

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF NOVEMBER 19, 1992

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, November 19, 1992 at 7:30 p.m. at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA, regarding the following District of Critical Planning Concern (DCPC):

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the public notice, and the description of the proposed district boundaries and opened the hearing for testimony at 7:35 P.M.

Jo-Ann Taylor, MVC staff, made the presentation on the various reasons for the nomination. She discussed the type of district being proposed and the various activities that occur in the area. She then read various aspects of the nomination submittal and further discussed the historic aspects of the parks involved.

Ms. Taylor then went on to relate the nomination to the MVC statutory requirements and regulations.

Ms. Taylor then showed a video of the area in question and explained the different features and aspects of the parks, their natural setting and surrounding architectural features.

Mr. Schweikert then called for questions from Commissioners.

Linda Sibley discussed the architecture of structures just outside the proposed district and questioned the potential for more within the proposed district. Ms. Taylor discussed potential impacts of new designs and styles.

Mrs. Marinelli questioned the actual size of the nominated area. Ms. Taylor referred to a map showing the delineated area.

Mr. Schweikert then called for town board testimony.

Anne Mechur, Park Commission, discussed the designation and indicated that the Commission favored the proposal and felt the parks needed to be included.

Mr. Schweikert read a letter from the Planning Board indicating a majority supported the proposal with the following additions - that any regulations drafted exclude the actual parks; that the designation also include the area between Ocean Park and the present proposal. A discussion of the wording of the letter followed.

Mrs. Marinelli questioned why the Planning Board felt as it did. Mr. Schweikert discussed his feelings on the issue. A discussion of

this matter followed.

Mr. Schweikert discussed the proposed expansion as set forth by the Planning Board and tried to delineate the area. A discussion of this matter followed.

Mrs. Marinelli questioned whether there were any commercial areas in the proposed expansion area. A discussion of this matter followed.

Mrs. Marinelli asked for comments from the Park Commission regarding the exclusion of the parklands.

Nancy Penn asked for a clarification of the term "under the jurisdiction of the Town of Oak Bluffs". She explained what she felt it meant. A discussion of this matter followed. She indicated the Park Commission's favorable attitude toward including the parklands and wondered why anyone would want to exclude them.

Ms. Sibley asked for a clarification of the process and the involvement of the various parties. Mr. Clifford explained the role of all participants and that the writing of the regulations would determine which board did what. In all cases the MVC would not be given any jurisdiction over any local issues, properties or the like.

Buddy DeBettencourt felt the parks should be included in the regulations for the purposes of protection.

Mr. Schweikert discussed his feelings about the Planning Board letter. Mr. Donaroma felt that there was a problem with that letter and believed that the parks should be included.

Mr. Early felt the MVC should consider reviewing the Ocean Park DCPC to include the parks and should not be bound to follow the previous decision.

Mrs. Marinelli discussed her feelings regarding being consistent and agreed that the parks should be included and that the Ocean Park DCPC should be amended.

Ron Mechur, sponsor of the nomination discussed a meeting he attended of the Planning Board and their suggestion of increasing the size of the area. He discussed recent newspaper articles and a letter from a summer resident who was considering a similar movement in another part of Oak Bluffs. He further discussed his feelings on retaining the parks within the guidelines.

Mr. Colaneri questioned what mechanism would be used to modify the boundary. Mr. Clifford explained how the process may work. Mr. Early raised a question on when the sixty days would end. Mr. Clifford felt the statute indicated that the sixty days began after close of the hearing.

Norman Friedman raised a question about extension of the moratorium to the new area. A discussion of this matter followed.

Mr. Hall suggested dealing with each individually and merging related matters later.

Ms. Sibley raised a question as to whether the Planning Board letter could be considered a nomination. Mr. Clifford indicated that it was a request for modification and not a new nomination.

Mrs. Marinelli questioned where the expanded area would go and what would be included therein. A discussion of the Planning Board letter and map followed.

Mrs. Marinelli questioned whether the Park Commission favored the expanded area. Mr. DeBettencourt indicated that they had not seen the proposal.

Mr. Early urged caution and felt a very detailed description of the area was needed.

Mr. Schweikert called for proponents of the proposal.

Rayanne King, Seaspray Inn, felt the parks needed to be included. She felt the MVC should move forward with this and think about amending later.

Ms. Greene asked whether there was any indication of some immediate changes in the offing. Mrs. Mechur indicated no.

A discussion of what was under consideration followed.

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

Mr. Schweikert then called for any additional testimony from the public. - there was none.

Mr. Hall discussed how Ocean Park was in the district but exempt from the regulations.

Mr. Best discussed the problem of notifying non-resident summer people of the expansion of the area. Mr. Schweikert noted that all received letters.

Ms. Sibley discussed the role of the MVC and the town boards in the DCPC process and felt that a clarification was needed to help the local people understand. Mr. Mechur agreed that this was the problem.

Ms. Greene felt that someone should attend the next Planning Board meeting to explain the process and that the hearing be kept open and letters be sent to all residents of the expanded area.

Mr. Colaneri discussed going forward and seek a nomination for the expanded area.

Ms. Greene questioned whether there had been any contact from people in the expanded area. Mr. Mechur indicated only one person but felt the expanded area should be surveyed as to desire to be in or out.

Mr. Best agreed and discussed his reasons why. He felt to wait may cause problems and increase activity.

Mrs. Marinelli also agreed.

Mr. Jason raised a question of how the guidelines would fit the expanded area. Mr. Mechur felt there were differences in the areas. A discussion of this matter followed. A discussion of the commonality

of the architecture of the area followed.  
Mr. Jason suggested closing the hearing and moving forward with this proposal, meeting with the Planning Board, set up the new district and then repeat the process for the new area.

Mr. Donaroma concurred.

Ms. Sibley questioned how fast the process could move and discussed her reasons for the question.

Mr. Best questioned why not nominate now and modify later. He discussed the need for groundwork in the newly proposed area.

Ms. Taylor noted that there were support letters in the file.

Mrs. Marinelli discussed moving forward and nominating the new area. A discussion of this matter followed.

Mr. Donaroma questioned how the nomination process would work in the case before the MVC. Mr. Schweikert reread the Planning Board letter so that it was clear to all.

It was suggested that the hearing be closed and that the MVC pursue the present nomination and work with the Planning Board to nominate the new area.

Mr. Schweikert noted that several letters had been submitted regarding the district - all were favorable.

There being no further testimony the hearing was closed at 8:54 p.m.

The MVC recessed for five minutes.

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Following the public hearing, the Martha's Vineyard Commission held a Regular 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 9:07 P.M.

ITEM #2 - passed over

ITEM #3 - approval of Minutes - October 22, 1992

Mr. Early moved approval as printed, duly seconded. The Minutes were approved by voice vote with two (2) abstentions (Donaroma, Briggs).

ITEM #4 - Chairman's Report - there was none.

LUPC - Mr. Schweikert discussed the various meetings of the committee that had been held since the last Commission meeting.

PED

EDTF - Mr. Early discussed the last meeting of the Task Force which dealt with transportation. The next meeting to be 12/16 at which further transportation issues are to

be discussed.

A discussion of the work of the MVC transportation staff and their valuable input followed.

A discussion of integrated use system for busses followed.

AGR. T.F. - Mr. Wilcox discussed the survey which had been distributed. He discussed the possibility of creating an agency to deal with low interest loans for agricultural activities.

LEGISLATIVE LIAISON - there was none.

ITEM #5 - Possible Discussion

Daniele DRI -

Mr. Donaroma left the room.

Mr. Hall asked for a review of the LUPC meeting. Mr. Schweikert discussed the meeting and the offerings made by the Applicant.

- no further subdivision of 4.5 acre lot;
- no guest houses on three 1/2 acre lots;
- designated building zones on 1/2 acre lots;
- architectural and landscaping covenants with Planning Board;
- use existing curb cut
- siting of guest house of 4.5 acre lot with Planning Board

Mr. Schweikert then expressed concerns that arose from LUPC and noted that benefits and detriments were discussed.

John Schilling, MVC staff, showed a video of the site.

Mr. Hall discussed the workings of the Applicant with the Planning Board, the discussions with the Land Bank and the local Conservation Commission. He discussed the Planning Board feelings on the revised plan and the offers made.

He further discussed the viewsheds and the preservation of same.

Mr. Best discussed the Land Bank issue and the uncertainty of what went on at their meeting. He discussed the impact of any MVC decision on future activities and the need to look beyond the personalities involved and deal with long term benefits - detriments.

Mr. Schweikert asked Mr. Hall to relate the objective of the Planning Board. - was it to preserve the view. He then indicated that he was concerned with the placement of a guest house on the four-acre lot. He questioned whether the Board had indicated no guest house at all. Mr. Hall stated that the Board had not dealt with that issue since it didn't appear to be a major issue.

Mr. Schweikert then discussed the testimony at the hearing and asked whether there was any division amongst the Board members. Mr. Hall indicated that the consensus felt the proposal was a minimal development plan.

Ms. Sibley discussed her tenure on the MVC and discussed her site visit. She indicated that the site visit had brought a number of things to light. She felt the intrusion into the fill of an 'old farm' by development would be very detrimental to the view and the feel of the area.

Mr. Colaneri discussed the review done by the LUPC and asked for a review of the history of the various DRIs on the site. A discussion of this issue followed. Mr. Clifford read the various DRIs and the dates of the decisions.

Mr. Colaneri questioned when the Town took the land. Mr. Jason discussed the past history of how the Town had acquired the land.

ITEM #6 - Possible Vote  
Daniele DRI -

Mr. Hall moved approval with conditions -

- that the three proposed new lots be along the northerly boundary of the site;
- that the building zones on the three new half-acre lots respect the views of the houses and the public along Mercier Way as well as from Herring Creek Road; said building zones be worked out in conjunction with the Planning Board and LUPC;
- that there be no guest houses on the half-acre lots;
- that architectural covenants on all four lots will define traditional styles and materials to be compatible with area and that the covenants be worked out in detail with the Planning Board and submitted to LUPC for approval.
- that landscaping covenants on the three half-acre lots will define landscaping that will shield the footlines and mask the mass of the buildings and will respect to the extent possible the viewshed from Mercier Way and Herring Creek Road and will be developed in conjunction with the Planning Board and submitted to the LUPC;
- that the road will use the existing curb cut and will maintain the rural integrity of the area and will need a special permit from the Planning Board and will be constructed as a rural dirt road;
- that there shall be no further subdivision of the four and a half-acre lot;
- that the designation of further building sites on lot 1, the four and a half-acre lot, be approved by the Planning Board and LUPC.

Seconded by Mr. Alley

A discussion of the number of conditions followed.

Mr. Hall added a height restriction matching the Island Road District across all portions of the site.

On a roll call vote the Commission voted one (1) Yea, ten (10) Nay - the motion was defeated.

Mr. Jason moved denial of proposal because the detriments outweigh the benefits and that the proposal does not address the protection of agricultural property, doesn't address low and moderate income housing

and that there is no possible way to screen the structures.

Seconded by Mr. Alley and Mr. Colaneri.

Mr. Jason also indicated that the community had spent a great deal of money in the area protecting the resources.

On a roll call vote the Commission voted ten (10) Yea, one (1) Nay to deny the application.

ITEM #5 - Possible Discussion - Nashawena Park, Waban Park, Lover's Rock DCPC

Mr. Best suggested moving to ITEM #6.

ITEM #6 - Possible Vote - Nashawena Park, Waban Park, Lover's Rock DCPC

Mr. Colaneri moved to designate the DCPC as presented, duly seconded. On a roll call vote the Commission voted thirteen (13) Yea, zero (0) Nay to approve the designation of the DCPC as nominated.

ITEM #5 - Possible Discussion - Standards and Criteria amendment

Ms. Greene explained the reason for this item and where it would be put in the checklist. She then read the proposed amendment. A discussion of this matter followed.

A discussion of how the concurrence of the Commission would work followed.

ITEM #6 - Possible Vote - Standards and Criteria amendment

Mr. Colaneri moved approval of the amendment to the checklist - Standards and Criteria. - duly seconded.

On a roll call vote the Commission voted twelve (12) Yea, zero (0) Nay with two (2) abstentions (Hall, Alley) to amend the Standards and Criteria.

ITEM #7 - Old Business -

Mr. Early raised a question regarding any further correspondence from Chilmark on the outfall pipe issue. Mr. Clifford indicated that there was nothing new. He had received a package of correspondence from the Cape Cod Commission. A discussion of this matter followed.

ITEM #8 - New Business -

Bill Wilcox discussed the current grant that the Commission had received to work with the towns on public water supplies. He explained the reasons for the grant and the advisory committee that had been formed to work with Mr. Wilcox. He asked for any Commissioners who would be interested in working with that group.

Ms. Greene then appointed the following persons to a Nominating Committee: Linda Sibley; Bob Lee; Alan Schweikert; Tom Sullivan; Mike Donaroma; Lenny Jason; Ann Gallagher; John Early; Jennie Greene.

Mr. Jason asked not to be included.

Ms. Greene then appointed a DCPC Committee:

Linda Marinelli; Lenny Jason; Matthew Vanderhoop; Mike Colaneri; Ben Hall; Alan Schweikert; John Early; John Best.

Ms. Greene then noted that there was a request for a modification of the Magid DRI.

Mr. Best left the room.

Mr. Clifford discussed the original approval of the Magid subdivision and the proposed changes. He then read a letter from the West Tisbury Planning Board which found no problem with the request.

Mr. Jason moved approval of the modification, duly seconded. Mr. Sullivan asked if there was any increase in density. Mr. Clifford explained that the proposed merger would be for corner lots and those with less vegetation.

The Commission then found that the proposed modification was insubstantial and did not require a public hearing. On a roll call vote the Commission approved the requested modification by a vote of ten (10) Yea, zero (0) Nay and two (2) abstentions (Hall, Marinelli).

Ms. Greene then noted that the MVC now had to decide whether the Tisbury Harbor dredging was a DRI or not.

Ms. Taylor discussed each of the past dredging proposals that the MVC had ever reviewed.

A discussion of past Commission practices followed. A discussion of the completeness of the proposal followed.

Mr. Briggs discussed the proposal and how he felt that the MVC should do all to assist the town in getting the proposal through the entire permit process.

A discussion of how the MVC may be able to lessen the impact of the review process on towns followed.

A discussion of whether this proposal would need a permit from the town followed.

Ms Sibley felt that the process could be expedited as soon as the Town has all its items in place. A discussion of these matters followed.

Mr. Colaneri moved that the MVC not accept the proposal as a DRI, duly seconded.

A discussion of the helping of the Town by the MVC followed.

Following the discussion both the second and the motion were withdrawn.

A further discussion of assisting the Town and of being consistent followed.

Mr. Best moved acceptance as a DRI duly seconded. On a show of hands the Commission voted to consider the Tisbury Harbor dredge as a DRI.

Mr. Jason moved to instruct staff to contact the Oak Bluffs Planning Board to establish boundaries for the proposed area of nomination as a DCPC. - duly seconded.

On a voice vote the Commission approved the motion.

Mrs. Marinelli asked for help regarding the Oak Bluffs bulkhead terminal and jetties. Mr. Clifford explained which of the parts should be referred and when.

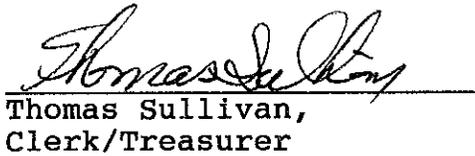
ITEM #9 - Ms. Greene read a letter from Tom Hale expressing thanks for the note of sympathy at the loss of Anne Hale.

There being no further business the Commission adjourned at 11:10 p.m.

ATTEST

  
Jane A. Greene, Chairman

12/17/92  
Date

  
Thomas Sullivan,  
Clerk/Treasurer

12/17/92  
Date

Attendance

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

Absent: Vanderhoop, Lee, Benoit, Clarke, Allen, Bolling, Chapin, Gallagher