

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF DECEMBER 16, 1993

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a continued public hearing on Thursday, December 16, 1993 at 7:30 p.m. at the Whaling Church, Lower Level, Main Street, Edgartown, MA regarding the following Development of Regional Impact (DRI):

- Applicant: Herring Creek Farm Trust
c/o General Investment and Development Co.
600 Atlantic Avenue Suite 2000
Boston, MA
- Location: Slough Cove Road
Edgartown, MA
- Proposal: Subdivision of 215 acres into 54 lots plus one private club qualifying as a DRI since the proposal is for the division of a related ownership of land into ten (10) or more lots.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the continued Public Hearing Notice, opened the hearing for testimony, at 7:40 P.M. She noted that the previous meeting had adjourned during the public input portion of the meeting and indicated that this hearing would begin then.

Ms. Sibley then called for testimony from the public.

Rob Culbert, local ornithologist, discussed the testimony that had been presented and the completeness of some of the inventory work. He then discussed the various species of birds that he had observed on the site. He then compared his listing with that provided by the consultant, by himself and those found jointly and the differences therein.

He then indicated that there were some 123 species of birds living on the site and indicated that roughly one-third of all species found on the Island could be found on the site. He indicated that there were roughly fourteen state-listed species found on the site. He felt the site was a valuable birding site.

Ms. Bryant questioned the difference between state-listed and endangered species. Mr. Culbert discussed the categories of state-listed species and the relation to the endangered species list.

Kathy Brennen, League of Women Voters, read statement from the League opposing the development of the site. She felt the plan for Herring

Creek Farm fell below the standards of the land use position of the League.

Richard Johnson, Executive Director, Sheriff's Meadow Foundation, reviewed major opposition points which had been submitted previously. He indicated possible damage to the shorelines of both ponds and indicated that the sandplain restoration would not prove ecologically significant or viable. He then discussed the impacts on the pond environments. He discussed the skepticism with which the environmental community viewed the proposal. He then discussed edge habitats and open habitats. He discussed the relationship of edge habitats on sandplain grasslands.

He then discussed the reasons for the differences between local conservationists and the hired experts. He felt that they had little experiences with sandplain grassland areas. He also felt that their experience on the Vineyard was very limited and their unfamiliarity hurt them. He discussed the reports that had been presented and what was wrong with the investigation.

He then further discussed the support given to the original plan and how it had altered after meeting with local environmentalists. He felt implementation of such a plan would be detrimental to the site and the sandplain restoration proposed.

Ms. Sibley questioned certain comments about viability of certain areas.

Mr. Johnson further discussed the sandplain grassland habitat and its functioning.

There being no further testimony, the Applicant was asked to give the closing summary.

Ms. Shortsleeve indicated that Steve Smith would speak to groundwater matters, William Mueller to on-site sewage disposal, Peter Auger to wildlife and biological issues, Dave Hirzel to planning issues, counsel on behalf of the Trust and she would sum up the whole matter.

Mr. Sullivan questioned whether the team had any experience in sandplain restoration. Peter Auger indicated no and further explained how the team members were chosen. He further discussed the team members relationship to sandplain grassland restoration.

Mr. Sullivan questioned whether the restoration could be handled by the team. Mr. Auger felt that they could.

Ms. Riggs discussed lack of input from local scientists and questioned why. Ms. Shortsleeve explained why various local scientists had not decided to participate.

Steven Smith, hydrologist, noted that he stood by his original report and went on to explain why.

He went through his presentation using a series of overhead projections.

A discussion of the high nitrate readings shown on several months followed. A discussion of groundwater flows and nitrate

concentrations followed.

William Mueller, regional professional engineer, discussed his background as an expert knowledgeable about on-site disposal systems. He then discussed systems operations, flows, Title V and other related matters.

The Commission then took a brief break at 9:15 p.m.

The Commission reconvened at 9:35 p.m.

Peter Auger discussed the biological team and then discussed some of the management plan issues. He discussed the methodology used to perform the inventory. He further discussed some of the management proposals and the viability of them. He talked about the potential success of the management plan and the protection of open space.

David Hirzel, Sasaki, discussed the related planning issues regarding the proposal. He discussed the gifted land, the traffic issues, grasslands restoration and other points.

Ms. Greene questioned where the unclear title lands were. Mr. Hirzel showed where those lands were on the subdivision plan.

Christopher Milton of Mintz, Levin, Cohen, Ferris, Glovsky and Popeo, counsel for the Trust, discussed inconsistencies in the dealings of the Commission. He further discussed various activities around the site which were disruptive to the site. Attorney Milton then discussed the environmental soundness of the plan vs other activities in the general area.

Ms. Shortsleeve then discussed the process and thanked those present for their time. She further discussed generalities of the plan. She then discussed the benefits of the plan as presented. She then discussed the issue of sustainable design, the relation to Chapter 831 and compliance with local ordinances.

There being no further testimony, the hearing was closed at 10:02 p.m. with the record remaining open for two weeks for written submittals.

Michael Donaroma, Chairman of the Commission, opened the Regular Meeting at 10:07 P.M. He noted that he would take up ITEM #7 - Hart Realty - request for modification.

Mr. Jason moved that the modification be considered insignificant and not warranting a full DRI process duly seconded.

A discussion of who makes the request followed.

Mr. Best requested a brief rundown of the proposal. Mr. Clifford explained the requested modification and how the proposed lot would be resubdivided and used.

Mr. Colaneri discussed what had been presented at the LUPC meeting.

He discussed this proposal in relation to the original decision.

Mr. Hall discussed the description contained in the handout and received clarification.

Mr. Clifford noted that the Planning Board had indicated that they felt it was minor in nature and asked for approval.

On a roll call vote the Commission voted unanimously that the requested modification was insignificant and did not need to go through the full DRI process.

ITEM #3 - Approval of Minutes

It was moved and seconded to approve with modification the Minutes of December 2, 1993.

The modifications related to the abstention of Mr. Hall on the following items:

page 8: Leo Convery - movie theater

add: Mr. Hall left the room and abstained.

page 11: Discussion - Leo Convery - movie theater

add: Mr. Hall left the room and abstained

page 12 third paragraph line 2

add under Abstentions - (Hall)

page 12 last paragraph

add: Mr. Hall indicated that the support voted should be for a regional application only if that application would not be detrimental to nor prevent any town from filing its own application.

Mr. Jason abstained.

ITEM #5 - Possible - Tisbury Wharf

A discussion of what the Commission had done on this proposal to date followed.

Mr. Jason left the room and abstained.

A discussion of past referrals and actions that had occurred on them followed.

Mr. Best discussed past referrals.

A discussion of what action had been taken on the present submittal followed.

Mr. Hall raised a question of what had been advertised.

A discussion of how the referral had been advertised followed.

Mr. Best questioned the completeness of the application and whether the Commission could vote. A discussion of this matter followed.

A discussion of what had occurred at the previous meeting followed.

Mr. Packer was asked to explain what he thought he was going through at the previous meeting.

A further discussion of whether the item actually met the checklist followed.

Mr. Clifford explained how the proposal had been advertised and why it had been advertised thusly.

A discussion of what the next move should be followed.

Ms. Greene moved that the matter be readvertised under 16B, duly

seconded. A discussion of the matter followed. The motion passed with one nay (Colaneri).

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

LUPC - Mr. Donaroma noted that the LUPC had discussed the Oak Bluffs/Hart Realty proposal.

EDTF - no report

Legislative Liaison - no report

ITEM #7 - Report of Nominating Committee

Mr. Donaroma noted that the following had been nominated:

- Michael Donaroma - Chairman
- Thomas Sullivan - Vice Chairman
- Jenny Greene - Clerk/Treasurer

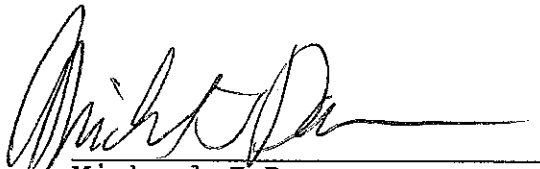
Mr. Jason moved nominations be closed. - duly seconded. - the slate was unanimously voted.

ITEM #8 - Old Business -

Ms. Bryant questioned whether there had been any material submitted by the M.V. Hospital. Mr. Clifford reported that Matthew Stackpole had indicated a status update would be made available around the end of the year - including the day care fee schedule.

There being no further business the meeting adjourned at 10:50 P.M.

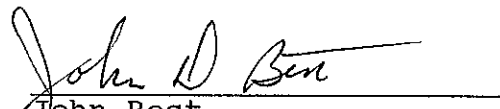
ATTEST



 Michael J Donaroma,
 Chairman

1-6-94

 Date



 John Best,
 Clerk/Treasurer

1-6-94

 Date

Attendance

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

Absent: Sargent, Clarke, Bolling, Gallagher