

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557
(508) 693-3453
FAX (508) 693-7894

MINUTES OF AUGUST 19, 1993

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a Public Hearing on Thursday, August 19, 1993 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: Eugene & Barbara Courtney
P.O. Box 266
Edgartown, MA 02539

Location: Main Street
Edgartown, MA

Proposal: renovation of commercial structure on second floor into twin cinemas qualifying as a DRI since the proposal is for the intensification of use/change in a commercial structure having a floor area greater than 1,500 sq.feet.

There being a quorum present, Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice and opened the hearing for testimony at 8:08 p.m.

Gino Courtney, applicant, introduced those present with him, his wife Barbara, Architect Gordon Greenfield and President of Cinema Entertainment, Bill Haynes. He showed the plans.

Gordon Greenfield discussed the plans and indicated what was present on the site and what was being proposed as a change. He noted the increase in height, the manger's apartment and the reason for its location in the front of the building and various comments that have been offered by the Historic Commission.

Mr. Sargent asked about the height of the existing structure. A discussion of this matter followed. The new building is to be 32 feet high.

A discussion of meeting Edgartown Historic District Commission regulations followed.

Bill Haynes discussed the operation of the cinemas. He discussed the internal design of the cinemas, the use of elevator, concession stand. He discussed a year-round operation seven days a week if business warrants.

Ms. Greene asked about any correspondence from the Historic Commission. Mr. Courtney indicated that he had a letter from them and

he then read the same.

He noted that he had information available on the cinema operations off-Island and a number of letters of support plus a number of petitions in favor of the proposal. He then submitted an engineer's report regarding run-off from the roof.

Ms. Sibley asked where the air conditioning unit would be located. The architect indicated where on the roof they would be put. A discussion of the size and noise of the air conditioners followed.

Mr. Greenfield discussed the potential heating units and the possible use of heat pumps.

Mrs. Marinelli questioned the capacity - 395 was the figure given.

Mr. Donaroma questioned whether it was to be year-round. Yes, was the response. A discussion of a need for year-round service followed. A discussion of how it may operate followed.

Mr. Sargent raised a question regarding alternatives to roof top units for ventilation. A discussion of the lack of alternatives available followed.

Mr. Jason questioned when the project might start. Mr. Courtney indicated as soon as all permits were in hand.

Mr. Clark discussed the parking issue and how it would be resolved. Mr. Courtney indicated that parking in part was to be settled during the Board of Appeals hearings.

Ms. Sibley called for a staff report.

Mr. Schilling, MVC staff, used an aerial photo to locate the proposal and then reviewed the plan.

A discussion of a rent-free agreement for the theater and apartment followed.

Mr. Schilling continued with the review of the application. He noted that there was no lighting plan; he discussed the studies that had been done and the review thereof. He then discussed drainage and signage, handicapped accessible, affordable housing and correspondence received.

Mr. Schweikert questioned the rent-free apartment for a manager.

Mr. Courtney indicated that it would hopefully be an Edgartown resident who took the job.

A discussion of the restaurant on the first floor followed.

Mr. Sargent questioned the capacity of the former theater in the Town. A discussion of this matter followed.

Mr. Clark questioned whether the theater could be used rent-free by the Town boards or departments. Mr. Haynes indicated that this was their standard practice. Mr. Jason requested the policy be submitted in writing.

Ms. Sibley questioned whether Mr. Wessling of the staff would be

available in the near future to discuss the traffic review. A discussion of this issue followed.

A discussion of the traffic review by staff followed.

Ms. Sibley then called for Town Board testimony.

Ted Morgan, Edgartown Selectman, indicated that the Board was in favor of the proposal. He further discussed the attempts to rejuvenate the downtown area. He noted that there was a great deal of support in town for the proposal. He hoped it could be approved as soon as possible and that the parking issue be referred back to the Town boards for resolution. He further discussed traffic issues in the downtown area.

Ms. Sibley then called for testimony in favor of the proposal. Bob Morgan spoke in favor; the attractiveness of the plan and felt it would be an asset to the Town.

There being no other proponents, Ms. Sibley then called for opponents. Benjamin L. Hall, Sr. read a letter for the record which discussed his original proposal for a theater. He discussed the intensity of use, visual impact and other issues. He discussed the need for waiting areas for patrons, parking and the like. He discussed traffic mitigation and what had been offered in the past. He discussed the intensity of usage in comparison to the Zoning Ordinance. He then read a portion of the MVC policy plan with respect to town character. He then discussed the facade presentation of the applicant as to accuracy.

Ms. Greene asked the owner of an abutting building what the height was - 26-27 feet was the answer.

Ted Morgan, Selectman, discussed the height requirements of the Zoning Ordinance and where the entrance to the proposal was.

Brian Hall, Edgartown resident, discussed the proportion of the adjacent structures and felt that the presentation was distorted.

John Novak, owner of abutting building discussed the buildings in general.

Ms. Sibley then called for testimony from anyone else. She then asked the applicant for any final comments. Mr. Courtney discussed the waiting areas for patrons and where they were located. Mr. Haynes discussed staggered shows and the size of the screens. A discussion of this issue followed.

Mr. Best questioned whether there was a stage. A discussion of how they could be used for meetings followed.

Mr. Sargent asked if it would be possible to have a correctly scaled facade submitted. A discussion of this issue followed. Mr. Greenfield indicated that it could be done.

Althea Morgan, Edgartown resident, discussed how many years the Town had waited for a theater.

Ms. Sibley discussed the matter of having Mr. Wessling explain the traffic review. Mr. Colaneri felt the Town could easily deal with the traffic issue.

Ms. Greene suggested the hearing be closed.

There being no further testimony, the hearing was closed at 9:28 p.m. with the record being kept open one week.

The Commission took a brief recess.

Mr. Donaroma reconvened the meeting at 9:40 p.m. He moved to ITEM #8 on the Agenda.

ITEM #8 - New Business -

Daniele antique shop - DRI or not

Paul Daniele explained what he wished to do in the barn - sell antiques and art.

Mr. Colaneri asked if it was allowed by zoning. Mr. Daniele indicated he was before the Board of Appeals.

A discussion of whether the proposal would be a DRI under any other item on the Checklist followed.

Mr. Hall moved that the item not be considered a DRI and not review it, duly seconded. A discussion of the motion followed.

Mr. Jason discussed the past history and recent decisions regarding the site in question.

Ms. Greene raised a question of any Board of Health involvement. Mr. Jason further questioned the appropriateness of retail usage. A discussion of this matter followed.

Ms. Sibley questioned whether the special permit had been sought. A discussion of this matter followed.

Mr. Sargent discussed the issue of what constituted retail space. A discussion of this matter followed.

Mr. Donaroma further discussed the character of an antique shop in rural areas.

Mrs. Marinelli questioned what else could be sold.

Mr. Early discussed the roll of the ZBA and what they would be looking at.

Mr. Sargent discussed the consistency of such uses with the local scene.

Mr. Colaneri discussed a flea market proposal that had been here before and how the Town had handled it.

Ms. Sibley expressed her feeling that usage in a building was not

comparable to subdivision.

Mr. Donaroma noted that the MVC was concerned with substantial changes or amendments.

On a roll-call vote the Commission voted 11 yea, 1 nay with 2 abstentions (Sargent, Donaroma) that the proposal was insubstantial enough not to warrant MVC review.

ITEM #8 - Request - Attorney Magnuson

Ms. Sibley read a letter from Attorney Magnuson regarding materials originally submitted by Seagate, Inc. and its usage by others. She then read a response from the Executive Director regarding this matter.

A discussion of this matter followed.

The Commission voted to have the Chairman send a brief note to Attorney Magnuson indicating that the Commission fully supported the response of the Executive Director.

ITEM #2 - Discussion - passed over

ITEM #3 - Minutes of August 5, 1993

It was moved and seconded to approve the minutes as written - so voted (abstention - Clarke).

ITEM #4 - Chairman's Report -

Mr. Donaroma introduced Richard Thibedeau of DEM, former MVC Commissioner, who was visiting the Island. Mr. Thibedeau discussed the contractual arrangements with the MVC. He noted that the CZM, DEM and MVC will be meeting monthly to discuss matters of mutual concern.

LUPC -

Ms. Sibley explained the meeting that the Committee had with a group thinking of creating a large scale retirement community for elderly. A discussion of this meeting followed.

PED - no report

Agricultural Task Force - no report

Legislative Liaison -

Mr. Clarke reported on a number of bills that are making their way through the Legislature. He also discussed a circuit rider program that had been established by CZM to help communities with the permit process. A discussion of various bills and their meaning to towns and the Commission followed.

ITEM #7 - Old Business -

Mr. Clifford discussed recent correspondence from Herring Creek Trust. A discussion of pending litigation followed.

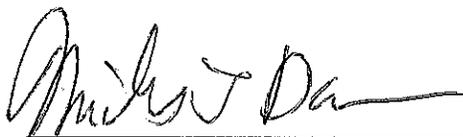
ITEM #8 - New Business

Mr. Clifford asked the Commission to extend congratulations to Karl Heckler on his retirement from the Berkshire County Planning Commission - so voted.

Mr. Clarke noted that the MVC contract had been signed and was now in effect.

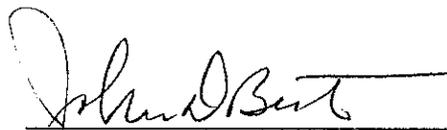
There being no further business, the meeting was adjourned at 10:20 p.m.

ATTEST



Michael J Donaroma,
Chairman

8-19-93
Date



John Best,
Clerk/Treasurer

8-19-93
Date

Attendance

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

Absent: Kirk, Bryant, Riggs, Allen, Bolling, Gallagher