was some discussion of possible waterfowl management plans.

Edmund Knapp, Chilmark Conservation Commission, testified that it is their opinion that they have done an excellent job with this plan, it is a nice plan that minimizes the impact of the division of this property.

Mr. Walton testified again as a member of the Soil Conservation District by saying that he is glad to see more agricultural use planned for this area.

James Hornblower, one of the owners of the property, testified that it is comforting to hear all the good comments. This was a very in-depth study and I'd like to recognize the work of VOLF and the Planning Board. I look forward to approval at your level.

Carol Knapp, testified as a member of the Garden Club, by stating that if everyone did as in-depth a study as this it would be wonderful for the Vineyard. She discussed the inventory work done by the Garden Club and stated that the plan deserves the Commission's consideration.

John Hornblower, partial owner, testified that the depth and thoughtfulness of the application exemplifies the way the feel about this land.

When there was no further testimony in favor of the proposal, Mr. Schweikert called for testimony opposed. There was none. Mr. Schweikert called for any further questions.

Commissioners questioned including discussion of a hydrant lot, the applicant stated that the Fire Chief didn't request one feeling he had adequate access to water on-site; swan control; traffic, including trips per day, no further subdivision, Squibnocket Beach Club generations, and access roads; agricultural use and potential for increase; allowance of farm buildings and applicant's intent to restore existing barn; intent of applicants to continue agricultural use including bee keeping.

When there was no further testimony or questions, the hearing was closed at 9:35 p.m. with the record remaining open for one week for written testimony.

After a short recess, Ms. Greene, Chairman, opened the special meeting of the Commission at 9:45 p.m. and proceeded with agenda items.

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

ITEM #2 - Old Business

Mr. Clifford, Executive Director, reported on the condition of the administrator by stating that Norm was improving and had been moved out of ICU and should be home next week.

ITEM #3 - Minutes of May 2, 1991

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

ITEM #4 - Committee and Legislative Liaison Reports

Mr. Schweikert reported on the last LUPC meeting. There was lengthy discussion on the Boch DRI and recommendations from LUPC, including discussion on an approval with conditions which would include no commercial parking lot. It was stated that the Planning Board has requested we delay our vote until they can meet and discuss it.

Ms. Greene stated there will be no discussion under Item #5.

ITEM #6 - Possible Vote - Written decision, M.V. Racquet & Fitness Club, J.E. Robinson, Town of Oak Bluffs

It was motioned and seconded to approve the written decision. There was some discussion of the working for the first condition regarding the pro shop and the condition on the parking lot. The motion to approve was amended to include wording changes on page 9 by deleting with "an eye towards" and replacing with "the idea of". The motion to approve the written decision as amended passed with a vote of 12 in favor, 0 opposed, 0 abstentions.

Ms. Greene took the agenda out of order and moved to Item #7.

ITEM #7 - New Business

There was discussion on the Commission's by-law requirements for DRI hearings and how they differ from meeting quorum requirements. There was discussion of how public hearings have been cancelled, started late like tonight, or people called at home to make a quorum. There was discussion on the possibility of a town in which a DRI was located not being represented during a public hearing.

It was motioned, seconded and approved to asked the Executive Director to draft possible changes to the by-laws to alleviate quorum problems.

Ms. Greene then returned to Item #6.

ITEM #6 - Possible Vote - Written decision, Brownell DRI, Town of Edgartown

It was motioned and seconded to approve the written decision for the Brownell DRI with 1 typographical correction on the last name changing the word applicant to the word application. This motioned passed with a vote of 9 in favor, 0 opposed and 1 abstention, Briggs. Mr. Hall and Mr. Best left the meeting before this item.

ITEM #8 - Correspondence - There was none.

The meeting was adjourned at 10:31 p.m.

ATTEST

Jane A. Greene
Jane A. Greene, Chairman

5/16/91
Date

Thomas Sullivan
Thomas Sullivan,
Clerk/Treasurer

5/16/91
Date

Attendance

Present: Best, Briggs, Bryant, Colaneri, Donaroma, Early, Greene, Hall, Hebert, Lee, Schweikert, Sibley, Sullivan, Harney.

Absent: Combra, Jason, Wey, Benoit, Clarke, Allen, Davis, Geller, Harney.