

THE MARTHA'S VINEYARD COMMISSION

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

MINUTES OF DECEMBER 2, 1993

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 2, 1993 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: Jesse Steere III
Box 326
Vineyard Haven, MA

Location: off State Road
Vineyard Haven, MA

Proposal: Construction of a retail building qualifying as a DRI since the proposal is for a structure with a floor area greater than 2,000 sq. ft.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the Public Notice, and opened the hearing for testimony. She then called upon the Applicant for his presentation.

Glenn Provost, agent for Applicant, presented the proposal. He discussed the location of the site, its characteristics and what the proposal was for the site. He further discussed the site plan as proposed, the handicapped access, drainage proposal, the site grading. He then discussed the proposed landscaping and lighting and the area where natural vegetation would be left.

Jesse Steere discussed the design of the building and how it would be laid out inside. A discussion of the exterior look of the front of the building followed. Mr. Steere noted that the front would be shingled.

Ms. Riggs questioned the exact location of the site. Mr. Steere further discussed the site with respect to the surrounding area.

Mr. Schweikert questioned the relation of the site to the Tisbury proposed access roadway. Mr. Steere discussed the matter as did Mr. Provost. A discussion of any possible easement offer followed; the applicant indicated that he would offer same.

Ms. Greene questioned the number of employees. Mr. Steere indicated the same number as present; all Islanders.

Mr. Hall asked if there was a full basement. Mr. Steere explained

where the door and elevator access was.

Mr. Best questioned the appearance of the sides of the building. Mr. Steere explained what the siding would look like and the paint color proposed.

A discussion of the size of the retail and storage areas followed.

John Schilling, MVC staff, discussed the staff report. He discussed the change proposed for the curb cuts. He also discussed the surrounding land uses. He then discussed the various comments received from town departments. He then discussed the parking and pedestrian circulation on-site. He discussed the issue of affordable housing and what the applicant had suggested. David Wessling, MVC staff, discussed the State Road Corridor Committee work on a by pass road. He then discussed the potential level of service estimated for the site. He felt that a level C or level D service would be expected and further explained why.

Ms. Riggs questioned whether there were trade offs between present traffic flows at existing location and new location. A discussion of this matter followed.

Mr. Sullivan questioned a report noted in the staff notes. A discussion of this matter followed.

Ms. Sibley questioned the traffic flow numbers and how they related to the project. Mr. Wessling explained how the proposal was reviewed using ITE numbers.

Ms. Greene questioned the number of potential customers. Mr. Steere noted that 600 customers were the most in one day that he could recall.

Mr. Wessling discussed the view of the building with respect to the surrounding area using computer imagery. He discussed the visual impact potential.

Ms. Sibley questioned where the locations were of the existing vegetation. A discussion of this matter followed.

Mr. Hall questioned whether the proposed access was directly opposite of the Cronig entrance. A discussion of this matter followed.

Mr. Schilling read a letter from VCS regarding the proposal. Ms. Sibley then called for testimony from Town Boards.

Tristan Isreal, Tisbury Planning Board, discussed the proposal with respect to zoning, the size of the building and the look of a metal building. He discussed the character of the general area and the need to be aware of careful landscaping. He discussed the relation of the proposal to the proposed access road. He then discussed the issue of traffic. He then discussed the long term aesthetics of the building.

Mrs. Marinelli asked if Mr. Isreal was speaking for the board also. Mr. Isreal indicated both as an individual and for the board.

Ms. Greene discussed the entrance and parking which were to the rear of the structure.

Mr. Donaroma raised a question regarding the parking in the front. Mr. Isreal felt that it would mean moving the front parking.

Ms. Sibley then called for testimony in favor of the proposal.

Gary Fauteux, handicapped access monitor, spoke in favor of proposal with better access for handicapped persons.

Louis Giordano, owner of Louis', spoke in favor of location and discussed the possible access road.

Steve Bernier, owner of Cronigs, spoke in favor and discussed the position of the building, the landscaping and possible phasing of the latter.

Ms. Sibley then called for opponents - there were none. She then called for any additional testimony - there was none.

Ms. Sibley then called upon the applicant for any final comments. Mr. Steere and Mr. Provost discussed the proposed access road and other issues.

Mr. Hall questioned the lighting in the rear. A discussion of this matter followed.

Mr. Schweikert asked for comments regarding siding. Mr. Steere discussed this matter further. A discussion of this matter followed

Ms. Sibley questioned the location of the large tree in the front. Mr. Provost indicated that it was in the state ROW. A discussion of other trees on the site followed.

There being no further testimony the hearing was closed and the record was kept open for a week.

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 2, 1993, at 7:35 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, on the following Development of Regional Impact (DRI):

Applicant: Hugh Taylor
RR 1, Box 171
Gay Head, MA

David Thompson
P.O. Box 510
Chilmark, MA

Location: Menemsha Harbor
Gay Head - Chilmark

Proposal: Operation of a bicycle ferry service across

Menemsha harbor to and from Gay Head and Chilmark qualifying as a DRI since the MVC has so designated pursuant to § 14(e) of Chapter 831.

Ms. Sibley read a note from the Executive Director regarding the David Thompson application and a pending court case. Since ZBA has denied proposal, then a withdrawal is suggested pending settlement or a zoning change proposed for town meeting.

Catherine Kittredge, David Thompson's wife, discussed the matter and questioned how quickly the MVC could act once the zoning issue was resolved. She noted that she was not sure how to proceed.

A discussion of the applications and their status followed.

A discussion of how the referral was made to the Commission followed. A discussion of how the entire town vote took place and when followed. Ms. Kittredge explained what was appealed and what was allowed.

Ms. Sibley indicated that she saw no harm in hearing the application and that the applicant could withdraw prior to any decision. A discussion of how to proceed followed.

A discussion of the past history of the Thompson operation in Chilmark followed. A discussion of continuance followed. It was decided to hear the Hugh Taylor portion first.

Hugh Taylor, applicant, explained how his lease worked in the Town of Gay Head. He then discussed the background of the referral and how it came to the MVC. He discussed his potential impact on Chilmark.

Mr. Taylor then discussed his operation, location and visibility. He described the type of vessel and the hours of operation - roughly 7 a.m. to 7 p.m. He noted that local children also used the service to get from one town to the other.

Mr. Hall questioned whether passengers alone were carried. Mr. Taylor noted that his lease with Gay Head required that town residents travel for free to get to stores in Menemsha.

He indicated that he did not care to carry passengers. A discussion of beach access followed.

Ms. Bryant questioned handicapped access and parking. Mr. Taylor noted that he felt the users parked in West Basin on the Gay Head side but rarely carried passengers from Chilmark who had come by car. He then discussed the issue of handicapped access.

A discussion of access to the beaches in Gay Head followed and Mr. Taylor noted that parking was a major issue.

Mr. Briggs questioned whether the lease prohibited passengers. Mr. Taylor discussed the issue further.

Ms. Greene questioned if a survey could be done to determine how

people got to Menemsha. A discussion of this matter followed. A discussion of the use of North Road and South Roads for bikes followed.

Mr. Schilling, MVC staff, gave the staff report and discussed the operation of the proposal. He then discussed the issue of parking in West Basin and Menemsha.

Mr. Schweikert questioned whether there were shuttle buses in the area. Mr. Schilling indicated no. A discussion of this matter followed.

A discussion of the number of parking spaces available in the Menemsha area followed.

Ms. Sibley questioned whether there was a need for urgency on a decision. Mr. Taylor indicated no for any needed signage and maps. Ms. Sibley discussed the possibility of a continuance. A discussion of this matter followed.

Ms. Sibley decided that it would be best to take testimony only from those who were here to comment on the Taylor DRI and then continue the hearing.

A discussion of procedural matters relating to the separation of the two DRIs followed.

Ms. Kittredge noted that she would be away for two months. Ms. Sibley permitted her to present her testimony. Ms. Kittredge discussed the operation of the Taylor proposal, the type of vessel, the licenses required, the handicapped access and other related matters.

Mr. Best questioned the use the previous season. Ms. Kittredge indicated about 2,000 w/bikes and maybe 75 without from Memorial Day to October 15. A discussion of any differences between the two operations followed.

Ms. Sibley questioned the issue of parking. Ms. Kittredge noted that they were negotiating for off site parking somewhere off North Road.

Ms. Sibley then called for town boards.

Herbert Hancock, Chilmark Selectman, spoke for the Board. He felt that parking was the main issue and hoped that it could be restricted to bicycles only and perhaps small children. He also hoped that bikes would use North Road and stay off South Road.

Ms. Greene raised a question regarding annual licensing.

A discussion of this matter followed. He indicated that an annual review would be fine.

Ms. Bryant questioned the point of unloading and should they be similar. A discussion of this matter followed.

Ms. Greene asked if there were objections to pedestrians using the service such as pedestrians using the store. A discussion of this matter followed.

Mr. Colaneri questioned where the ferries would go. A discussion of this matter followed.

Mr. Schweikert questioned whether the Selectmen favored the Chilmark service. Mr. Hancock indicated no. In response to a similar question regarding the Gay Head service he felt they would live with it.

A discussion of what the ZBA had done followed.

Ms. Sibley asked for clarification regarding the Gay Head service. Mr. Hancock indicated that the Chilmark Board of Selectmen didn't believe that such a use should occur there because of location and traffic. He hoped that the Gay Head service could be restricted to bicycles only.

Mr. Schweikert questioned whether the Gay Head Selectmen favored the proposal. A discussion of this matter followed.

Ms. Sibley then called for testimony from the public in favor.

Dorothy Packer, Menemsha Market, noted that many bikers were pleased to find such a service and discussed the issue of parking. She indicated she was in favor of the use.

Ms. Sibley then called for testimony in opposition - there was none. She then asked for any other testimony - there was none.

Ms. Sibley then asked for any final comments. Mr. Taylor indicated he would have no problem with a limit to bicycles only.

A discussion of continuation of the hearing followed.

Ms. Sibley then continued the hearing to a date to be noticed in the future.

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 2, 1993, at 7:36 p.m. in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs on the following Development of Regional Impact (DRI):

Applicant: R.M. Packer
Tisbury Wharf Co.
Tisbury, MA

Location: Beach Road
Tisbury, MA

Ms. Sibley read the public notice and explained that the Tisbury Conservation Commission had originally referred the proposal to the MVC under Item #14b of the Checklist, a week later added item #1 and after the posting of notice had withdrawn Item #1 but left Item #14b. She then read Item #14b.

A discussion of procedural matters regarding the hearing followed.

A discussion of what had previously been referred and what had been decided in the past followed.

A discussion of what had occurred at LUPC followed.

Ms. Sibley called upon the referring town board to comment.

Tristen Isreal, Tisbury Conservation Commission, discussed the thinking of the Conservation Commission with respect to the utility lines and the septic system. He discussed the changes that appeared on the plan and felt they fall within the scope of item #14b.

Mr. Sullivan raised a procedural question regarding concurrence. A discussion of this matter followed.

Mr. Best, speaking as a Tisbury Conservation Commission member, discussed the past votes taken on the previous proposals.

Ms. Sibley asked the applicant to explain what he wished to do. Glenn Provost, agent for R.M. Packer, explained what had happened in the past. He discussed the utility plan and how it related to the previous proposal. He discussed the return of power to the existing dockage. He further discussed the originally proposed septic system and how the holding tanks related to the proposal and the possibility of sewers in the future. He noted that the trenching was to place the utilities underground.

Ralph Packer, applicant, discussed the wishes of the Board of Health with respect to the elevated septic systems. He discussed the need to meet various rules of the Town and the Coast Guard and wanted to be in conformity. He further explained what the utilities would consist of. He then explained what had existed previously. He discussed what he anticipated each of the present docks would be used for. A discussion of what each of the docks were currently used for followed.

Ms. Sibley then noted that the meeting was a public hearing and explained what the issues were. She then read Item #14b of the Checklist.

John Best, Tisbury Conservation Commission, discussed the past history of the various activities on the site. He discussed the incremental nature of the development that was occurring and the need to consider whether there was any regional impact of the whole. He discussed the cumulative nature of all of the proposals. He discussed the view of the Conservation Commission and the overall impact of development.

Ms. Sibley then asked for any other town boards who wished to testify - there were none.

She then called for testimony from the public - there was none.

Tristan Isreal asked the MVC to consider the changes to the utilities and felt that the public should have some input. He then discussed

the issue of holding tanks and whether they were allowed or not. Ms. Sibley asked if Mr. Isreal felt there was an increase in intensity of use of the pier. He felt he could not respond and indicated that he felt the second part of § 14b was important.

Mr. Colaneri discussed the proposal and felt that the project was rather insignificant in the whole harbor picture.

Ms. Sibley asked for final comments from the applicant. Mr. Packer discussed the change to the septic proposal and what had been requested by the Board of Health. Mr. Provost discussed the numbers of public meetings that had been held on this site proposal over the years.

There being no further testimony, the hearing was closed.

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 2, 1993, at 7:38 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on issue of designation of a proposal as a Development of Regional Impact (DRI).

Applicant: Leo Convery
P.O. Box 1318
Edgartown, MA 02539

Location: off Edgartown - Vineyard Haven Road
at the Triangle, Edgartown, MA

Proposal: Conversion of a commercial building to movie theater.
Designation requested by Board of Selectmen

Michael Donaroma, Chairman of the Martha's Vineyard Commission read the public notice and noted that Ms. Sibley had removed herself from the meeting and left the room. He then called upon the Selectmen for their reasons for referral.

Ted Morgan, Board of Selectmen, discussed the feelings of the Board that it was not just a change of use but there will be additional problems created for the neighbors associated with the proposed use. He felt that this proposal should go through the process as other similar proposals for theaters have. He also discussed the conflicts that existed on the Planning Board and noted that this also was a reason for referral. He noted that many had hoped that the theater would be in the downtown area.

Mr. Briggs questioned what the conflicts on the Planning Board were. A discussion of this matter followed.

George Piper, Board of Selectmen, discussed his feeling with respect to two theaters in the Town. He felt that it was not a DRI.

Mr. Donaroma then called for comments from the possible applicant. Carol Borer, agent for Mr. Convery, discussed the property location,

the building and its size and usage. She then discussed the proposed changes to the structure. She noted the times of operation proposed, 5:00 p.m. to 11:30 p.m. She then discussed parking issues. She then discussed the relationship of the proposal to the trolley shuttle and the rest of the B-II area.

Mr. Colaneri questioned which item the proposal had been sent to the MVC. Mr. Donaroma noted #1.

Ms. Borer indicated that the applicant felt that this was a local matter and had no impact upon the region since it already existed and was merely a change of tenant.

Mr. Donaroma then called for testimony from town boards - there was none.

He then called for testimony from the public.

Norman Rankow discussed the past work of the Planning Board in making movie proposals a special permit. He personally felt a movie theater should be down town and felt that the economy should dictate where such theaters would survive.

Terese Shea, abutter, spoke for a number of abutters. She discussed the potential impact upon the neighborhood of a movie theater. She felt that the proposal needed to be reviewed as a DRI. She discussed traffic and the usage of the local roads. She discussed potential Board of Health issues with respect to Lily Pond well area.

Mr. Donaroma then called for any final comments from the applicant.

Ms. Borer summarized the feelings of the applicant and asked that any correspondence on this matter be read.

Mr. Donaroma read the letter from the Planning Board regarding the matter. He then read a letter from Richard O'Neil regarding this matter.

Mr. Donaroma then noted that the conflicts within the Planning Board had been taken care of as two members had stepped down and the third no longer had any conflict.

A discussion of various State Ethics Commission policies followed.

There being no further testimony, the hearing was closed.

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 2, 1993 at 7:39 P.M. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, on the issue of designation of the following as a Development of Regional Impact (DRI):

Applicant: Peter Sharp
Box 351
Westport Point
Newark, MA 02791

Location: North Water Street
Edgartown, MA

Proposal: Construction of a single family residence
Designation requested by Board of Selectmen

Linda Sibley, Chair of the LUPC, read the public notice and opened the hearing for testimony. She called upon the Selectmen for their testimony.

Ted Morgan, Board of Selectmen, discussed the history of the lot, the past approval granted and the litigation that followed. He discussed the scenic vista of the area and how the charm of the Vineyard related to the vistas experienced. He discussed how the town would like to see the usage should maintain the vista while permitting the construction of a structure.

Ms. Sibley then called upon a representative of the applicant to give testimony.

Ken Hurd, representing Mr. Sharp, discussed why the proposal should not qualify as a DRI. He discussed the issue of the view preservation. He then discussed the method of referral and felt the town had all the mechanisms in place to deal with the matter.

Ms. Greene asked about the number of rooms proposed. Mr. Hurd indicated six. She then asked about the height. Mr. Hurd indicated 18 feet.

A discussion of what other boards were involved in the review followed.

Mr. Schweikert questioned whether the structure could be built in the suggested location. Mr. Hurd discussed the issue of flood plain locations, insurance issues and the like. A discussion of aesthetic desirability of the lower location followed.

Mr. Hurd noted that the proposal would be of 900 square feet.

Mr. Hall asked about the site, the lot lines and the view areas. Mr. Hurd discussed the proposal with respect to the surrounding areas, the nearest abutters and the specific location of the proposed site. Mr. Hurd then showed a picture from the Harborview during the last hurricane.

A discussion of whether the rules and regulations had changed for the area followed. A discussion of meeting building codes followed.

A discussion of the style of structure followed.

A discussion of the previous submittal and DRI followed.

George Piper, Selectman, discussed his feelings on the proposal and how he felt the proposal should have the right to move forward.

A discussion of what town counsel had said regarding this matter followed.

Ms. Sibley then called for testimony from the public regarding this matter.

Brian Hurley, representing an abutter, discussed the matter of a more in depth review process and indicated that his clients wished to have such a review undertaken. He then discussed the previous referrals and when the lot was sold and summarized the court decision on the past referral.

Jay Barbado, abutter, submitted a petition for the record and felt that the proposal should be a DRI.

Peter Lawson-Johnson, neighbor, discussed the impact of the proposal on the public and felt the proposal was a DRI. He felt the previous judgement on the same lot was still valid.

Ms. Sibley then asked if there were any others who wished to testify.

Ellen Kaplan, representative of Peter Sharp, Sr. estate, explained who the applicant was and what involvement, if any, he may have had with the purchase of the lot.

Ms. Sibley then called for any final comments.

Mr. Morgan discussed the concern of a number of persons in town.

Ms. Sibley questioned the number of letters received. Mr. Schilling noted 18.

There being no further testimony the hearing was closed.

Michael Donaroma, Chairman of the Commission, asked if there were any volunteers for the nominating committee.

Mr. Best volunteered as did Linda Sibley, Kirk Briggs, Jennie Greene and Michael Donaroma.

A discussion of procedural matters followed.

ITEM #3 - Approval of Minutes

On a motion by Ms. Sibley, duly seconded, the Minutes of October 14, 1993 were approved as printed.

On a motion by Mr. Colaneri, duly seconded, the Minutes of October 21, 1993 were approved as printed.

On a motion by Mr. Colaneri, duly seconded, the Minutes of November 18, 1993 were approved as printed.

ITEM #2 - A procedural question on why certain votes needed to be taken followed.

Discussion - Leo Convery - Movie Theater

Mr. Donaroma indicated what the Edgartown Planning Board felt it could deal with.

Attendance

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

Absent: Sargent, Clarke, Allen, Bolling, Chapin, Gallagher