

# THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF DECEMBER 17, 1992

## MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Regular Meeting on Thursday, December 17, 1992 at 7:30 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Jane Greene, Chairman of the Commission called the meeting to order at 7:35 P.M. and indicated that the Regular Meeting agenda ITEM #2 would be taken out of order and would precede the Public Hearings.

Ms. Greene introduced Robert Sawyer and Marie Larsen who were the Vineyard representatives to the Vineyard-Falmouth SSA parking Committee.

Mr. Sawyer explained the make-up of the Committee and what its charge and goals were. He discussed the survey which had been done during the past year. He indicated that the results of the survey would be made available as soon as completed. He further discussed the feelings of the permit parkers from the Island. He indicated that he wanted to make sure that the lines of communication were open between the Committee and the MVC.

He further discussed the survey results which were incomplete and thus not really public as yet. The purpose of the Committee was to establish a permanent parking policy. He felt a recommendation might be a permanent advisory committee to advise the Board of Governors on "life style" issues.

Ms. Larsen discussed the survey further and who had received them. She discussed the numbers of returns and who had returned them. She noted that there was a major task before the Committee due to the number of returns.

She discussed the cost of parking permits, the working abilities of the SSA personnel, the loss of vision by the Authority. She discussed possible future pressures on the Woods Hole parking and on the proposed transit loop in Tisbury.

She discussed the various reasons why one would want to have a car in Falmouth. She further discussed some of the comments that people had offered as attachments to the survey.

Mr. Briggs asked when and where the meetings took place. Mr. Sawyer indicated once a month in Woods Hole. He discussed the relationship with the Falmouth representatives.

Ms. Greene thanked them both for their presentation.

The Martha's Vineyard Commission held a public hearing on Thursday, December 17, 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 Development of Regional Impact (DRI):

Applicant: Eleanor D. Pearlson & Julia G. Sturges  
c/o Douglas Dowling  
P.O. Box 1087  
Vineyard Haven, MA 02568

Location: "Old Farm" Project  
off Tea Lane, Chilmark

Proposal: submittal of a Form C subdivision of 8 lots

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice and opened the hearing for testimony at 8:04 P.M.

Mr. Schweikert and Mr. Sullivan both indicated possible conflicts and left the room. Ms. Greene assumed the Chair for the hearing.

Doug Dowling, agent for the applicant, explained the reason for the referral and the plan itself. He discussed the history of the proposal. He noted with minor changes the plan was preapproved and needed 81FF approval from the Planning Board for the ways and utilities. He then discussed past approvals on the site and further noted the recreation lot location. He discussed any road maintenance necessary. He discussed "easement A" and indicated its location and reason for being. He discussed the extinguishment of the easement as far as possible. He noted well and septic locations on each of the lots.

Ms. Greene questioned guest houses. Mr. Dowling indicated that they would all fall within the building zones.

Attorney Bialecki discussed the previous meetings with the Planning Board with respect to density. He noted that there would only be four guest houses allowed, discussed the recreation and open space, a road association agreement, the road upgrading and the location of a pedestrian trail easement which was being offered to the Town. He then discussed the private easement.

Attorney Bialecki then discussed the abutting lands and noted that any proposals would be considered cumulative for MVC purposes. He further discussed this issue. He also indicated that they agreed that the overall density on the abutting lands would be no greater overall than a three-acre density.

Ms. Greene asked which lots may have guest houses. Attorney Bialecki indicated lots 1,4,5 plus a lot to be designated later would be restricted. He indicated that lot 2 may be one that is restricted instead of lot 5 but they wished to discuss the matter further with the Planning Board.

Ms. Sibley raised a question regarding the grouping of the guest houses. Attorney Bialecki indicated that it appeared that the farther

from Tea Lane the better.

Ms. Sibley questioned the moving of the recreational lot and had that been considered. Attorney Bialecki indicated that tennis courts already existed and no discussion of moving them had occurred. Mr. Early questioned any added uses permitted on the recreational lot. Attorney Bialecki discussed the lot and that there had been no discussion of any structures or added recreational uses; there were no plans at this time.

Mr. Hall asked why the matter had been referred. Mr. Clifford explained why he felt it had been referred and that it met the criteria for 'thirty and six'. A discussion of this matter followed.

Mr. Lee asked about the road and whether it served as a driveway for the large abutting lot. Attorney Bialecki discussed who used the road and where it actually went.

Ms. Sibley raised a question regarding the proposed walking trail easement and how far it goes. Attorney Bialecki indicated that it goes only the length of this property and further discussed the issue. A discussion of who has the authority to grant walking trail easement on Old Farm Road followed.

Ms. Greene then called for testimony from town boards.

Phil Smith, Chilmark Planning Board, explained a map he distributed and discussed the relation of the proposal to the surrounding area. He discussed the usage of the abutting property owned by the applicant.

He discussed the impact of the density on Tea Lane and how the Town wished to keep the density low to protect the road. He indicated that the Town wanted to physically block the easement. He discussed the trail offer as well as the limit on guest houses.

Mr. Colaneri questioned whether there were any houses on the abutting lands. Mr. Smith indicated yes there were. A discussion of the closure of the easement followed.

Mr. Smith further discussed the surrounding area.

Mr. Colaneri questioned the use of Tea Lane as access. Mr. Smith discussed additional lots using the road. A discussion of this matter followed. A discussion of Bijah's Way followed. Mr. Smith further discussed the potential density that may use the area.

Mr. Donaroma questioned whether there was a concern for a connecting road to Roth-Woodland Road in the future. Mr. Smith further discussed the problem of vehicular usage of that area.

Mr. Colaneri questioned whether interconnecting roads were a good idea. Mr. Smith discussed protection of natural resources.

Ms. Sibley further discussed density impact on the lots. Mr. Smith further discussed the value of not having guest houses. Ms. Sibley further discussed a voluntary trade of density from one area to

another. Mr. Smith indicated not yet. A discussion of this matter followed.

Mr. Hall raised a question regarding fire support. Mr. Smith indicated that the discussion of some offering was under way.

Russell Walton discussed a possible fire pit on the recreation lot. He further discussed the type of land and any possible water sources in the area.

He then discussed the reason for not having connecting roads.

A discussion of Old Farm Road being a private road followed.

Ms. Greene then called for proponents - there were none.

Ms. Greene then called for opponents - there were none.

Ms. Greene then called for any additional testimony. Richard Johnson, Sheriff Meadow Foundation, discussed the Roth-Woodland property and discussed who did or did not have legal easements over Roth-Woodland Road. He discussed problems of usage in the area and asked that the MVC consider the usage of certain roadways in the area.

Mr. Lee asked if there were any persons present from the Land Bank. A discussion of the relation to the proposal of abutting lands followed.

A discussion of where the access to the lots in the subdivision would be followed.

Ms. Greene called for any additional testimony - there was none. She then asked for final comment from the applicant. Attorney Bialecki noted that the Chilmark Planning Board had voted support for this proposal at their last meeting.

There being no further testimony, the hearing was closed with the record remaining open for one week.

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The Martha's Vineyard Commission held a public hearing on Thursday, December 17, 1992, at 8:00 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, on the following Development of Regional Impact (DRI):

- Applicant: Board of Health  
Town of Oak Bluffs, MA
- Location: off Pennsylvania Avenue  
Oak Bluffs, MA
- Proposal: construction of a solid waste transfer station  
serving more than one community

Alan Schweikert, Chairman of the Land Use Planning Committee, read the Public Hearing notice and opened the hearing for testimony at 9:07 P.M.

Mr. Schweikert called for applicant presentation.

Kenneth DeBettencourt, Oak Bluffs Board of Health, explained the reason why the proposal was before the MVC. He noted MEPA had indicated that no review was necessary. He then introduced the engineers from Whitman and Howard.

Tony Wesphizer of Whitman and Howard, then explained the proposed facility. He indicated that some information was late in arriving at the MVC and asked permission to use the new plans.

A procedural discussion followed.

Mrs. Marinelli asked for a comparison between the old and the new plans.

Mike Toohill of Whitman and Howard, discussed the responses to the issues raised at the LUPC.

He then discussed what had been requested -

- septic plans as prepared by an engineer
- water service to the site
- landscape and planting schedule

He explained the process currently underway at the site regarding cleaning up the area.

- lighting plan
- traffic impact analysis

Mr. Toohill then discussed the issue of ownership of the land and noted that the station had been relocated to avoid the parcel in question.

Tony Wesphizer then discussed how the waste is currently handled and further discussed the purpose of a transfer station. He then explained the various features found in the proposal and how the transfer station would operate. He then discussed how recyclable materials would be handled. He discussed the use of transfer trailers and how the entire operation would function.

He noted that during the winter that there would be seven incoming trucks to the site and one trailer leaving. During the summer there would be twenty-two incoming and six out-going. He indicated that 85% of the Island refuse would be handled.

Mr. Wesphizer then explained the septic proposal and discussed how water service would be provided. He then discussed the operation of the facility and how any water would be dealt with.

Mike Toohill discussed the previous uses of the site. He discussed the screening operation currently going on. He also noted that the site had received site assignment from DEP. He discussed the relation to groundwater and existing topography. He then discussed the ecology and surrounding uses. He then discussed the items on the submittal list item by item. He then discussed the visual and aesthetic aspects of the structure and the site as proposed.

Mr. Toohill then discussed the traffic routing both in and out. He then discussed the relation to the Farm Neck well and the issue of

Zone II.

Mr. Schweikert asked if there was any more presentation. Mr. Clifford asked for a point of clarification due to the changing of the tape - was the facility to be a limited use facility, limited to two towns and a private hauler.

Mr. Toohill indicated a closed facility-two towns plus a private hauler - no one else permitted.

Mr. Schweikert called for a staff report.

John Schilling, MVC staff, discussed the issue of owners unknown. He then reviewed the site plans and the facility proposed. He noted the plans that had not been submitted on time and further discussed the issue of wastewater and drainage. He then cited the various correspondence that had been received.

Richard Rooney, MVC staff, discussed the issue of traffic to and from the site. He explained the impacts that may be encountered at intersections and on existing roadways. He discussed the analysis that had been conducted. He discussed the levels of service at various intersections and found that there were no impacts.

A discussion of the new school site in relation to this proposal followed.

A discussion of any re-routing of beach traffic over County Road followed.

Mr. Hall questioned whether there was any consideration of compacting. Whitman & Howard indicated none.

Bill Wilcox, MVC staff, discussed the issue of impact upon the groundwater. He discussed the potential impact should there ever be a change to the operation of the site or of what was included as a part of the processes. He then discussed the relation to the Farm Neck Zone II area and the reason for any future concern. He noted that the Oak Bluffs Water District was doing a Zone II study at this time. A discussion of this issue followed.

Mr. Schweikert then asked for questions from Commissioners.

Mr. Hall raised a question regarding the type of lighting. Mr. Wesphizer explained the lighting to be used - low cut-off sodium. A discussion of this matter followed.

Ms. Greene questioned what would happen if the boat would not run. The response was that the truck would be covered and stored on-site. It was noted that the trucks were sealed trucks. A discussion of this issue followed.

Ms. Sibley again questioned the lighting and the need for security lighting. A discussion of the area security and the fencing of the site followed.

Mrs. Marinelli again asked about what happens today when the boats are not running. A discussion of this issue followed.

Mr. Alley questioned where the trash would go. The engineers indicated to Semass.

Mr. Jason questioned what the site was assigned for. The engineers indicated any solid waste facility including a transfer station. A discussion of this matter followed.  
A discussion of what future DEP action may be followed.

Ms. Greene questioned how the site was to be prepared. The engineer discussed the composition of the material on-site and how the waste was being shifted from one location to another.

Mr. Schweikert then called for testimony of town boards.

Ken Rusczyk, Finance Committee, discussed the economics of the proposal and noted his committee favored the proposal.

Steve Kenney, Oak Bluffs Selectman, clarified a point on the record: the facility would be open to all towns as well as all private haulers, not just the two towns and one hauler. He then read a letter from the Oak Bluffs Water District favoring the proposal.

David Dunham, Tisbury Selectman, noted a letter had been sent favoring the proposal.

Mev Good, Tisbury Finance Committee, discussed need for best options to be given to townspeople and the savings to tax payers.

Dona Vanderbilt, Oak Bluffs Conservation Commission, discussed the design of the proposal and noted the only concern would be the septic system.

Steve Kenney, Oak Bluffs Selectman, noted the Selectmen were in favor of the proposal and hoped that all towns would review the figures being prepared for comparison purposes.

Mr. Jason asked for a clarification of the process that the towns were going through. Mr. DeBettencourt explained the process and that the votes would be in April. The towns were paid in the District until July 1, after which quarterly payments might be made until proposals were completed.

Mr. Colaneri questioned the financial information. A discussion of a savings of 20 - 30% by going with the new proposal followed.

Mr. Schweikert then called for proponents.

Frank Fenner, private hauler, discussed the proposal and how it would best serve the needs and financial aspects of the people.

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

Mr. Schweikert then asked for Commissioner questions.

Mr. Donaroma asked if the facility would be sized to handle all Island trash. Yes. A discussion of the usage of the facility and how things

may work followed.

Mr. Jason questioned the probability of the state approving more than one transfer station on-Island. A discussion of whether DEP would approve multiple transfer stations followed.

Mrs. Marinelli discussed the issue of withdrawal of other towns from the District. A discussion of the usage of the facility followed.

Ms. Sibley discussed the possibility of more than one station on the Island and asked for the record if both towns had voted to allow other towns to use the facility.

A discussion of the type of vote taken by the Boards of Selectmen regarding usage of the site followed.

Ms. Greene felt that seeing a formal vote by both towns permitting usage of the facility be submitted to the MVC.

Tom Linden, Tisbury Executive Secretary, indicated that a letter would be circulated stating exactly what was being sought. He further discussed the issue of all Island usage.

Mr. Schweikert questioned again whether there could be competing systems on the Island. Whitman & Howard (unidentified) attempted to explain DEP approach to the issue. A discussion of this matter followed.

Ken DeBettencourt discussed the proposal and not other proposals. A discussion of the DEP authority followed.

Mr. Colaneri questioned what the District view of the proposal was and asked for comment.

Bill Shea, Oak Bluffs District representative, discussed the proposal and noted that he supported regionalized answers and discussed the long and short term issues related to this proposal. He then discussed other issues such as hazardous materials and other such items.

Mr. Hall raised an issue of safety regarding the storage of trailers. Whitman & Howard engineer (unidentified) discussed the safety issues.

Mrs. Marinelli questioned whether Mr. Shea was in favor or opposed. He indicated a regional approach was best.

Paul Pickard, Oak Bluffs Board of Health, discussed roll of MVC in entire process. He discussed the alternatives available that have been reviewed and whether the alternatives presented make sense given all other options.

Liz Wild, Tisbury District representative, discussed the negotiations to remove the trash and the need to receive approval prior to moving forward.

There being no further testimony, the hearing was continued to permit the staff to understand the latest information submitted, at 10:54 p.m.

ITEM #3 - Minutes of November 19, 1992  
On a motion by Mr. Early, duly seconded, the minutes were approved as printed with one abstention (Lee).

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

LUPC - Mr. Schweikert discussed the meeting on the review of the Transfer Station. Mr. Jason questioned the lack of a drainage plan.

PED -  
Economic Task Force - Ms. Greene explained the meeting at which taxies were discussed.

Agricultural Task Force - no report

Legislative Liaison - no report

ITEM #5 - Possible Discussion

Written Decision - Daniele DRI.  
Ms. Greene noted that there was a letter requesting a delay in the vote since he would like to meet with the LUPC. A discussion of this issue followed. Mr. Clifford noted that if there were any changes to the plan then there would need to be a return to the beginning of the process. A discussion of this matter followed.

ITEM #6 - Possible Vote - this item was passed over

ITEM #7 - Old Business - there was none

ITEM #8 - New Business

Report of the Nominating Committee  
Ms. Greene noted that the committee had met and the following slate of officers was proposed:

- Michael Donaroma - Chairman
- Jennie Greene - Vice Chairman
- John Best - Treasurer

Mr. Jason moved acceptance of nominations; duly seconded, so voted  
Mr. Jason moved closure of nominations; duly seconded, so voted  
Mr. Jason moved the Chair cast one vote for the slate of officers; duly seconded, so voted

ITEM #9 - Other Business -

Ms. Greene discussed the nominating of names to the Falmouth Committee. She noted that Mrs. Larsen and Mr. Sawyer had offered to sit as temporary appointees. Ms. Sibley indicated she would serve.  
Mr. Briggs asked what the true name of the group was.

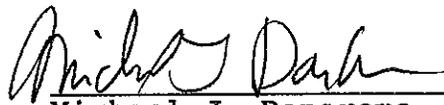
Mr. Clifford indicated it was the Falmouth Water Traffic Committee. All agreed that the appointments were temporary in nature.

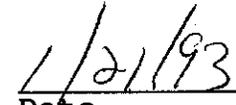
Ms. Greene bid farewell to Ms. Sibley and Mr. Lee as they were not returning to the MVC in the coming year.

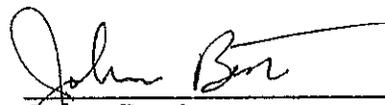
ITEM #10 - Correspondence - there was none

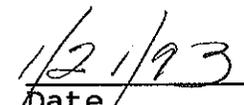
There being no further business the Commission adjourned at 11:05 P.M.

ATTEST

  
\_\_\_\_\_  
Michael J. Donaroma,  
Chairman

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
John Best,  
Clerk/Treasurer

  
\_\_\_\_\_  
Date

Attendance

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

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