

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF May 23, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, May 23, 1991 at 7:30 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma. The purpose of the hearing was for the Commission to receive testimony and determine whether to amend the Coastal District designation to exclude the proposed Health Care District from the District boundary and guidelines. The proposed amendment was as follows:

Section 2 Area Designated

insert the following new wording:

"And further, in the following area: All lands in the Town of Oak Bluffs contained within the Health Care Zoning District."

Alan Schweikert, Chairman of the Land Use Planning Committee (LUPC), read the Public Hearing Notice, and opened the hearing for testimony at 7:41 P.M. He asked Chuck Clifford to explain the proposed amendment to the Coastal District.

Mr. Clifford distributed copies of the existing Coastal District decision and guidelines for all present. He then explained the reasons for the proposed change which was due to a recent case decided by the Supreme Judicial Court. He discussed Section 2 of the decision and the reasoning that brought about the proposed change. The major reason would be to provide a mechanism by which the Hospital could go forward with the new long-term care unit in accordance with the Commission's decision on that DRI without continually having to return to the MVC but would still have to satisfy all of the requirements of the Town of Oak Bluffs.

Mr. Sullivan questioned whether there would be any change if the district were not created by Oak Bluffs. Mr. Clifford indicated that there would be none.

A discussion of the proposed wording followed. Mr. Schweikert read the wording of the amendment. Mr. Clifford indicated that the Town was being asked to create the district at a Special Town Meeting in June.

Mr. Early noted that the proposed amendment was the same accommodation made by the Commission for West Tisbury and the North Tisbury business zone.

Ms. Greene felt that it made sense to take such action.

Mr. Sullivan raised an issue of spot zoning. Mr. Clifford explained why he felt that it was not spot zoning.

A discussion of which lands of the hospital were included and which were not followed.

Mr. Best questioned whether the district would extend across the street to state lands - the answer was no.

Mr. Schweikert called for proponents.

Attorney James Reynolds represented the Hospital and discussed what he felt was needed to accomplish the goals of the Hospital. He discussed the proposed by-law change for the Oak Bluffs zoning ordinance. He discussed the articles proposed by the Planning Board and how they related to the proposed change to the District designation. He asked that the Commission consider all three as a package which he felt would be a great boost to the proposal and permit the Town to decide the best route.

A discussion of whether special permits would be required followed. Mr. Reynolds indicated that a special permit would always be needed. He then reflected on what he felt was the feeling of the Planning Board. A discussion of pre-existing uses and whether there were permitted uses in the new district followed.

Mr. William Jones raised a point of order and clarification. He discussed the procedures of the Commission and asked for a number of clarifications as to how things work. He discussed the materials or lack thereof. He asked for a much clearer explanation of the purpose of the hearing. He asked for a brief review of who the players were and of the details of what was going on.

A brief discussion of this matter followed.

Mr. Combra discussed with Mr. Jones the appearance of informality and explained the background of past meetings. He discussed with whom the ultimate decision of this issue rested.

Mr. Reynolds finished his presentation by indicating that there were uses permitted by right being proposed.

Mr. Schweikert called for opponents.

Jean Thurston indicated that she wished to be considered neutral at present due to a number of questions she had. She discussed the need to review the map and asked for an explanation of what was being proposed. She saw a need but felt that the scope of possible items confused her. She indicated confusion as to the posted time of the hearing.

Mr. Clifford explained the different hearings that the Commission had posted and that the 7:30 P.M. one dealt with the MVC DCPC and the 8:00 P.M. one, the proposed Oak Bluffs change to the Zoning ordinance.

When clarified, she indicated that she would speak later.

Mr. Jones sought a further clarification as to who Jim Reynolds was.

Mr. Schweikert addressed that issue.

Mr. Jones sought clarification of where the Coastal District was with respect to the Hospital. Mr. Clifford discussed the boundaries of the Coastal District, the history of its creation, the components of its make-up and how the regulations and guidelines are related. He further explained how the procedure worked.

Mr. Jones raised a number of questions as to the actual intent of what the Hospital was seeking. Mr. Clifford explained the problem that needed to be addressed due to the Rockwood court case.

A discussion of what Mr. Jones raised followed.

Mr. Jones asked the MVC to think seriously about the septic system and its elimination from the Coastal area. A discussion of the effect of the Rockwood case upon improving the septic system followed. Mr. Clifford noted that the Hospital would still fall under the DRI review procedures. A brief discussion of this matter followed.

Mr. Hebert asked for an indication of where Mr. Jones' property was in relation to the proposed district. Mr. Clifford noted the location.

A discussion of the relation followed.

A discussion of how the boundary for the proposed district followed.

Mr. Reynolds explained the boundary determination and why certain hospital properties were not included in the proposal.

A discussion of the occupancy of certain hospital properties followed.

It was noted by Abby Taylor that some of the hospital holdings were used more frequently during the summer and less in the winter; in some cases seven days a week.

Mathew Stackpole, President, M.V. Hospital Foundation, discussed the meetings held in the past of the proposal, the efforts of the Hospital to be open, and to meet the health care needs of the Island. He further discussed the proposed changes as related to the Oak Bluffs regulations.

There being no further testimony, Mr. Schweikert closed the hearing at 8:34 P.M. and noted that the record would be held open for one week.

The Martha's Vineyard Commission held a public hearing on Thursday, May 23, 1991 at 8:00 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma. The purpose of the hearing was for the Commission to receive testimony and to determine if the proposed Oak Bluffs regulations conform to the Coastal District guidelines now in place.

Mr. Schweikert opened the hearing for testimony at 8:35 P.M. Mr. Clifford explained the proposed regulations and their relationship to the guidelines. He noted that they were similar to those presented in January but amended slightly to more closely comply with the Rockwood decision.

Mr. Sullivan questioned where MVC counsel had voiced any opinion on these proposals. Mr. Clifford indicated no and further discussed the validity of each of the possible options with respect to this matter. He discussed the concurrence with the guidelines and the fact that the items were the Planning Board submittals to Town Meeting.

Mr. Schweikert asked for comments from Mr. Reynolds.

Mr. Reynolds offered a point of clarification; Article 2, Roman numeral II, he added, "or the Oak Bluffs Board of Health as appropriate", and explained why.

There were no Commissioner questions.

Mr. Schweikert called for proponents.

There were none.

He then called for opponents.

William Jones raised a couple of questions regarding the past history of the proposal. Mr. Clifford explained how the process had worked.

A discussion of what was before the Commission followed.

Mr. Jones questioned whether setbacks could be discussed;

Mr. Clifford indicated yes.

Mr. Jones questioned whether the proposal would cover the existing disposal system or the new one or both.

Mr. Clifford further explained the reasons for the change of wording.

A discussion of the Hospital DRI followed.

Jean Thurston, abutter, questioned some of the wording including the definition of purpose and questioned possible use changes; an explanation of a different section of the Zoning Ordinance was requested. Mr. Reynolds explained the wording in the section in question.

Ms. Thurston questioned whether the Hospital would have to comply with existing Coastal regulation, and whether in Article III the wording existed to give the Board of Appeals the necessary authority.

Mr. Jones raised the issue of setbacks and questioned the possibility of increasing them. He felt that 5 foot was too small.

Mr. Reynolds discussed that issue and noted that the 5-foot setback currently existed and was simply carried forward. Mr. Combra asked what current setbacks there were. Mr. Reynolds indicated on the plan the current setbacks and discussed the same.

A discussion of this matter followed.

Mr. Sullivan questioned what a workable setback might be. Mr. Reynolds was uncertain.

A discussion of the MVC setback followed.

Ms. Thurston suggested a change to the setback. Mr. Reynolds discussed any changes as related to Rockwood.

A discussion of this matter followed.

Mr. Jones discussed the existing footprint but questioned whether the plan could be held to those and future setbacks be greater.

Ms. Greene noted that any changes in the future by the Hospital would be a DRI.

Mr. Jason suggested keeping the front setback the same but increasing the side and rear for greater buffering of neighbors. Mr. Reynolds questioned what was being talked about.

A discussion of this matter followed.

Mr. Jason suggested a figure of 25 feet for side and rear.

Mr. Best discussed potential problems.

A discussion of this matter followed.

There being no further testimony, the hearing was closed at 9:03 P.M. with the record being kept open for one week.

The Martha's Vineyard Commission held a public hearing on Thursday, May 23, 1991 at 9:00 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: Island Elderly Housing
RFD 50A
Vineyard Haven, Ma.

Location: Off Vineyard Haven-Edgartown Road
Oak Bluffs
(to rear of Community Services Complex)

Proposal: Construction of 45 units of low-moderate income elderly housing qualifying as a DRI since the proposal will create 10 or more dwelling units.

Mr. Schweikert read the legal notice and opened the hearing for testimony at 9:17 P.M. He called upon the applicant for presentation.

Margarite Burgstrom, present Chairman, Board of Directors, Island Elderly Housing, explained reasons for existence of the group, the past activities and future plans. She introduced Carol Lashnits.

Ms. Lashnits discussed the need for elderly housing and introduced Claire Clark and Bob Ament, Attorneys, the board members present and other members of the design team.

Bob Ament, Attorney discussed the legal background of the proposal and indicated that Larry Gigeski would discuss HUD 202 program, Doug Hoehn would discuss the site and Gary Lowe would discuss the building plans. He discussed the history of the project including the division of land and various Planning Board restrictions. He discussed the easement for access. He discussed the grant received for architectural and engineering feasibility and the HUD commitment for the units in question.

Larry Gigeski discussed the HUD program, subsidy mechanisms and various other aspects of the proposal. He noted the cost containment features of the program and indicated that there were no other funds from Island Elderly Housing available.

Doug Hoehn, Schofield Bros., discussed the site, the terrain, the basic vegetation and other matters. He discussed the drainage plan and the septic system design. He briefly discussed the parking plan, the numbers contained therein and the reasons for that number and the access road leading to it. He discussed the septic system, size and location.

Gary Lowe, architect, discussed the project and the various HUD guidelines which covered the design. He discussed what was allowed and what wasn't. He explained the design of the structure and what was contained within each floor. He discussed the exterior view and the facade treatment. He discussed the orientation of the structure, the more detailed lay-out of each apartment and other features of the structure. He noted that a partial basement had been included under the center of the structure. He further discussed the features of the structure. He discussed the maintenance garage and what would be stored in it. He discussed the 5 handicapped units, their location and design. He further discussed each of the unit designs and what was contained in each. He then discussed the basement plan. He discussed the fire alarm system and how it would work as well as how access would be gained to the building. He noted that there was no sprinkler system included at present but that the structure had been designed to meet all state building code requirements for safety. He then discussed trash collection, the site lighting and location. He noted that the landscaping was minimal at present.

Laurie White, MVC staff, discussed various points that had not been touched upon. Staff notes had been distributed to all present. She discussed the issue of traffic and that it did not appear to be significant nor a problem. She then discussed and pointed out the

features of the landscaping. She discussed the MVC policies on affordable housing. She also discussed that there were no endangered species on site. She further discussed the handicapped access in the basement. She discussed the septic design. She then discussed various pieces of correspondence that had been received particularly regarding handicapped access. She discussed the various staff concerns. She discussed sprinkler systems and the additional requirements passed by certain towns and questioned whether Oak Bluffs had ever passed the same. She questioned whether there was an alternative handicapped drop-off area; whether there could be parcel or grocery drop-off and other related issues. She discussed the restrictions on the second lot of the subdivision. She discussed the location of the maintenance garage and the problems associated with that location. She also questioned whether the subsidy was insured and indicated that she had understood 40 years.

Mr. Schweikert asked for any comments from the applicant. Bob Ament discussed several of the points. He noted that the closest residential subdivision was over 500 feet away and that there was an overflow parking area, unpaved. He also felt that the comprehensive permit would allow for override of any local ordinance regarding sprinkler systems. He discussed the waiver of the filing fee since HUD would not pay for such. He asked for the waiver of some \$16,000.

Mr. Schweikert called for Commissioner's questions.

Mr. Combra questioned the use of the maintenance garage. Mr. Lowe discussed what would be stored or used in the garage, possibly a vehicle, later. Hillside Village differed since the garage was in a separate structure.

A discussion of this matter followed.

Ms. Harney asked for square footage of apartments. Mr. Lowe noted 560 square feet. Ms. Harney asked if there was to be a manager on-site. None was indicated.

A discussion of the independence of the proposed clients followed.

Mr. Briggs questioned the need for the elaborate fire alarm system and was it needed. Mr. Lowe discussed the matter as a requirement of HUD. Mr. Briggs questioned whether guidelines were more toward building cost than maintenance.

A discussion of this matter followed.

Mr. Briggs discussed the septic system requirements.

A discussion of the HUD regulations followed.

Mr. Early questioned what the structure would look like if the applicant were unable to convince HUD of changes. Mr. Lowe could give no answer.

A discussion of the MVC conditions and recommendations and their

effect on the project followed.

Mr. Schweikert asked when final approval would be received. Mr. Lowe indicated preliminary approval.

A discussion of HUD guidelines followed.

Mr. Schweikert asked again for the timeframe of final approval.

A discussion followed which did not answer the question. March 1992 was given as the earliest date for construction to begin.

Ms. Greene asked whether conditional commitments would be given in six months. No clear response was given.

Mr. Sullivan questioned the cost of sprinklers. Mr. Lowe indicated around \$50,000.

Ms. Greene discussed a drop-off for handicapped. Mr. Lowe had no solution for the problem. He discussed parking lots and the drop-off area 50 feet from the door. He discussed the parking in more detail. Ms. Greene questioned whether an area could be created at the maintenance garage. Mr. Lowe indicated that that accessibility already existed.

A discussion of the use of the garage followed.

A discussion of what was allowed by the guidelines and what was not followed.

Mr. Jason raised an issue with sidewalks along the access road.

A discussion of this matter followed.

A discussion of how to fund access improvements followed.

Mr. Ament discussed the problems of funding and what could cause funding to be withdrawn.

Ms. White discussed a series of sidewalks that lead up to the property and the possibility of continuing these to the structure.

Mr. Ament discussed lack of easements to permit sidewalks.

A discussion of this matter followed.

Mr. Briggs questioned how any changes to the structure once built would effect the subsidies. Mr. Ament discussed this issue. The fact that the sponsor could add funds to the amount from HUD was made clear.

Ms. Bryant discussed handicapped access and the need for sidewalks in the area. Ms. Lashnits discussed parking and drop-off areas. She discussed problems with drop-off areas.

A discussion of this matter followed.

Ms. Greene further discussed the access to the front door. Mr. Jason questioned whether there had been any solution reached. There was no solution given. Mr. Lowe discussed independent living and a problem of getting a driveway to the door.

A discussion of this issue followed.

Mr. Best questioned a drop-off on the side. Ms. White explained the plan to all. Mr. Best questioned a loop road possibility. Mr. Lowe discussed the issue and what HUD would say about such a plan on layout.

Ms. White asked for the cost containment guidelines.

Mr. Ament asked for the MVC reaction to the proposal that the handicapped access be designated at side door with proper ramps. He discussed this issue.

Mr. Jason felt that there were other uses beside handicapped drop-off including emergency, package and groceries, etc.

Mr. Briggs questioned whether HUD was aware of the van system on-Island. He also discussed sprinkler issues. Mr. Ament felt that the structure would conform to the building code with no sprinkler.

Mr. Donaroma restated the issue of a drop-off.

A discussion of this matter followed.

Mr. Sullivan felt a dislike for use of side entrance as access for some residents.

Mr. Lee asked for location of handicapped parking. Mr. Lowe indicated their location.

A discussion of this matter followed. Mr. Lowe indicated where the curb cuts were and how the parking lot may be adjusted. He discussed the possibility of a covered porch extension.

Ms. Greene suggested, due to the hour, a return to the drawing board, to find a better handicapped access and that they meet with Gary Fauteux to discuss concerns of C.O.R.D.

Mr. Combra asked to hear from others involved with the project, not design team personnel, such as board of directors, members for comments or concerns.

Mr. Schweikert continued the hearing to a later date which was June 13, 1991.

Mr. Early felt the Commission should ask for concerns now.

Mr. Jason asked for the status of Chase Road. Mr. Hoehn noted that

that may or may not have public rights vested.

A discussion of this matter followed.

Mr. Best felt that the MVC should not be portrayed as adversary but as working with the applicant on concerns.

Mr. Ament discussed handicapped issue, the sidewalk issue and certain architectural features.

A discussion of this matter followed.

Joe Eldridge, architect, noted some concerns regarding the proposal. He noted the open stairway using three floors and the fire problem thereof. A discussion of this matter followed. He questioned the depth of the elevator for emergency access of a structure. He discussed moving the parking and access to the drive. He further discussed fire safety needs.

A discussion of this matter followed.

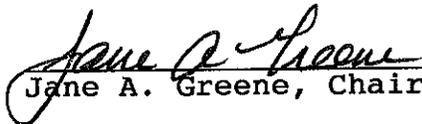
Mr. Schweikert noted that the hearing would be continued until June 13, 1991.

Jennie Greene, Chairman of the Martha's Vineyard Commission noted that there would be no Special Meeting of the Commission and that the Commission would be meeting in Edgartown on May 30, 1991.

Ms. Greene read a letter from Laurie White who was submitting her resignation from the staff.

There being no further business the meeting adjourned at 11:17 P.M.

ATTEST


Jane A. Greene, Chairman

5/30/91
Date


Thomas Sullivan,
Clerk/Treasurer

5/30/91
Date

Attendance

Present: Best, Briggs, Bryant, Combra, Donaroma, Early, Greene,

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Hebert, Jason, Lee, Schweikert, Sullivan, Harney

Absent: Colaneri, Hall, Sibley, Benoit, Clarke, Allen, Davis, Geller