

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF SEPTEMBER 26, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Special Meeting of the Commission on Thursday, September 26, 1991, in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Jennie Greene, Chairman of the Commission, called the meeting to order at 8:07 P.M.

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

ITEM #2 - Old Business - there was none.

ITEM #3 - Minutes of meeting of September 12, 1991
Mr. Early moved approval as drafted, duly seconded. Mr. Colaneri raised a question regarding dissenting opinions. Ms. Greene explained the by-laws permitting the same. The minutes were approved by voice vote with one (1) abstention (Combra).

Minutes of meeting of September 19, 1991
Mr. Early moved approval as drafted, duly seconded. The minutes were approved by voice vote with two (2) abstentions (Bryant, Combra).

ITEM #4 - Committee and Legislative Liaison Reports

LUPC - Mr. Schweikert discussed the meeting regarding the issue of whether Kelly's Kitchen was a DRI or not. He noted that the MVC had previously voted that it was. He then discussed the issue of whether the Tisbury Wharf demolition request for a DRI was or was not a DRI. He explained the proposal and what was to be done. He asked Mr. Best to discuss the issue from the viewpoint of the Tisbury Conservation Commission. Mr. Best discussed the changes being proposed. Mr. Best, in response to a question, noted that both CZM and MEPA were aware of the situation and were looking into the issues. A discussion of whether a marina constituted a DRI or not followed. Mr. Schweikert discussed the draft regional housing policy and the relationship to commercial developments. He discussed the various options that were discussed and that the discussion would continue.

PED - Mr. Early noted that there would be a meeting at 4:15 P.M.

on Tuesday, October 1. He discussed the Ocean Park DCPC Committee and who should be at the meeting. He briefly discussed the boundaries.

LEGISLATIVE LIAISON -

Ms. Bryant noted the County was about to file legislation to permit County Commissioners to appoint rather than serve themselves. Ms. Greene discussed the proposed changes to the legislation to permit cross-town referrals. She asked that it be placed on the agenda for the next meeting for a vote.

Mr. Schweikert commented on the boundaries as now being proposed by the Committee. He discussed the misinformation on the proposal and the feelings of some of the Selectmen as to where the boundaries should be drawn.

ITEM #5 - Discussion - MVC Meeting practices

Ms. Greene asked that this session be an open session and asked Mr. Clifford to start off the discussion. Mr. Clifford noted a bit of confusion particularly at DRI hearings and discussions and asked if there was anything he or the staff could do to make things easier, clearer, etc. He discussed having a staff summary prior to the vote; having individual Commissioner boxes again for materials; having notebooks for all; he asked what people would like to have, all or nothing; no change or some.

Mr. Schweikert questioned if there was point of consistent confusion or problems. Mr. Clifford felt that the Commission spent a lot of time discussing items that may or may not be relevant to the DRI in question. He discussed the amount of time being spent of matters that should move quickly. Mr. Schweikert discussed possible parameters for controlling. Mr. Clifford felt the Commission should be self-policing as elected officials.

Mr. Wey felt that having the use of particular storage areas (boxes) was good and asked for their return. He also liked the idea of brief staff summaries prior to discussions and votes. Ms. Bryant questioned whether the issue of the amount of time was based on comparison of other MVC groups or outside areas since there were new Commissioners now on the Board. Mr. Clifford indicated that it was not a comparison of individual boards but based on twenty some odd years of working with boards and commissions all over New England. He discussed various actions on motions and that there were no wrong viewpoints. He discussed individual feelings. Ms. Bryant discussed the process and how individuals feel about various issues. Mr. Clifford felt that all had a right to express their opinions but there seemed to be many many times things were repeated and repeated.

Mr. Best discussed discussing things to death and asked the Chair if it would be possible to have the Chair take more control and call the discussion to a halt if necessary. He discussed the public perception of the Commission.

Ms. Sibley noted the repeated discussion sessions and discussed the need to refocus conversations at times. She further discussed the development of conditions late at night. She felt that staff should be given charge to write conditions.

Mr. Early discussed the perception of the Commission and the need for group discipline. He discussed the need to focus and think of what the object of each discussion was. He felt the process needed tuning and the Commissioners needed to work together. He felt that all should pay attention to the professional staff.

Mr. Jason agreed but did not feel it was politics. He felt that the Commission had problems making decisions by trying to negotiate decisions. He felt that the proceedings were adjudicatory proceedings.

Ms. Bryant felt that the proceedings were political and discussed this matter further.

Ms. Sibley discussed the feeling of learning from each discussion and did not feel that persuasion played a large part. She felt that the free-wheeling discussion period was necessary.

Ms. Greene indicated that from the perspective of the Chair, it often seemed as though the conversations were beating dead issues. Mr. Jason felt that the discussion was fine but then the group often rediscussed the matter during the time for decision. Mr. Donaroma asked if it were possible to put parts of discussions to votes and then put that part behind and move on.

A discussion of this matter followed.

Mr. Donaroma discussed the confusion of motions.

Mr. Best discussed attempting to get a consensus and vote. Mr. Colaneri discussed the possibility of directing the Chair. Mr. Lee discussed chairing meetings from his experience and the difficulty therein. He asked if the Executive Director could help out in letting the Chair know what motions were on the floor, where the discussion was and of how wording of conditions might be handled. He further discussed the staff and how they may participate in the issues.

Ms. Greene asked if any staff wished to comment.

Mr. Schilling discussed his feelings regarding the meetings.

Ms. Sibley discussed a possible change to the agenda and that was to have a discussion as soon as possible prior to a return to LUPC then maybe it would be easier.

A discussion of how this might be implemented followed.

Mr. Jason asked for clarification and felt that it would be a good idea to give this method a try. A discussion of this matter followed. A discussion of the roll of LUPC and whether the record should be kept open or not followed. A discussion of how to implement such procedures followed.

Mr. Jason asked for clarification and felt that it would be a good idea to give this method a try. A discussion of this matter followed. A discussion of the roll of LUPC and whether the record should be kept open or not followed. A discussion of how to implement such procedures followed.

Mr. Schweikert expressed approval of such a change.

Mr. Lee questioned how the matter would be handled step by step.

Mr. Colaneri raised a question of what the first step in the entire process. A discussion and explanation of the steps followed. Mr. Early discussed streamlining the process and the need for ground rules and further discussed the matter. He further discussed the problem of reopening items that appear to be closed. He discussed the possibility of a framework within which all matters could focus and further discussed the redundancy of certain conditions. He felt that the written decision was ratified by the MVC vote and not refreshed

again and again.

Ms. Bryant discussed the point of having time to think about things and the need to change the written decision if necessary.

Mr. Schweikert questioned the need to return to the LUPC once discussion had occurred. A discussion of this matter followed.

Mr. Clifford discussed the confusion of keeping records open. Ms. Sibley noted that the suggested change would permit greater staff input in helping draft conditions and discussed this matter further. Mr. Clifford discussed the drafting of conditions and further discussed the adjudicatory role of the Commission and the need not to be so concerned as to whether any conditions are satisfactory to an applicant.

Ms. Early discussed the direction of the conversation and the need for a clear, concise recommendation from staff and LUPC and further discussed how this might be accomplished. He suggested a list of concerns so that all would be aware. He then discussed the problem of reinvolving the applicant in Commission discussion. A discussion of this matter followed.

Mr. Hall had no problem of involvement of the applicant in certain circumstances.

Mr. Early felt that access to information was necessary but not having applicant or public dominate discussion periods. He further discussed the purpose of public meetings and not to debate but receive input.

Mr. Hall discussed voting procedures and the problem of the many conditions being offered. He suggested voting on each condition one at a time. He discussed the need for cleaner procedures. A discussion of this matter followed.

Mr. Colaneri discussed the need to decide early on a positive or negative vote rather than many conditions just.

Mr. Early discussed the need to develop conditions but there is no time to create conditions and further discussed this matter.

Ms. Bryant discussed the various means of addressing projects and conditioning to make things more acceptable. Mr. Jason discussed following Roberts' Rules.

Ms. Bryant discussed abstaining from votes and how to handle conflict of interest and abstentions. A discussion of how it may be handled followed.

A discussion of when meetings should be ended and the possibility of changing the agenda followed.

Mr. Early discussed certain matters related to the agenda.

Ms. Sibley raised a point with respect to voting on certain matters and when this could happen. A discussion followed.

Mr. Hall further discussed public hearings and the problem of multiple hearings. A discussion of this matter followed.

Mr. Colaneri discussed the need for being more rigid and not asking for too much information.

Ms. Sibley discussed the magnitude of some projects and the need for continued hearings, the applicant responsibility and the need for certain additional data. A discussion of this matter followed. Ms. Bryant discussed certain issues and the need to have some flexibility. Mr. Hall discussed this matter with respect to procedures on public hearings.

A discussion of timeframes with respect to complete applications followed. Ms. Greene asked the Executive Director to draft something with respect to timeframes for complete applications. Ms. Schweikert

asked if the change to the agenda would happen. All agreed that it should change the agenda format. A discussion of this matter followed. Ms. Greene explained the new steps for the agenda. A discussion of this matter followed.

The format would be: Public Hearing - discussion a week or so later - to LUPC for recommendation with staff input - to full Commission for discussion and vote.

A discussion of keeping records open followed.

Mr. Lee formally requested the reinstatement of video tapes for all DRIs and explained why. He felt that Commissioners should visit the sites. Some discussed the need for site visits and others felt the videos were useful.

Mr. Clifford discussed an application that may work - all Commissioners make effort to visit site; video would be used for discussion period. A discussion of how this may be handled followed. A discussion of week-end vs week-day visits followed.

Mr. Colaneri discussed the use of slide shows or videos and felt that it was better than site visits.

Mr. Hall felt videos were useful. He further asked for some staff input on the Standards and Criteria with respect to the type of community would arise from their implementation. He further discussed the refuse district ENF and the request from the district for the state to waive certain matters. A discussion of the refuse district and its new proposal followed.

Mr. Colaneri questioned whether there had been any contact with the district due to the potential problems. A discussion of the changes to the Housing Policy and when they would be ready followed.

Mr. Early discussed the public hearings, their procedures and the types of presentations being given. He asked if there were any ways to limit the amount of time for each applicant.

Mr. Clifford felt that the Commission could ask an applicant to keep the presentation to a certain amount of time but if he went beyond that, it would be difficult to stop or cut him off. He also felt that the applicant could be limited to only one presenter with others available to respond to questions if necessary. A discussion of this matter followed.

Ms. Bryant asked if there was any way that public input could be taken first, after the applicant and discussed this matter further. A discussion of this matter followed.

Mr. Colaneri raised a question of the Kelly Kitchen being a DRI. It had previously been voted upon as a DRI.

A discussion of the Packer application and whether it was a DRI or not followed. It was noted that this matter would be discussed at the October 3 meeting.

Mr. Schweikert asked for an up-date from Tom Simmons regarding bike paths.

Mr. Simmons explained the current status of the applications and where the paths were to be located.

Mr. Schweikert asked for an explanation of the Farm Pond culvert. Mr. Combra explained the status of both pipes.

Mr. Clifford further expanded on the status.

Mr. Clifford further updated the Commission on the progress of the New MVC offices at the Extension Service location. A discussion of this matter followed.

Ms. Greene summed up the meeting by indicating that she hoped everyone

would continue to work together for the benefit of the Commission and the need to be perceived by the public as a unified group. Ms. Bryant felt that the image of the Commission was fine in the public eye.

ITEM #6 - New Business - there was none.

ITEM #7 - Correspondence - there was none.

There being no further business, the meeting was adjourned at 10:04.

ATTEST

Jane A. Greene 10/03/91
Jane A. Greene, Chairman Date

Thomas Sullivan 10/3/91
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

Present: Best, Briggs, Bryant, Colaneri, Combra, Donaroma, Early, Greene, Hall, Jason, Lee, Schweikert, Sibley, Sullivan, Wey

Absent: Benoit, Clarke, Allen, Davis, Geller, Harney, Bolling, Hebert