

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MAY 7, 1992

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Public Hearing on Thursday, May 7, 1992 at 8:00 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: Edgartown Ponds Advisory Committee
c/o J. E. MacKenty
Box 6
Edgartown, MA 02539

Location: Wintucket Cove
Edgartown Great Pond

Proposal: Removal of some 1,577 + cubic yards of materials from Wintucket Cove for the purpose of increasing circulation and depth qualifying as a DRI since the development is proposed within the waters of a body of water 10 acres or more.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing notice and opened the hearing for testimony at 8:10 p.m.

Mr. Schweikert called upon the applicant for his presentation.

John MacKenty, Edgartown Ponds Advisory Committee, explained the proposal. He noted that there had been a serious milfoil problem due to lack of mixing of fresh and salt waters. He indicated that the spoils would be placed along the immediate shoreline.

Mr. Schweikert then called for staff presentation.

Ms. Taylor, MVC staff, discussed the proposal and its effects. She discussed the issue of water quality with respect to the various adopted plans of the Town, the region and the MVC. She also indicated that the riparian owner had given her approval of the project. She then discussed the different means of dredging, hydraulic vs. mechanical and that mechanical had been proposed for use.

Ms. Taylor felt that a possible condition for consideration was one of having the Shellfish Constable aware of and on site at the time the work was done. She also offered a recommendation for consideration and that was to have any monitoring results of the project forwarded to the MVC for the files.

Mr. Schweikert called for Commissioner questions.

Ms. Marinelli questioned the time of year for the work to be done. Mr. MacKenty indicated that it would be done as soon as all permits were in place, summer or fall and after an opening. A discussion of whether there were shellfish present and whether there would be problems during spawning season followed. A discussion of this matter followed.

Mr. Colaneri discussed the use of mechanical means of dredge and the fact that there would be minimal effect.

Mr. Sullivan felt the proposal would benefit the pond.

Mr. Schweikert called for testimony from Town boards.

Tom Wallace, Chairman of the Ponds Committee, discussed the time involved in studying the issue and felt that the benefits outweighed the detriments.

Mr. MacKenty indicated that there were letters in the file from the Shellfish Committee and the Edgartown Marine Advisory Committee endorsing the project.

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

Mr. Schweikert called for any final comments.

Mr. Donaroma asked who would be monitoring the project. Mr. Wallace indicated that as applicants, the Ponds Committee would be responsible to see that it is done right. A discussion of this matter followed.

Mr. Schweikert called for any other comments - there were none.

There being no further testimony, the hearing was closed at 8:22 p.m.

Jennie Greene, Chairman of the Commission, opened the Special Meeting at 8:25 p.m.

ITEM #2 - Review Discussion - there was none.

ITEM #3 - Minutes of April 23, 1992
It was moved and seconded to approve the minutes as written - so voted, with 2 abstentions (Hall, Alley)

ITEM #4 - Reports
Chairman's Report -
Ms. Greene noted that the Commission had hired a new planner, David Wessling, former planner with Edgartown.

LUPC -
Mr. Schweikert reported on the meeting with Gino Montessi on the Boch proposal. He then noted that there was a brief discussion of tenant applicant and landlord concurrence.

Mr. Clifford reported on a meeting of the Committee with Bill Wilcox regarding his work with an Ad Hoc Committee on nitrates.

PED -

Mr. Early reported on the economic task force meeting and the various ideas that were being mentioned. He noted traffic, transportation, development of new industries and where monies would come from. He felt it was a good meeting.

Ms. Greene also felt the meeting was positive. Mr. Schweikert discussed his feeling about the meeting and the regulations that are applied to the business community. He discussed possible unification of regulations across the Island.

Mr. Hall discussed the possibility of a single coordinating body to direct persons who were interested in starting a business. A discussion of this matter followed.

Mr. Colaneri questioned why the Commission could not act as a clearinghouse for such matters.

A discussion of this matter followed.

Mr. Colaneri discussed the issue of providing public facilities for visitors and that it was a weakness.

Mr. Sullivan felt more sessions of brain storming would be very helpful.

Mr. Hall agreed with that idea. He then discussed the way the State calculated the unemployment for Dukes County and averages out the year to produce misleading figures.

A discussion of how the figures were generated followed.

Ms. Marinelli discussed the proposal of Oak Bluffs to use Clivus Multrum systems for the new restrooms.

Ms. Greene discussed the Agricultural Task Force meeting recently and that the group discussed transfer of development rights and other ways that may prove helpful to Island farmers.

Mr. Wilcox discussed a survey that was to be circulated shortly to determine what was impacting farmers.

A discussion of this matter followed.

A discussion of the possibility of a slaughter house on-Island followed.

A discussion of how to get trained inspectors readily available on-Island followed.

Legislative Liaison -

Mr. Alley discussed the legislative changes being sought by the County Commissioners, particularly the Kayan Medical Fund and Trust.

A discussion of the Charter Commission and any responses to questions raised followed.

Mr. Alley further discussed other legislation pending regarding County affairs.

Ms. Bryant discussed legislation being passed for construction of a County jail at the Airport.

A discussion of further pending legislation followed.

ITEM #5 - Possible Discussion - Written Decision
M. V. Regional High School -

It was suggested to move to ITEM #6.

ITEM #6 - Possible Vote - Written Decision
M. V. Regional High School -

Mr. Early moved, seconded by Mr. Jason, to approve as drafted the decision. Mr. Colaneri questioned whether any additional information had been received. A discussion of whether the septic proposal should return followed.

By roll call vote, the Commission approved the written decision by a vote of ten (10) yea, one (1) nay, abstentions (Hall, Alley).

ITEM #5 - Possible Discussion - Boch DRI - concurrence

Mr. Clifford discussed the reasons for the question being on the agenda.

A discussion of why the item fell under the item #2 of the checklist followed.

Mr. Jason moved that the Boch application was a DRI, duly seconded. The motion passed with one abstention (Hall).

Edgartown Ponds Advisory Committee DRI -

Mr. Jason moved the discussion to ITEM #6.

ITEM #6 - Possible Vote - Edgartown Ponds Advisory Committee DRI-

Mr. Early moved approval with conditions and recommendations the application of the Edgartown Ponds Advisory Committee, duly seconded.

condition: applicant to notify the Shellfish Constable seven days prior to commencement of work

recommendation: strongly suggest applicant monitor work for several years and provide any reports to MVC for record.

A brief discussion of the wording of the condition followed. On a roll call vote the application of the Edgartown Ponds Advisory Committee was approved unanimously.

ITEM #5 - Oak Bluffs DCPC Regulations -

Ms. Greene read the letter from John Bradford, Chairman, of the Planning Board, indicating the changes made and the feeling of the Board.

Mr. Clifford noted the new wording of section 22-5 regarding lighting fixtures. A discussion of the intent of this new section followed.

Ms. Marinelli questioned the make-up of the Review Committee. It was noted that the composition of the Ocean Park Review Committee was on page 3 of the regulations.

A discussion of how the park itself related to the regulations followed.

Mr. Donaroma compared these regulations to those of Edgartown's DCPCs with reference to town property.

Mr. Lee discussed the DCPCs in Gay Head in the same context.

Mr. Colaneri questioned what the results of substituting Ocean Avenue for Sea View Avenue would be. A discussion of what the results of no regulations in the park itself followed.

Mr. Sullivan felt the Town's wishes needed to be considered and discussed his reasons for his comments. He discussed Town pride

in the area.

Ms. Marinelli discussed her conversations with the Planning Board and felt there would be problems later. A discussion of the potential problems followed.

Mr. Schweikert further questioned the reasons for the feelings of the Town. He felt that there were no major problems with the issue but did have a bit of uneasiness with not having a town subject to its own rules.

A discussion of what was presented at town meeting followed.

Ms. Sibley discussed her feelings with respect to abiding by town wishes.

Mr. Lee felt that any conditions in the deed were satisfactory to him.

Ms. Bryant questioned who were the concerned parties. Ms. Marinelli explained that she had discussed the matter with the Planning Board and the Park Commission.

Mr. Alley felt the Town had been good stewards of the park area and this was the wrong issue to debate.

Ms. Sibley moved to ITEM #6, duly seconded.

ITEM #6 - Possible Vote - Ocean Park DCPC Regulations

Ms. Sibley moved approval with amendments presented by Oak Bluffs Planning Board, seconded by Mr. Alley.

On a roll call vote the Commission voted in the Affirmative with one Nay.

ITEM #7 - Old Business -

Ms. Bryant questioned the status of the Herring Creek DRI.

Mr. Clifford explained the status of those DRIs that are currently pending before the MVC.

Mr. Schweikert asked for a status report on the progress toward getting a new MVC home.

A brief discussion followed.

Mr. Lee questioned the reason that Tony's Market had not been referred as a DRI due to the size listed in the paper.

A discussion of this matter followed.

Mr. Lee discussed the issue of referrals to the Commission and whether town boards could be forced to refer some matters.

Ms. Bryant felt that it was the responsibility of the town appointees to ask questions about certain projects.

Mr. Jason moved to instruct the Director to contact the Building Official in Oak Bluffs to determine as to whether the project is a DRI or not. Duly seconded - so voted.

Mr. Colaneri asked about getting injunctions to stop projects that should have been referred. A discussion of this issue followed.

ITEM #8 - New Business -

Ms. Greene discussed the memo request for a formal vote of the MVC regarding port diversification.

Mr. Early made the motion, second Mr. Jason - that the Martha's

Vineyard Commission, pursuant to sound planning practices and in accordance with the existing Unified Work Program tasks, does support the studying of the feasibility of port diversification for the transport of goods to and from the Island of Martha's Vineyard. -

Mr. Sullivan felt the idea is very valuable and should provide needed data.

A discussion of the need for such a vote followed. Mr. Clifford noted that it was a reaffirmation of an informal position taken previously. A discussion of what would be the results of a study followed. By affirmative vote the motion passed.

ITEM #9 - Correspondence - there was none.

There being no further business the meeting adjourned at 9:45 p.m.

ATTEST

Jane A. Greene
Jane A. Greene, Chairman

5/21/92
Date

Thomas Sullivan
Thomas Sullivan,
Clerk/Treasurer

5/21/92
Date

Attendance

Present: Bryant, Colaneri, Alley, Donaroma, Early, Greene, Hall, Jason, Lee, Schweikert, Sibley, Sullivan, Marinelli

Absent: Best, Briggs, Vanderhoop, Benoit, Clarke, Allen, Bolling, Chapin, Gallagher