

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JANUARY 21, 1993

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a continued public hearing on Thursday, January 21, 1993 at the Martha's Vineyard Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact (DRI):

Applicant: Board of Health
Town of Oak Bluffs

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, (LUPC), read the continued hearing notice and reopened the hearing for testimony at 7:35 p.m.

Mr. Schweikert asked if the applicant would care to further the presentation.

Ken DeBettencourt, Oak Bluffs Board of Health, briefly discussed the proposal and introduced Mike Toohill of Whitman & Howard. Mr. Toohill further explained what was being done at the site, the type of facility and the plans that had been submitted. Mr. Toohill then discussed the grading of the site and how there would be a change as the site was prepared. He then discussed the proposed berm along Pennsylvania Avenue and the proposed landscaping. He discussed the areas of paving and the types of landscaping that was to be put in.

Mr. Schweikert then called for staff comments. John Schilling, MVC staff, discussed the proposal with respect to land ownership, Zone II studies, internal cleaning of the structure and the grading plan. He cited the various inconsistencies in the grading plan and how it would be resolved. He then discussed the landscaping plan and the problem with the selection of red pine and of the size selected. He noted that there had been two pieces of correspondence received. Mr. Schweikert raised a question regarding the drainage. Mr. Schilling explained the problem.

Ms. Greene questioned the type of trees and the size. Mr. Schilling further discussed the landscaping and sizes as well as the proposed berm.

Mr. Schweikert asked for any comments from the applicant. Mr. Toohill discussed the 2 to 1 side slopes and the drainage issues. He further discussed the berm and how it could be constructed.

Ms. Greene asked for the percentage of pavement. Mr. Toohill felt it was approximately 25-50%.

Mr. Schweikert then indicated that he would take comments from anyone present, pro, con or otherwise.

Howard Ulfelder, Chairman, MVRRRD, noted that there had been a letter submitted to the Commission commenting on the last hearing. He noted he was not present to be against the proposal but rather saw the issue as a regional vs a non regional one. He discussed the contents of his comments. He further discussed the cost differences between the District and the new proposal. He felt the issue of cost was not an item of concern to the MVC. He went on to further discuss cost factors. He then compared District figures to those that had surfaced during the public hearing.

He then discussed the contractual agreements of the District. He then noted that the District would be willing to reconsider the Oak Bluffs site as the regional site. He indicated that the opportunity had not been offered. He then discussed the proposed District location.

Mr. Schweikert then called for applicant comments.

Steven Kenney, Oak Bluffs Selectman, felt the proposal was a regional proposal and asked the Commission to consider whether the site was a valid site for a transfer station. He further discussed the issue of Zone II studies, the site, the relationship of the proposal to other towns. He further discussed the regionalization of other matters and felt it was not a question of regional vs non regional.

Frank Fenner commented on the proposal as being as up to date as possible. He then discussed the cost savings factors.

Mev Good, Tisbury Finance Committee, discussed the difference in cost factors.

Kenneth DeBettencourt, Oak Bluffs Board of Health, discussed the issue of costs and the savings that could occur.

Michael Toohill, Whitman & Howard, discussed the issue of Zone II usage for transfer stations.

Tom Linden, Executive Secretary, Tisbury, discussed correspondence from the Selectmen indicating this was a regional effort and discussed the District deficit. He discussed a book he had read regarding this matter.

Howard Ulfelder, MVRRRD, discussed issue of others using the facility and whether it was a regional or central facility.

Steven Kenney noted that all towns had been invited to participate in

the proposal.

Ms. Sibley, MVC, raised a question of how other towns might become part of this proposal and what would the terms of entry and representation be.

Tom Linden indicated that the agreement was still open and that the agreement would discuss proportional representation and trash volumes. He then discussed the issue of profit making.

Mr. Colaneri, MVC, discussed the issue of equal partners. Mr. Jason, MVC, questioned how long down the road would this be valid.

Tom Linden further discussed the issues of capital costs and related matters.

Ms. Greene, MVC, asked if there was a copy of the proposed agreement on file.

Tom Linden indicated that it was still in draft form and needed to be complete before Town Meetings.

Ms. Greene, MVC, further asked about the letter sent to other towns. Mr. Schilling discussed what was in the file.

Tom Linden indicated he thought copies had been sent to the Commission.

Mr. Sargent, MVC, discussed the issue of commitments from all towns.

Ms. Greene discussed various comments she had heard from sources regarding DEP indicating only one transfer station on-Island and felt that a clarification was needed.

Mrs. Marinelli asked that Steve Kenney respond to that question.

Steven Kenney discussed the issue of regional approaches but that DEP could not legally require only one station on-Island and that DEP would prefer to see a regional approach. He further discussed the issue of using the proposed transfer station by the District to lessen costs.

Mr. Schweikert read a letter from the Tisbury Selectmen regarding the transfer station and whether other towns could use the facility.

Steven Kenney noted that all towns had been invited to participate in the facility.

David Dunham, Tisbury Selectman, reaffirmed the letter just read and noted that he had asked that a previous letter be part of record of public hearing.

Mr. Hall, MVC, asked about the use of the facility by the District.

Steven Kenney discussed this issue and whether the District had been involved to date. A discussion of this matter followed. Steven

Kenney noted that certain issues had not been fully discussed. A further discussion of how this issue may work followed.

Ms. Sibley, MVC, questioned how some of the private groups disposed of their site.

Steven Kenney discussed how private groups handled the disposal of waste off-Island and the various facilities that had been visited.

Mr. Briggs, MVC, questioned the cost factors that would result in increases to users.

Howard Ulfelder discussed how contracts were worded with respect to cost increases.

Mr. Briggs, MVC, questioned why the District and the two Towns didn't work together.

Howard Ulfelder indicated a willingness to discuss the matter.

Ms. Greene, MVC, questioned the tonnage matter and how costs were figured.

Kenneth DeBettencourt indicated a rough estimate had been used in discussions.

A discussion of a tonnage figure that was being used for discussion purposes followed.

Mr. Jason, MVC, questioned whether there were certainties for the other towns so that they would not be left out.

Steven Kenney discussed this matter further and related what had occurred in the discussions with private firms.

Mr. Jason, MVC, asked whether the two towns would sit down with the District and talk.

Steven Kenney discussed this matter at length.

Howard Ulfelder discussed the agreement committee that had been established.

Tom Linden discussed the issue of talking together.

David Dunham discussed further the issue of everyone talking together.

Howard Ulfelder further discussed the agreement committee that had been meeting regularly on the voting issue and other matters

Mrs. Marinelli, MVC, discussed the issue of where the proposal for a new agreement stood. She asked for further comment from Steven Kenney.

Steven Kenney further discussed the issue of the site, of town meeting

and related matters.

Kenneth DeBettencourt further discussed the issue of costs to the towns.

Ms. Sibley, MVC, discussed the interests of the other towns and the issue of multiple transfer stations on-Island. She asked if the group would be amenable to a condition related to same.

Kenneth DeBettencourt felt the MVC should approve the plan immediately.

Ms. Sibley, MVC, restated her question. A discussion of the number of transfer stations might be on the Island. A discussion of how to condition an approval followed.

Steven Kenney offered a guarantee that DEP would not approve plan that would be detrimental to other towns.

Mr. Sullivan, MVC, felt that second party conditions were problems and usually caused more issues than not.

Mr. Schweikert felt that wording could be found to satisfy everyone.

Mr. Jason, MVC, further discussed the issue of trying to resolve the problem by meeting to discuss the matter.

Tom Linden discussed the DEP role in the whole picture.

Mrs. Marinelli, MVC, felt it was a waste of time to have a meeting if nothing could be resolved in the past eight months.

Mr. Clark, MVC, suggested an independent unbiased third party to referee, perhaps Dispute Resolution group.

David Dunham discussed the withdrawal from the District and the timeframe.

Mrs. Marinelli questioned whether any matters that may be agreed to have to go before full District Committee.

Howard Ulfelder indicated yes and further discussed the issue of an agreement and how any resolution could be dealt with by the District.

Mr. Hall, MVC, discussed the site in the application and whether there was composting included or not and why the District had chosen their site.

Howard Ulfelder further discussed the matter of MEPA review, composting and related matters. He further discussed a Zone II study for the site.

Mr. Hall, MVC, further discussed the cost factors involved, labor costs, etc.

Howard Ulfelder further discussed this matter.

Ms. Greene, MVC, urged both parties to meet at 5:15 p.m. on Monday to discuss the matter further.

Mr. Sullivan felt that many matters discussed were beyond the scope of the MVC and the proposal should be discussed as presented.

Mrs. Marinelli, MVC, further discussed the Oak Bluffs site, the relation with the District, etc.

Mr. Sargent, MVC, further discussed issue of commitment from agencies that would permit more than one transfer station on-Island.

Mr. Donaroma, MVC, raised a question regarding the potential for discussions between parties involved.

Kenneth DeBettencourt further discussed the issue of costs to towns, the problems of the District and other matters including recycling.

Mev Goode further discussed the cost factor of the District. He discussed a number of items regarding any costs.

Steven Kenney noted that there was already a transfer station on Island in Edgartown.

There being no further testimony the continued hearing was closed at 9:14 p.m. with the record remaining open for one week.

Mr. Best read the public meeting notice regarding the MVC budget for the coming year and turned the presentation over to Norman Friedman of the Staff at 9:27 p.m.

Mr. Friedman explained the budget, the requirements of Chapter 831 and the drafting of the proposed budget.

He discussed how the budget was developed. He noted that the total budget for the town assessments was at a level funding figure.

Mr. Jason stated that the record should reflect the diligent work of the Administrator.

Mr. Friedman discussed the funding sources for the contractual arrangements and what was expected in the coming year. He then went on to explain the various parts of the budget. He further discussed the process for creating the budget.

Mr. Briggs raised a question regarding Gosnold representation. Mr. Friedman explained the role of Gosnold and how they were not within the regulatory purview of the MVC only the planning aspects.

Mrs. Marinelli commended the budget.

Mr. Jason questioned whether there were any complaints from the towns. Mr. Friedman indicated that there were no complaints or

correspondence. He further noted the various meetings that were scheduled with the towns to discuss the matter. A discussion of the West Tisbury meeting followed.

Dona Vanderbilt raised a question of the MVC getting a GIS system and discussed the matter further. A brief discussion of this matter followed.

Ms. Greene again thanked Mr. Friedman for his work on the budget.

Mr. Hall questioned how the estimated revenues compared to the real intake of the Commission.

Mr. Friedman indicated that the Commission was in fairly good shape. Mr. Clifford reminded all that there were still many outstanding legal bills to be paid.

There being no further business the hearing was closed at 9:50 p.m.

Michael Donaroma, Chairman of the MVC, opened the Regular Meeting at 9:51 p.m.

ITEM #1 - The Ceremonial transfer of the gavel took place.

ITEM #2 - Discussion

Mr. Donaroma introduced the two new members -
- William Sargent, Gay Head
- Cynthia Riggs, West Tisbury

Sturges and Pearlson

Mr. Jason moved to ITEM #5 for Budget issues, so moved.

Mr. Jason moved to ITEM #6 for Budget vote, so moved.

Mr. Early moved approval of the MVC Budget, duly seconded. On a voice vote, the Budget was approved.

Sturges and Pearlson

Mr. Schweikert, Mr. Sullivan and Mr. Best left the room.

A discussion of what if anything was outstanding followed.

Mr. Colaneri questioned what had been submitted to the Commission.

Mr. Clifford explained what was relevant to the MVC process and what was not. He then explained the points that were before the MVC as offers from the applicant.

The three items were:

designation of lots for guest houses

accept offer of pedestrian trail to town

offer of abutting lands being cumulative for MVC purposes

A discussion of what would be included in the decision followed.

ITEM #3 - Minutes of December 17, 1992

Mr. Colaneri moved acceptance of the Minutes of December 17, 1992.

The motion was withdrawn to allow for voting on the Sturges and Pearlson DRI.

The Commission moved to ITEM #5.

ITEM #5 - Possible Discussion - Sturges & Pearlson

It was moved to take the issue up under ITEM #6 - so moved.

ITEM #6 - Possible Vote - Sturges & Pearlson

Mr. Jason noted that all issues appeared to be resolved and hoped that the Commission could vote and move on.

Ms. Greene moved approval with conditions, duly seconded.

the Conditions being:

- accept offer of limiting the number of guest houses as outlined during the hearing
- accept offer of pedestrian trail to be offered to the town, maintenance to be by homeowners
- accept offer that any further development on abutting lands would be cumulative for MVC purposes.

A discussion of the maintenance of the trail system followed.

Mr. Clifford asked for a clarification of one of the conditions.

On a roll call vote the Commission voted seven (7) yes, no nays with three abstentions (Clarke, Sargent, Riggs) to approve with conditions the application of Sturges and Pearlson.

ITEM #3 - Approval of Minutes

Mr. Colaneri moved approval of the December 17, 1992 minutes, duly seconded. So voted with 4 abstentions (Clarke, Vanderhoop, Sargent, Riggs).

ITEM #4 - Reports

Chairman's Report - there was none.

LUPC - Mr. Schweikert reported on the meeting of January 11. He discussed the SBS proposal. He then discussed the non regional nature of the Edgartown Water Company, the Island Foods issue, the Wiesner modification and the Airport Business Park.

PED - Mr. Early noted that the Economic Development Task Force had met. Ms. Greene discussed the meeting and the issue of taxi regulations Island-wide. She then discussed the logo contest that Mr. Wilcox had put together. Mr. Wilcox asked all to pick their first three choices that could be used to identify Vineyard products.

A discussion of this matter followed.

Mr. Schweikert raised a question regarding a possible slaughterhouse on-Island. A discussion of this matter followed.

- Agricultural Task Force

Mr. Wilcox further discussed the logo and the new configuration of the Extension Service.

Mr. Colaneri asked for an up-date as to the new offices at the Extension Service location. Mr. Clifford noted that an update would be forthcoming at the next meeting.

A further discussion of the use of a logo followed.

Legislative Liaison - Mr. Clarke discussed the new

legislative session both in Boston and Washington.
A discussion of a position on the issue of fishing on
George's Bank followed.

ITEM #5 - Possible Discussion - Daniele DRI

Mr. Clifford noted that Eric Peters had asked for a meeting with the LUPC on February 1 and had asked for an extension of time before the MVC voted on the written decision.

ITEM #6 - Possible Vote

LUPC Recommendation - Wiesner DRI Modification

Mr. Clifford explained the reason for a modification of the previous DRI. A large lot to be divided into three non buildable lots for estate planning purposes.

A discussion of this issue followed.

Mr. Jason moved that the proposal not be considered a DRI, duly seconded.

A discussion of the location of houses in the area followed.

A discussion of future guest houses or increased density followed.

On a voice note, the motion passed.

Island Food DRI Modification

Mr. Clifford explained the purpose of the modification.

Mr. Colaneri moved that the proposal did not warrant a public hearing, duly seconded.

On a voice vote, the motion passed.

ITEM #5 - Possible Discussion - MVC Budget

Mr. Friedman reviewed the proposed budget for the 1993-1994 fiscal year. A discussion of the budget followed.

ITEM #6 - Possible Vote - MVC Budget

Mr. Jason moved approval of the budget as presented, duly seconded.

On a voice vote, the motion passed.

ITEM #7 - Old Business -

Mr. Clifford noted that the temporary appointments to the Falmouth Task Force needed a slight change. Ted Morgan had indicated a desire to serve thus the members now, if the Commission concurred, would be: Linda Sibley, Ted Morgan, Marie Laursen. All agreed.

ITEM #8 - New Business -

Mr. Clifford noted that the hand-outs were for proposed changes in the MVC Regulations and ByLaws which would be discussed at the February meeting.

Mr. Early asked if there was a new definition of vested interest. A discussion of the latest Ethics Commission rulings followed.

ITEM #9 - Correspondence - there was none.

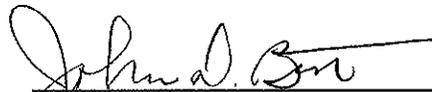
There being no further business, the meeting adjourned at 10:20 p.m.

ATTEST



~~Michael Donaroma,~~
VICE - Chairman JANE. A. GREENE

2/18/93
Date



John Best,
Clerk/Treasurer

2/18/93
Date

Attendance:

Present: Sibley, Best, Briggs, Colaneri, Donaroma, Early, Greene, Hall, Jason, Marinelli, Riggs, Sargent, Schweikert, Sullivan, Vanderhoop, Clarke, Gallagher

Absent: Bryant, Benoit, Allen, Bolling, Chapin