

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 3, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, October 3, 1991 at 8:00 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following:

Standards & Criteria Developments of Regional Impact

Jennie Greene, read the Public Hearing Notice and opened the hearing for testimony at 8:07 P.M. She asked Mr. Clifford to read the proposed Standards and Criteria, noting the changes made since the last hearing.

Mr. Clifford distributed extra copies to those who needed them and then read the proposal item by item. He explained the format of the document that all had before them.

- paragraph one (1.00) no change
- 2.10 - change to include new wording clarifying change of use definition.
- 2.11 - change to include new wording clarifying floor area
- all other items (2.12 through 2.19) unchanged.
- all items (3.10 through 3.103) unchanged.
- 3.104 - change to further clarify the historic building aspect of the criteria.
- 3.105 - unchanged
- 3.106 - two added words - "new" and "public"
- 3.107 & 3.108 - unchanged
- 3.109 - new wording to include "rental videos, gas station, or fast food establishment".
- 3.201 - now reads "thirty (30) and "six (6)"
- 3.202 - last three words are new.
- 3.203 & 3.204 - unchanged.
- 3.205 - changes are "ten (10) acres" and "in perpetuity"
- 3.301a. proposes 3,000 square feet.
- b. proposes 1,500 square feet
- c. unchanged
- 3.401a. unchanged
- b. "ten (10) rooms for lease or rent"
- c. "more than three (3) business, office or industrial premises."
- 3.501 & 3.502 - unchanged
- 3.601 - changed to place of assembly
- 3.701 - 3.703 unchanged

Ms. Greene called for any Commissioner questions. Mr. Colaneri asked if the public had seen the memo from Mr. Clifford. A brief discussion of this matter followed.

Ms. Greene then called for comments from the public.

Peter Cronig, Tisbury Planning Board raised a question as to why certain businesses such as video, gas stations and fast food were included. Ms. Greene explained the reasons were based on traffic and environmental problems. Mr. Cronig asked for a definition of fast food. Ms. Greene and Mr. Clifford explained the definition.

Ms. Bryant discussed this definition further. A discussion of this matter followed.

Ms. Greene called for any other town boards. She then called for proponents or opponents.

Leo Convery, Edgartown, indicated he would like to speak for and comment on the proposed changes. He felt that their had been a big improvement over the previous draft. He felt consistency was important and discussed that point. He discussed the need for allowing owners to change tenants freely so long as there are no major problems. He discussed the problems with the terms "units" and "premise" and felt that they were too broad.

Carl Kenney, Oak Bluffs, favored the 3,000 square feet as being a better size.

Chuck Cotnoir, West Tisbury, raised a question regarding the so-called cross-town referral and asked about the status.

Ms. Greene explained the status and noted that the draft proposal to be sent to the legislature may be discussed later. Ms. Greene then read the definition of fast food to be included in the Standards and Criteria.

There being no further testimony, the hearing was closed at 8:26 P.M.

Following the public hearing the Martha's Vineyard Commission held a Special Meeting 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 8:27:P.M.

ITEM #1 - A quorum was present.

ITEM #3 - Approval of Minutes - September 26, 1991

It was moved and seconded to approve as written. So voted, with 2 abstentions (Geller, Clarke).

ITEM #2 - Review Discussion

Mr. Clifford explained the revision of the agenda based upon a request to do the alteration to allow discussion of the public hearing testimony.

Mr. Early felt that good points had been raised by Mr. Convery in his testimony regarding clarity in definitions. He further discussed the definition of fast food establishment.

Mr. Combra discussed the issue of changing tenants in a business area.

Ms. Sibley discussed the past practices of the MVC, the clarification of certain terms and the multiple businesses in a

structure.

Mr. Clifford discussed the multiplicity of establishments and explained his interpretation of how that item may work.

Mr. Hall discussed the multiple unit concept from the perspective of condominiums and traffic. A discussion of this matter followed.

Ms. Greene asked for further comments on the public hearing - there were none.

ITEM #4 - REPORTS

CHAIRMAN'S REPORT - there was none.

LUPC - there was none.

PED -

Mr. Early discussed the meeting with the Ocean Park DCPC ad-hoc committee. He discussed the concerns of the businessmen who may be within the area. He noted the public hearing would be on October 10 and that there would be a final meeting at 3:30 P.M. on October 8.

Jo-Ann Taylor discussed the old photographs that had been used to show the area. Mr. Early further discussed the meeting. John Schilling further discussed the businessmen in the area and their concerns. He discussed a walking tour he had taken with Alan Schweikert of the Committee.

LEGISLATIVE LIAISON - there was none.

Mr. Combra discussed the County budget and the process that had occurred and the effect that it would have on the Commission. Mr. Clarke discussed a Rivers Protection Bill as well as a recycling bill. A discussion of the outfall pipe from Boston sewage plant followed.

A discussion of New Bedford Harbor cleanup followed.

A discussion of the recycling bill followed.

Ms. Sibley discussed the problem from the perspective of a retailer.

ITEM #5 - Possible Discussion - TISBURY WHARF-Request

Ms. Greene explained the request and what was being proposed as far as the demolition of the old oil terminal.

Mr. Clifford discussed the proposal and discussed the LUPC meeting recommendation of it not meeting the Checklist. He discussed the meeting with Ralph Packer and the long range discussion that had occurred.

Ms. Greene discussed the issue of filling and whether it was part of the proposal or not.

Mr. Best explained the proposal from the perspective of the Tisbury Conservation Commission and discussed the concerns. He discussed the various permits that were presently before the Town. He discussed procedures.

Mr. Lee questioned the potential area of fill and discussed the

possible review of the five-year plan for the area.

Ms. Greene asked Jack Clarke for comment regarding the plans for the area. Mr. Clarke discussed the previous meeting and discussion with Ralph Packer and what CZM was hoping to see.

Mr. Colaneri discussed the LUPC meeting with Ralph Packer and his feelings on the issue.

Mr. Jason also discussed the site clean-up.

Mr. Best further discussed the CZM meeting with Ralph Packer and any indication at that time of the removal of Campbell Oil.

Ms. Sibley discussed segmented or incremental development and questioned the possibility of having some overall review.

Mr. Jason discussed the past history of the site with Mr. Best.

Ms. Bryant raised a point of order regarding what the Commission was voting on. A discussion of this matter followed.

Mr. Jason and Mr. Best further discussed the history of the proposal.

Mr. Best felt that there were now two marinas in the harbor and questioned how this could have happened. A discussion of this matter followed. Mr. Jason felt that there was no incremental development.

Ms. Greene reminded all of what was now in question.

Mr. Early asked for a clear indication on the plan of what was to be done. Mr. Clifford did so. A discussion of the maps presented to the Conservation Commission followed.

Mr. Sullivan discussed the need to insure clarity in the data submitted. A discussion followed.

Mr. Combra questioned whether any future development would be a DRI. Ms. Greene indicated yes.

A further discussion of the issue of fill followed.

Mr. Hall raised a question of the contents of the concrete.

Mr. Donaroma discussed the proposal and his interpretation of what was being proposed.

Mr. Lee felt the Conservation Commission could control the disposal of the concrete. A discussion of this matter followed.

Mr. Early discussed the issue of dust on-site and off-site and the impact thereof but he did not feel that it was a DRI and so moved. Duly seconded.

Mr. Sullivan further discussed the burial of concrete.

Mr. Best raised a question of what could trigger complete overall review. A discussion of this matter followed.

Mr. Lee hoped that the various boards in Tisbury would work together to deal with these matters.

On a roll call vote, the motion that the proposal was not a DRI passed by a vote of twelve (12) yea and one (1) nay.

Mr. Clarke asked what the other permits were that were pending before the Town. Mr. Best discussed the permits that were outstanding.

The Commission took a brief recess.

Ms. Greene reconvened the meeting and noted that the next matter would be the discussion of the Standards and Criteria.

ITEM #5 - Possible Discussion - STANDARDS & CRITERIA

A discussion of the addition of the definition of fast food restaurants followed.

A motion to include the definition of fast food restaurant, duly seconded was approved by the Commission.

Mr. Hall discussed the exceptions cited in 2.10. Mr. Clifford explained where the exceptions were.

Mr. Hall further discussed the issue of change of use definition and what was needed to make it clearer. A discussion of this matter followed. A discussion of what constituted a development followed.

Ms. Sibley felt that there needed to be a change of use definition at some point but was comfortable with what was there. A discussion followed.

Mr. Hall moved that a definition of change of use: a change from residential or educational to business or commercial use (2.21).

Mr. Clifford explained a potential problem with the definition as proposed.

Mr. Hall amended the motion to include all of 3.601.

Mr. Donaroma discussed the problems associated with changing things at the last minute. A discussion of the issue followed.

Mr. Sullivan felt that nothing could be made absolutely specific and there needed to be some latitude for the administration to move. He questioned whether there had been any major problems.

A discussion of this matter followed. A discussion of a change in intensity of usage followed.

Ms. Greene restated the motion and called for the vote. On a voice, the motion failed.

Mr. Hall raised a question of having some form of a timeframe included and explained his reasons.

Ms. Bryant felt that the issue could be dealt with at the next review.

Mr. Hall offered a wording change to include a timeframe and discussed the issue of denials continually returning to the Commission.

Ms. Sibley felt the idea was sound but felt that it needed more study.

Mr. Colaneri discussed 3.203 with relationship to incremental development and the need to see the whole picture. A discussion of this matter followed.

Mr. Hall discussed 3.104 regarding historic structures and felt that the use of Mass. or National Registers may defeat the purpose. A discussion of towns that have no historic districts or commissions followed. A discussion of how things were listed on the various registers followed.

Mr. Colaneri discussed 3.301a. and discussed the issue of 3,000 square feet. He discussed the possible usage of 2,000 square feet. A discussion of this issue followed. Mr. Best discussed the past public hearing and what had been put before the public.

Ms. Sibley felt it was alright to discuss a change of the 3,000 square feet. Mr. Early discussed the memo from the Director regarding the various aspects of the Standards and Criteria.

Mr. Sullivan discussed the relationship between planning and the DRI process and felt doubling the threshold was adequate.

Mr. Colaneri questioned the roles of the towns in the process and asked what was meant by the Director in his memo.

Mr. Clifford explained what he saw as the relationship and how there needed to be a comfortable threshold for regional issues and let the rest be handled by the town.

Mr. Colaneri further discussed the issue of better development and the responsibility of the MVC.

Ms. Sibley moved 2,000 square feet, seconded by Ms. Bryant. Mr. Combra discussed the issue of keeping 3,000 square feet. Ms. Bryant indicated that many have asked for a continued use of 1,000 square feet. A discussion of this matter followed.

Mr. Best further discussed the number and what had been circulated.

Mr. Early concurred with the 3,000 square feet.

Mr. Hall discussed the average size of commercial uses today and related that to the character of the Vineyard.

Ms. Greene restated the motion and took a roll call vote. The vote was seven (7) yea, five (5) nay, to change to 2,000 square feet.

Mr. Combra felt it was unfair to change this single item.

Mr. Hall had difficulty with the wording and discussed this matter.

A discussion of the typographical errors that may be found in the document followed. A discussion of the triggering mechanism for change of use followed.

Mr. Jason moved to add 3.30ld. - changes of use which have a floor area of 2,000 square feet or more. - seconded by Mr. Colaneri.

On a voice vote, the motion passed.

Mr. Hall further discussed 3.401 and the confusion he had over this item. He further discussed the intensity of uses and parking issues.

A discussion of addressing the issue of condominiums followed. A discussion of the need for permits to trigger the DRI process followed.

Mr. Hall further discussed the issue of why the choice of three units.

Mr. Schilling discussed the issue of video stores and the singling out of this one type only. A discussion of what may constitute high intensity commercial uses followed. Mr. Colaneri discussed the related parking issue for high intensity commercial. A further discussion of video rental units or stores followed. Mr. Hall offered a definition for video rental. A discussion followed and it was agreed to not include one.

A discussion of reconstruction of piers followed. A number of those present discussed their feelings on how this item (3.502) should be read.

Mr. Hall then discussed the term gas stations in item 3.109 and indicated that he felt that it should be for commercial storage - i.e.; automobile fueling stations or a facility for the commercial storage of fuel. A discussion of this matter followed. A discussion of whether this item was covered under any other item followed. Mr. Jason suggested going along with the change and so moved, duly seconded.

On a voice vote, the amendment passed.

Mr. Simmons raised a question regarding the term place of assembly.

A discussion of this matter followed. The section was amended to indicate the threshold of 2,000 square feet.

Mr. Hall raised a question of in perpetuity and asked if counsel had to be consulted. The response was no. He then discussed the issue of tax benefits vs. loss of same. Mr. Jason discussed a possible scenario for the protection of agricultural lands. Mr. Hall moved to strike in perpetuity and change to long term. There was no second.

Mr. Colaneri moved approval with conditions, duly seconded. On a roll call vote the Commission voted ten (10) yea, three (3) nay, to approve with amendments.

ITEM #6 - Possible Vote - FISHER DRI-Written Decision

Mr. Jason moved approval of the written decision of the Fisher DRI, seconded by Mr. Early.

Mr. Hall had left the room. Mr. Clifford noted two small errors in typing.

On a roll call vote the Commission voted with four abstentions (Hall, Combra, Sibley, Clarke).

ITEM #7 - Old Business - there was none.

ITEM #8 - New Business-

Ms. Greene discussed the proposed amendment to Chapter 831 with respect to "cross-town referral".

Mr. Colaneri moved acceptance and forwarding to counsel, duly seconded.

On a roll call vote the Commission voted unanimously to approve the motion.

There being no further business the meeting was adjourned at 11:06 P.M.

ATTEST

<u>Jane A. Greene</u>	<u>10-10-91</u>
Jane A. Greene, Chairman	Date

_____ Thomas Sullivan, Clerk/Treasurer	_____ Date
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Attendance

Present: Best, Bryant, Colaneri, Combra, Donaroma, Early, Greene, Hall, Jason, Lee, Sibley, Sullivan, Clarke, Geller

Absent: Briggs, Hebert, Schweikert, Wey, Benoit, Allen, Davis, Harney, Bolling