

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF OCTOBER 22, 1992

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, October 22, 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: Paul and Caroline Daniele
c/o Schofield, Barbini & Hoehn
P.O. Box 339
Vineyard Haven, MA 02568
- Location: Herring Creek Road
Edgartown, MA
- Proposal: Subdivision of 6.2 acres of land into 4 lots qualifying as a DRI since the parcel in question was in whole or in part a previous DRI.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice and opened the hearing for testimony at 8:02 p.m.

Michael Donaroma, Commission representative from Edgartown left the table and abstained from the proceedings due to a conflict.

Doug Hoehn of Schofield, Barbini and Hoehn distributed copies of the plan and presented the various persons present including the applicant, Paul Daniele.

Mr. Hoehn then proceeded to explain the proposal. He discussed the various uses that are on abutting property, the zoning in the area, the physical setting of the site and area. He then noted that he had distributed a copy of the soils mapping and explanation thereof as prepared by the Soil Conservation Service.

Mr. Hoehn then discussed the past history of development and DRI reviews of the original tract known as the Waller Farm.

He further discussed the Town taking of a portion of the site and ultimate sale to the Land Bank. He further discussed the various meetings with the town boards and the LUPC.

He discussed the original design of the proposal and how after discussion and review on a preliminary level by the Edgartown Planning Board, the design had changed. The new proposal had the new lots aligned along the northern side of the site.

He then discussed the reasons for locating the road as shown, and why

it did not come off the existing town land access area. He then discussed the location of building envelopes and view sheds and a number of self imposed conditions such as no further subdivision of the 4-acre lot, no guest houses on the three new lots, a height restriction of 26 feet on all building, architectural covenants to be reviewed by planning board, siting of actual buildings to be a joint undertaking between planning board and applicant.

He then discussed what he believed were the benefits of the plan.

Paul Daniele, applicant, discussed his background and that of the site. He discussed the reasons for the subdivision at this time. He then discussed the past workings with the planning board.

Eric Peters, attorney for applicant, discussed the reason why the proposal was before the Commission and the fact that there was still the issue of a special permit for the road from the planning board. He further discussed the reasons for the changes to the plan.

Mr. Schweikert again noted that Mr. Donaroma was abstaining from the proceedings.

John Schilling, MVC staff, discussed the proposal and reviewed various aspects of the natural and man-made features in the area. He noted the correspondence that had been received on the issue. He then noted the comments that had been received from the Board of Health. He also noted that there was no impact from traffic anticipated.

Mr. Schweikert then asked for questions from the Commissioners. Mr. Best raised an issue regarding the soil in the area and whether it was prime agricultural soils or not and whether the mapping technique was accurate or not. A discussion of this issue followed.

Mr. Marinelli questioned why some of the items had not been addressed. Mr. Hoehn indicated that it was the belief of the applicant that there would be no impact.

Ms. Greene asked whether there would be town water or separate wells. Mr. Hoehn indicated that the applicant would be discussing the matter further with the Board of Health and while wells were preferred, they would do what the Town wanted.

Mrs. Marinelli asked how many houses. Mr. Hoehn noted there was one existing, three new potentials plus one guest house potential.

Mr. Best questioned what type of road. Mr. Hoehn indicated a 12-foot wide hard surface, unpaved.

Mr. Best further questioned the use of landscaping. Mr. Hoehn noted that only preliminary discussions of screening had taken place. A brief discussion of this matter followed.

Mr. Jason questioned how many lots had been created from what was the Waller farm, from when it first came to the Commission years ago. Mr. Peters noted there were three including the present 6.2 acres plus eight that had been created on the south side of the original farm where a number of lots had been cut off years earlier. He noted that

the eight lots had been taken by the Town. A discussion of this matter followed.

Mr. Jason questioned why the applicant had not addressed affordable housing since the totals are cumulative for the MVC from January of 1985. Mr. Peters discussed the issue and felt that such was unclear but no, it had not been addressed.

Mr. Schweikert then called for town boards.

Edo Potter, Edgartown Conservation Commission, referred to a letter of opposition and the interest of the Town in the site. She discussed the background of interest. She disagreed with the assessment of soil capabilities with respect to agriculture. She further discussed the protection of agriculture and the relationship to the MVC Policy Plan. She asked the MVC to consider matter seriously.

Mr. Best discussed again issue of soils and whether they were prime or not. A discussion of the accuracy of the mapping followed. It was noted that map was a copy of the SCS book.

Ted Morgan, Selectman, spoke for Selectmen noting that the Board had objected to the original design but since the change the majority of the Board had no objections to the new design. He further discussed the past history of the farm. He spoke for himself and indicated that the farm should not have any new homes placed thereon.

Ann Heron, Planning Board, read a copy of a letter sent from the Planning Board indicating that the Board felt that the applicant had adequately addressed many concerns of neighbors and town boards. She noted that landscaping and covenants were to be worked out with Planning Board.

She discussed the idea of maintaining rural character. She indicated that a majority of the Board felt the proposal was responsible.

Mr. Lee raised a question regarding any further subdivision. It was noted that the Board of Health comment was by Form C only.

Ms. Greene questioned whether no further development included guest houses. Ms. Heron indicated no. A discussion followed.

There being no further testimony from Town Boards, Mr. Schweikert called for proponents.

Paul Morse, Herring Creek Road, found no fault with proposal.

Pat Hughes, abutter from Crocker Drive, discussed view of site and that there didn't appear to be any harm.

Mr. Schweikert then called for those opposed.

Robert R. Waller, resident across street, read correspondence to Planning Board and felt many of comments remained relevant now. He submitted a written statement for the record. He also further reiterated his opposition to the proposal and felt that the further subdivision of the site was not appropriate.

Ms. Greene asked for a further explanation of the wildlife comment. Mr. Waller indicated song birds, deer, rabbits, skunks, etc. Althea Waller Morgan, resident, read a prepared statement on the preservation of the past. She discussed the need to consider the protection of the entire area that once was the farm and asked for a continuity of purpose that was established when the original area was protected.

Elizabeth Rogers, West Tisbury, Stated past usage of area and indicated opposition to proposal.

Ann Floyd, Edgartown, questioned how many Commissioners had seen site? And if not will it be visited before the vote. The Commissioners all commented on their personal feelings.

Norman Rankow, abutter, indicated that he was speaking for the Stupaks and the Fitzpatrick's as well. He discussed the effect of a potential of ten structures on site (garages, guest house, homes). He discussed what he felt was the intent of the Town in purchasing the farm. He discussed what had been anticipated when the land was sold but was disappointed to see a subdivision. He asked the Commission to consider the goals of the Town.

Mr. Hoehn further discussed the issue of structures on the site.

Robert Morgan, resident, indicated opposition and delivered a list of persons present who had signed in opposition.

Donna Hannigan, Mercier Way, abutter to original farm, discussed view from that area and the possibility of dust from the dirt road being proposed. She felt that consideration should be given to the view from other directions as well.

Mr. Schweikert then called for any further testimony.

Ann Floyd noted the letters presented by the Waller family were excellent and stated she was opposed to the development

Ms. Sibley questioned whether the applicant would be willing to indicate what type and where any additional buildings on the 4-acre lot may be placed. She further discussed this matter.

Mr. Hoehn noted that the applicant and the Planning Board should work these details out.

Mr. Peters discussed a potential agreement that the applicant had considered.

Ms. Sibley questioned whether that meant for any building on the larger lot. Mr. Peters indicated that any new building would be with the concurrence of the Planning Board.

Mr. Jason questioned whether the parcel was for sale. Mr. Daniele indicated yes and explained why.

Mr. Peters discussed the failure of the Town to purchase the property and the vote thereon. He then discussed the DRI process in relation

to this site. He discussed the lots that were subdivided by opponents across the road.

Mr. Morgan asked for time to comment and discussed how the lots across the street were not relevant.

Mrs. Morgan discussed the character of the neighboring lots in question.

Mr. Morgan T., asked again if the lot was for sale. It is.

Mr. Morgan R., discussed the relationship of the comments to the site.

Mr. Daniele noted that he and his wife intended to return to live in the farm.

Mr. Morgan, T., indicated a different feel for the proposal since the site was for sale and now strongly opposed the proposal.

Mr. Peters felt the issue of sale was irrelevant to the issue.

Mr. Schweikert indicated that he did not wish to have a debate in this issue.

Mr. Morgan, T., indicated that everyone was lead to believe that the site would be upgraded when lots were sold; the site being for sale changes the issue.

Ms. Hughes indicated she was the broker and explained why the lot had been put up for sale.

Mr. Daniele indicated he wished to move to site if possible and upgrade. He discussed the beauty of the site and felt the proposal was of minimal impact.

There being no further testimony, Mr. Schweikert closed the hearing at 9:30 p.m. and indicated that the record would remain open for two weeks.

The Commission then took a 15 minute recess.

Following the Public Hearing, Jennie Greene, Chairman of the Commission, called the Special Meeting to order at 9:45 p.m.

ITEM #2 - Discussion - Daniele DRI

This item was passed over.

ITEM #3 - Approval of Minutes - October 15, 1992

It was moved and seconded to approve the minutes as drafted. So voted (Abstention - Lee, Vanderhoop, Alley)

ITEM #4 - Reports

Chairman's Report - there was none.

LUPC - Mr. Schweikert reported on the meeting with Paul Daniele to review plan. Access was an issue.

PED - no report

Legislative Liaison - there was none.

ITEM #5 - Possible Discussion

Daniele DRI - passed over.

Ms. Greene noted that there would be a video available when it became time to discuss this matter.

- ITEM #6 - Possible Vote -
Written Decision - Island Tire -
Mr. Early moved approval as written, duly seconded.
On a roll call vote, the written decision was approved with
four abstentions (Hall, Lee, Alley, Vanderhoop).
- Possible Vote -
Written Decision - Peaked Hill Modification -
Mr. Jason moved approval as written, duly seconded.
Ms. Greene discussed the fact that no management plan had
been sought. A discussion of this matter followed. On a
roll call vote, the written decision was approved as written
with four abstentions (Alley, Donaroma, Lee, Vanderhoop).
- ITEM #7 - Old Business - there was none.
- ITEM #8 - New Business -
Mr. Best asked if Bill Wilcox could do some soil sampling on
the Waller Farm. A discussion of this matter followed.
Some felt that it may be an important issue. A discussion
of whether the area was prime agricultural soils followed.
- ITEM #9 - Correspondence -
Ms. Greene read a letter from the Chilmark Planning Board
regarding the Boston Sewage Outfall pipe.
A discussion of whether this could be a DRI or not followed.
It was suggested that we keep in touch with the Cape Cod
Commission on this matter.
A discussion on what action was being requested and what the
MVC should do followed.
Mr. Early suggested that the Executive Director write a
letter seeking clarification of the Chilmark request.
Ms. Sibley didn't feel we had a formal review authority but
we should be in contact with the Cape Cod Commission and
have them keep us informed as to what was going on as to
possible impact on Vineyard waters. A motion was made, duly
seconded to do same. - so voted with copy to Town of
Chilmark.
Ms. Greene read a letter sent by Commission to Richard
Taylor upon his resignation.
- Mr. Best noted a candidates forum sponsored by the League of
Women voters on the weekend. A discussion of other
political activities followed.

There being no further business, the meeting adjourned at 10:30 p.m.

ATTEST

Jane A. Greene 11/19/92
Jane A. Greene, Chairman Date

Thomas Sullivan 11/19/92
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

Present: Best, Colaneri, Alley, Donaroma, Early, Greene, Hall,
Vanderhoop, Jason, Lee, Schweikert, Sibley, Sullivan, Marinelli,
Gallagher

Absent: Briggs, Bryant, Benoit, Clarke, Allen, Bolling, Chapin