

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JUNE 27, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, June 27, 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: Dukes County Regional Housing Authority
c/o Schofield, Barbini and Hoehn
Box 339
Vineyard Haven, MA 02568

Location: Off Tiahs Cove Road
West Tisbury, MA

Proposal: Subdivision of land into 160 acres into lots qualifying as a DRI since the land subject to the application proposes the division of contiguous ownership of land of 20 acres or more.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony at 8:06 p.m. He then called upon the applicant to make his presentation.

Mr. Jason disclosed that he was a member of the Housing Authority and noted that he would be abstaining from all discussion. A discussion of this matter followed. Mr. Colaneri disclosed that he was a member of the Land Bank Advisory Committee for West Tisbury and Chairman of the Resident Homesite Committee for the Town.

Doug Hoehn, agent for the applicant, discussed the proposal. He noted that James Lengyel from the Land Bank and Theo Nix of the Housing Authority were present. He distributed copies of an assessor's map as reference. He discussed the location, the site features and the general lay of the land. He discussed the need for an access road, improvements to the existing road and whatever else the Town may seek. He noted that the Dukes County Housing Authority (DCHA) had rights to build up to four units and nine bedrooms on the site. He also noted that there were no formal plans for any activity other than a subdivision conveyance plan. He discussed the conversations that have already been held with the Town on this matter. He further discussed the site and its surroundings. He then discussed the public hearing held by the West Tisbury Planning Board.

Mr. Schweikert asked for a staff review. Mr. Clifford noted that there had been none conducted since the proposal was only for a land

transfer and minor subdivision.

Mr. Schweikert then asked for questions from Commission members. Mr. Hebert raised a question regarding wetlands. Mr. Hoehn noted that there were no wetlands on the lot but were others that may be within two hundred feet of the proposed lot and in such case, when there were to be improvements to the road the Town Conservation Commission would have to be involved.

Mr. Early questioned whether any future development on the site by the DCHA would also qualify as a DRI. Mr. Clifford indicated that he felt that it would.

Mr. Schweikert called for any Town Boards - there were none. He then called for proponents - there were none. He then called for opponents -

Al Miller raised a couple of questions as an abutter. He asked for some idea of the numbers of affordable housing lots on the island, their location, ownership, other factors of a like nature and what was the management of these sites. Theo Nix discussed the history of the sites around the island and what was expected in the future. Ms. Bryant discussed the number of state subsidized units, the handicapped units and the 45 elderly units being proposed.

Mr. Schweikert asked if Mr. Miller had received sufficient information. He indicated yes. Mr. Schweikert called for other testimony - there was none.

There being no further testimony, the hearing was closed at 8:20 p.m.

The Martha's Vineyard Commission held a public hearing on Thursday, June 27, 1991 at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma., on the following Development of Regional Impact (DRI):

Applicant: Fisher Barn
c/o Ed Cuetara
Box 1262
Edgartown, MA 02539

Location: Off Upper Main Street
Edgartown, MA 02539

Proposal: Construction of commercial development qualifying as a DRI since the proposal will have a Floor area of 1,000 square feet or more.

Mr. Schweikert read the public hearing notice and opened the hearing for testimony at 8:21 p.m. He called upon the applicant for his presentation.

Ed Cuetara, agent for the applicant passed around a model of the proposed structure. He discussed the project, its size, shape and type. He noted that there would be four connected stores and each would have an employee bathroom. He discussed the lot and the existing structure, and past proposals for the site. He discussed the right of way which was given for joint usage by the bank, A & P and the Fisher property. He discussed the reasons for the shape of the building and the need for pedestrian oriented uses. He discussed the relation to the Dodson report for the area. He discussed the parking spaces, the loading zone and the trash containment area. He discussed the plantings for the site and the maximum size of the building that could fit in the area. He discussed the lot coverage and the type of stores anticipated, year-round service stores. He also discussed meetings that had been held with abutters. He discussed the A & P acting as a magnet to draw people to the area.

Mr. Schweikert asked for a staff report. Mr. Clifford indicated that there would be one but since there had been two plans with identical dates submitted the staff was uncertain as to the right plan to review. Mr. Simmons discussed the new plans. Mr. Cuetara noted the plan with the loading zone was the proper plan. Mr. Simmons discussed the problem with parking, the use of the abutter driveway to backup, the differences between the plan and the Dodson report and other related matters. He discussed the potential traffic generations of around 200 trips per day. A discussion of the parking lay-out and arrangement followed. Mr. Cuetara discussed the various parking lots in the area.

Ms. Greene raised a question regarding the number of trips per day and which season. Mr. Simmons noted that low ITE rates were 150 weekday, summer 200 weekday, higher on weekends and higher overall since local rates are greater than ITE rates.

Ms. Sibley raised the issue of parking which had been referred to Mr. Cuetara noting a lot at Al's Package store, the expansion of the A & P and the lot at the bank. Ms. Sibley further asked about employees. Mr. Cuetara noted that probably 2 per store, no employee parking on site, employees expected to use the trolley to get to work.

Mr. Early questioned where the dumpster was located. At front, behind fence on side was the response. A discussion of the location and blockage of the dumpster by parking followed. Mr. Early also questioned a noise factor and how the area was to be heated and cooled. Mr. Cuetara indicated that it had not totally been decided yet and went on further to discuss the noise in the area already.

Ms. Bryant questioned accessibility. Yes was the answer. Ms. Bryant questioned accessibility to bathrooms. Not accessible, for employees only was response. A discussion of whether there could be handicapped employees or not followed. A discussion of where other bathrooms in the area were located followed.

Ms. Greene raised a question regarding abutter feelings. A discussion of this matter followed. Tom Fisher, owner of the property, discussed his contacts with the abutters and the various feelings that had been

conveyed to him by them. A discussion of any contacts with the A & P followed.

Mr. Sullivan asked for a repeat of the square footage. - 3,825 square feet interior gross. A discussion of this matter followed. Ms. Greene asked for the actual lot size. - 12,495 square feet.

Mr. Donaroma asked about the size of the original proposal. - 4,600 square feet. Mr. Donaroma asked about the calculation of open space. Mr. Cuetara indicated that he had subtracted the structure, the parking and the access road to determine the open space area. A discussion of this matter followed.

Mr. Sullivan questioned the set backs. Mr. Cuetara noted 7 feet and further discussed the requirements.

Ms. Greene questioned whether there were sewers or septic on-site. On-site septic would be along the sides of the structure. Mr. Schweikert asked about the parking and the relationship to the A & P. Mr. Simmons discussed the general parking in the area. Ms. Greene discussed the issue of the bank lot being full of employees from the downtown bank office.

Mr. Donaroma questioned whether there were continuing talks with the A & P. Don Gease responded yes. Mr. Jason questioned the idea of a swap of land with the A & P. No further discussion had been held.

Mr. Schweikert called for town boards.

Ted Morgan, Selectman, discussed the problems in the area with the A & P. The Board was opposed to proposal due to cramming of another commercial enterprise into a crowded area. He discussed problems of design of proposal as well as year-round businesses and rental issues. He felt that it was unfair to the abutters.

Mr. Schweikert called for proponents - there were none. He then called for opponents.

Mark Lovewell discussed the neighborhood and his feelings about the proposal. He discussed the various plans that have taken place within the area. He expressed a concern for the unknown - who would be the responsible future owners. He expressed concern for the size of the proposal, its excessiveness and what affect the potential impact of the proposal will have on the neighbors. He discussed the various points of confusion that had occurred during previous meeting in the town.

Jack Butman, abutter, raised the issue of his right of passage - a deeded right of way. A discussion of this matter followed. A discussion of the setbacks in the area followed.

A discussion of mixed use zoning followed.

Alfred Johnson commented that he felt the proposal would be good but was only speaking for himself and he gave his reasons.

Mark Lovewell spoke of the past uses of the site.

Mr. Schweikert asked the applicant for further comments. Mr. Cuetara discussed what he called the right of passage and its location. He discussed the access to the Butman property. A discussion of this matter followed.

Attorney Montgomery for the applicant, indicated that the rights of Mr. Butman would be protected. A discussion of this issue followed. Mr. Geasel discussed the various conversations that had been held with the A & P and the Bank. He also noted that there was no reason not to have handicapped bathrooms in the stores.

Mr. Cuetara discussed the design of the structure and how it would relate to the abutters.

Jean Andrews, Clark Drive, questioned the type of outdoor lighting that would be provided. Mr. Cuetara indicated antique post lights.

Mr. Johnson questioned if less stores could be made. Mr. Cuetara felt possibly but the size of the structure would remain the same.

Mr. Lovewell discussed the philosophy of developers and raised the issue of obtaining a letter from the A & P regarding the project. A discussion of this matter followed.

Mr. Butman questioned the hours of operation. Mr. Cuetara was uncertain. Mr. Butman further discussed the right of way and the amount of parking that may block the driveway. A discussion of this matter followed.

Ms. Sibley questioned who would ticket on private property if they block the driveways. She wanted to know who would be responsible. A discussion of this matter followed.

Ms. Greene questioned the location of the right of way. Mr. Butman presented the deed. Ms. Greene asked about sales of property. The land is under agreement and there will be a pharmacy. A discussion of the commercial usage of the property followed.

Ms. Harney questioned when the area was zoned and did the abutters know that commercial was coming into the area. Mr. Lovewell discussed the past usages and knowledge of what could happen in the area. Ms. Harney discussed the town's present problems of the A & P. A discussion of this matter followed.

Mr. Jason questioned the wording on the deed regarding the Right Of Way. (R.O.W.) Ms. Greene read the wording in the deed indicating that the R.O.W. was along the southeasterly side of the property. All noted that there may be a problem. A discussion of this matter followed.

A discussion of how much discussion had occurred with the A & P followed. Mr. Best indicated a concern for making the parking

requirements if the R.O.W. issue were not resolved and the parking lot needed redesign. A discussion of the parties resolving the issue together followed.

Mr. Lovewell felt the need to address the issue of fire protection when stores are in groupings or clustering.

The issue of making the complex more compact with less stores followed.

Mr. Donaroma indicated that the Planning Board had been working with the applicant on parking issues with the A & P. He discussed the committee that had been formed to address the issues. He discussed the problems with the A & P and the issues that were being addressed.

There being no further testimony, the hearing was closed at 9:40 p.m. and the record was kept open for one month.

The Martha's Vineyard Commission held a continued public hearing on Thursday, June 27, 1991 at 8:30 p.m. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma., on the following Development of Regional Impact (DRI):

Applicant: Island Elderly Housing, Inc.
RFD 50A
Vineyard Haven, MA 02568

Location: Off Vineyard Haven-Edgartown Road
Oak Bluffs, Ma.
(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 9:50 p.m. He called upon the applicant for presentation.

Attorney Ament, agent for the applicant, discussed some points that had been raised during previous meetings and from a meeting that the applicant had with Mr. Clifford regarding the matter. He noted that the applicant had provided an alternative plan of a two story building in a "z" shape. He discussed the various contacts that had been made with South Shore Housing Development Corp. with HUD officials and Gerry Studds' office. He read a letter from Congressman Studds' office regarding this matter.

He discussed how Island Elderly Housing (IEH) intended to proceed at this time in addressing the concerns of the Commission. He discussed the design of the structures and the relationship to aging-in-place programs. He noted that the proposal was not for a nursing home, nor congregate housing but apartments.

He then discussed the meeting with Mr. Clifford of the MVC. Attorney Ament discussed the two story design and the changes that had been made to the plan. Community gardens had been added. He then discussed the facade treatment of the structure and the appropriateness of the design to the Vineyard. He discussed HUD's initial reaction to the proposal. He noted that there may be other funds available to add certain features. Off-site improvements would not be funded and thus a sale of the land from IEH to Woodside Village, Inc. to get funds from HUD to improve road.

He felt that there would not be funds for all items from HUD unless there was some form of pressure or money in escrow from IEH. He pointed out the various features of each floor with respect to trash, storage, laundry, etc.

He briefly discussed various managerial issues related to the proposal. He urged movement forward and asked that a letter be sent to the Oak Bluffs Board of Appeals indicating that the process of hearings could begin on the Town level while awaiting MVC decision.

Mr. Schweikert asked for any additional staff comments. Mr. Clifford indicated that the revised plan had only been received. Ms. Bryant asked if there had been a floor plan submitted. Attorney Ament displayed the floor plans and indicated the various features.

Ms. Bryant felt that the sooner the LUPC saw the plans the sooner the LUPC could make accommodations. Attorney Ament discussed his interpretation of the advise given by staff regarding this matter. Ms. Bryant questioned what staff had said. Mr. Clifford explained exactly what had been told to the applicant and Attorney Ament concurred, that that in fact, is what had been given as advise. Ms. Bryant questioned the plan regarding an elevator; one would be installed was the response. She then asked about a communication system in the elevator; one is required.

Mr. Colaneri questioned the land sale and transfer and how such would work. Attorney Ament explained the nonprofit status of the Woodside Village, the need for the sale of 5 acres of land between the entities to gain more funds from HUD. A discussion of where the funds would be allocated followed. Attorney Ament indicated that off-site improvements would not be funded such as the driveway. Mr. Colaneri discussed the fact that the so-called driveway would be the access road for both parcels and not a driveway. A discussion of the fact that only one parcel can be accessed at this time followed. Mr. Colaneri argued for a sidewalk and safety and the van turnaround being given much more thought to the proposal. A discussion of the need for sprinklers followed. Mr. Colaneri questioned an on-site manager. None was anticipated.

Ms. Bryant asked the location of the community areas on the plan. Attorney Ament indicated their location and their relative size. A discussion of the use of the maintenance garage as an additional community space followed. A discussion of the size of these areas with respect to handicapped needs followed. A discussion of the size of a meeting room to hold 40 people followed.

Mr. Jason questioned the cost of the proposal. Attorney Ament discussed the HUD reservation of 3.3 million. A discussion of the amount per unit followed.

Attorney Ament discussed the parking and access by emergency and lift van vehicles. He further discussed the limits of HUD's funding approval and what may be a problem. He discussed the sidewalk issue.

A question was raised regarding what South Shore Housing's share of the funds would be. Attorney Ament was uncertain. Ms. Bryant asked if Jackie Cage had seen the proposal. She had not. Mr. Early indicated that he felt the plans needed time for review and that it should not be considered lightly. A discussion of this issue followed. Attorney Ament questioned the concerns and why the Commission could not approve and let the LUPC work out the details. Ms. Greene explained the role of the LUPC. Attorney Ament discussed the status of the plans and the problems created by further delays. A discussion of when the plans were submitted followed and the procedures that were to be followed. Attorney Ament discussed the status of the MVC in relationship to Chapter 40B, and asked to be treated differently.

Mr. Donaroma discussed reasons for working with the applicant to try to move the proposal along. Mr. Jason asked about the deadline, Attorney Ament felt September 1 and begin construction by April 1, 1992. Mr. Jason felt that the Commission wants the best for the elderly. Ms. Bryant discussed various issues related to the altered proposal and the feel of the Commission with respect to the idea of housing.

Attorney Ament asked that the MVC consider the plan in two weeks and that both sides work together in the meantime. He sought a letter from the Commission to ask the Board of Appeals to begin the hearing process. A discussion of this matter followed.

Ms. Greene noted that she had the Federal Register and read the issue of extensions from the regulations. A discussion of seeking an extension followed.

Mr. Schweikert asked if the Commission could help with the Oak Bluffs Board of Appeals. Mr. Clifford discussed the steps in the meeting process prior to the hearing and what had been discussed with the applicant. He noted that he would be in contact with any group or agency that would be of assistance to helping move the application forward.

Mr. Colaneri discussed the concept of the plan and questioned why the applicant had not come to the Commission for help earlier.

Mark Hutker, of IEH, discussed the plan and what could be expected from HUD. He felt comfortable with the plan. He also asked why some called the proposal a tenement. Ms. Bergstrom discussed the desire of the Board to work on management issues and asked that the Commission review the physical plan and not the managerial aspects.

Ms. Greene discussed her feelings regarding the proposal with respect to southern exposure and ventilation. A discussion of the design in relationship to both items followed. Mr. Hutker discussed architectural designs with respect to the proposal. Ms. Bryant discussed the proposal and possible trade-offs to get a better design. She felt that many problems that concerned her had been addressed. Mr. Schweikert discussed meeting with the applicant at LUPC meetings, closing the hearing and making a decision in two weeks. A discussion of the process followed. Ms. Bryant felt the IEH had made studies to come to a meeting of the minds with the MVC. Mr. Best asked for a small presentation regarding energy efficiency at the LUPC meeting.

Mr. Schweikert called for town boards - there were none.

Mr. Schweikert called for proponents.

Rev. Martin discussed the need for the proposal now. Katherine Kopec, Treasurer, IEH, spoke in favor of the proposal. Marguerite Bergstrom asked what IEH, based on their experience, had done wrong. Mr. Hutker discussed moving forward in unison.

Mr. Schweikert called for opponents - there were none.

He then called for any other testimony.

Gary Fauteux, CORD, discussed his possible concerns and asked to be included in the LUPC meetings.

There being no further testimony, the hearing was closed at 11:00 p.m. and the record was kept open until July 18.

The Commission adjourned following the close of the hearing.

ATTEST

Jane A. Greene
Jane A. Greene, Chairman

July 11, 1991
Date

Thomas Sullivan
Thomas Sullivan,
Clerk/Treasurer

July 11, 1991
Date

Attendance

Present: Best, Bryant, Colaneri, Donaroma, Early, Greene, Hebert, Jason, Lee, Schweikert, Sibley, Sullivan, Harney

Absent: Briggs, Combra, Hall, Wey, Benoit, Clarke, Allen, Davis, Geller