

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF MAY 19, 1994

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, May 19, 1994 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: North Tabor Farm
c/o Harold Brown
Hamilton Realty Co.
39 Brighton Avenue
Allston, MA 02134

Location: off North Road and Tabor House Road
Chilmark, MA

Proposal: Request for modification of a previous DRI decision;
the request having been deemed a significant change by
the MVC.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony, at 8:05 p.m. She called upon the applicant for his presentation.

Mr. Hehre described the farmer selection process that had been recently used, and the details of the pending purchase and sales agreement. He discussed the creation of a \$15,000 Farmer's Fund to be administered by the Farm Committee, said fund to cover improvements that are yet to be made on the property. He discussed the proposed changes in use, and stated that they were consistent with sound agricultural practices.

Ms. Sibley called for a staff report.

Mr. Wilcox reiterated the interview process for the farm. The Farm Committee is happy with the candidate and the five-year plan is realistic. Mr. Brown's offer of \$15,000 to replace crops that were not planted originally is seen as fair by the Committee. He raised a question as to the timing of the creation of the fund.

Ms. Sibley called for questions from Commissioners.

Mr. Hall asked why the MVC issued a Certificate of Non Compliance on this property.

Ms. Greene explained that the original decision required immediate plantings of blueberries and grapes and this has not been done.

Ms. Riggs asked what kinds of crops would be raised. Mr. Wilcox responded cut flowers, blueberries, fruit trees, shiitake mushrooms, vegetables and herbs.

Mr. Colaneri questioned the extent of additional negotiations needed to make the plan go forward.

Mr. Wilcox responded that the only item left was how and when the \$15,000 would be forthcoming. He stated that Mr. Brown has agreed to provide a list of equipment to be included in the purchase as well.

Mr. Hehre stated that he has requested Letters of Intent in order to identify when those acts would take place. He stated that the bank has suggested that on the day of closing, that certain funds be held in escrow for the Farm Committee. Mr. Hehre replied "basically".

Mr. Hall asked if the applicants met affordable housing criteria. Mr. Hehre said yes. He added that the lot is being sold at the price set by the Housing Authority.

Ms. Greene asked about the relationship between the \$15,000 Funds and the disposition of the tractor and the other farm equipment.

Mr. Jason asked how much would be set aside. Mr. Hehre stated that they have not yet identified which equipment would be appropriate. Mr. Brown will supply the equipment, but it should be prudent.

Mr. Jason asked what Mr. Brown was supplying. Mr. Hehre said a tractor with implements, a brush cutter, a rototiller, and a chain saw.

Mr. Wilcox stated that the Farm Committee is in receipt of a letter from Mr. Brown prior to those proceeding listing equipment that he would provide.

Mr. Jason and Ms. Greene requested that the letter be submitted as part of the record.

Mr. Early asked if this list would specify capacity and size of the equipment. General discussion followed. Mr. Hehre believed that the value of the items would be around \$14-15,000.

Mr. Colaneri asked if we could put specific equipment requirements in the decision. Ms. Greene said yes. Mr. Wilcox retrieved the letter containing the equipment and it was read into the record. It was noted that the barn and the fence had not been included in the present list. Mr. Wilcox stated that the barn was significantly smaller than the dimensions stated in the letter.

Mrs. Sibley called for testimony from town boards.

Alex Preston, Chairman of the Chilmark Planning Board, stated that Mr. Wilcox has covered the issues that concerned the Planning Board.

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

Matthew Dix, the farmer selected to purchase the lot, said that everyone has put over a year of time working on this plan, and he believed the entire plan would work well.

Ms. Sibley called for public testimony in opposition to the proposal. There was none.

Ms. Sibley called for general public testimony.

Gertrude Shea, an abutter, raised a question about what will happen to the fields. She also expressed concern over previous use of the lots, asked whether the new farmers will be permanent residents, and asked if the farm could be resold in a few years.

Mr. Sullivan stated that uses were governed by town zoning laws. Mr. Jason responded that the lot could be sold as an affordable farm lot, but not at market value. General discussion followed.

Russell Walton stated that this situation matched what was originally intended.

Pam Goff, a Chilmark Selectman, stressed the importance of the Farm aspect of this subdivision and is glad to see an affordable home and a working farm there.

Ms. Sibley asked the applicant to summarize.

Mr. Hehre reiterated the lengthy process used to arrive at this plan.

There being no further testimony the hearing was closed at 9:00 p.m.

The Martha's Vineyard Commission held a public hearing on Thursday, May 19, 1994 at 8:15 p.m. at the Commission offices, Old Stone Building, New York Avenue, Oak Bluffs, Ma. regarding the following Development of Regional Impact (DRI).

Applicant: Eleanor Pearlson & Julius Sturges
c/o Douglas Dowling
Smith & Dowling
P.O. Box 1087
Vineyard Haven, MA

Location: Bijah's Field
Tea Lane
Chilmark, MA

Proposal: Request for modification of a previous MVC decision

Linda Sibley, Chairman of the Land Use Planning Committee read the hearing notice and opened the hearing for testimony at 9:05 p.m. She called upon the applicant for his presentation.

Mr. Dowling presented an overlay map showing the subdivision history of the area. He discussed a sequence of plans for the area starting in 1971, and including the Old Farm subdivision. Most recently, a flexible siting plan was agreed to by the applicant and the Planning

Board. An additional lot was created, and guesthouses were prohibited. It was subsequently determined that the flexible housing plan couldn't work, and the issue of guest houses was renegotiated with the Planning Board. It was agreed that on lots 20, 21 and 22 there would be a right to apply for a future guesthouse, and that on lot 8, a main house could be built where the camp presently exists. Mr. Dowling stated that the applicant is requesting a modification to the extent of the agreement reached between the applicant and the Planning Board.

A General discussion of the area subdivision history followed.

Mr. Clifford explained that the question before the Commission is the modification of a previous DRI because the original decision stipulated that everything done will be considered cumulative, for the purpose of affordable housing and youth lots. The original merging of some lots was approved by the Town.

Mr. Dowling explained that six lots have been reconfigured into five, and permission for the right to apply for a guest house on one lot, and a main house on the lot with the camp.

There was no staff report.

Ms. Sibley called for testimony from town boards. She read a letter from the Chilmark Planning Board, requesting a continued cumulative approach to lots in the area.

Russell Walton, past chairman of the Chilmark Planning Board, reviewed the history and effect of treating all of these lots cumulatively. The Board requested that there be no change in the cumulative stipulation. Mr. Dowling stated that the applicant is not seeking any changing in that stipulation.

Ms. Sibley called for proponents. There were none.

Ms. Sibley called for opponents. There were none.

Ms. Sibley called for general testimony.

Sue Doherty, an abutter on Bijah's Way stated that the developers have been very responsive to the abutters in revising their plan, and she is pleased with the result.

There being no further testimony, the hearing was closed at 9:30 p.m.

The Martha's Vineyard Commission held a continued public hearing on Thursday, May 19, 1994 at 8:30 p.m. at the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, Ma. regarding the following Development of Regional Impact (DRI).

Applicant: Hugh Taylor
RR1 Box 171
Gay Head, MA 02535

Location: Menemsha Harbor
Gay Head, MA

Proposal: operation of a Bicycle Ferry Service in Gay Head across Menemsha Harbor

Linda Sibley, Chairman of the Land Use Planning Committee, read the hearing notice and opened the hearing for testimony at 9:35 p.m.

Mr. Clifford explained this DRI's history. He stated that Mr. Taylor is the only bicycle ferry service before the Commission at this hearing. It has been separated from a previous application which included another service as well. Mr. Taylor seeks permission to run his ferry solely within Gay Head.

Ms. Sibley called upon the applicant for his presentation.

Mr. Taylor explained his proposal to transport pedestrians and bicyclists from the Menemsha side of the Harbor to West Basin in Gay Head. He explained his proposed advertising method to target bicyclists. He explained his lease with the Gay Head selectmen and their scrutiny of his operation. He stated that he is carrying 500,000 liability insurance as part of his lease agreement with Gay Head. He stated that most of his pedestrian passengers are local residents, and he would like to continue being able to service local pedestrians. He stated that the Gay Head Selectmen are requiring him in the lease to service Gay Head residents since he is using the Gay Head Town dock. He also explained his capacity and licenses.

Ms. Gallagher asked about the cost. Mr. Taylor responded \$3.00 one way - \$5.00 round trip. He stated he hopes to run continuously from 7:00 A.M. to 7:00 p.m.

Mr. Schweikert asked if foot passengers were somehow limited. Mr. Taylor responded that he is aware of Chilmark's concern that motorists will park in Menemsha and take the ferry, but last year his foot traffic was almost exclusively local residents. He didn't feel there was a problem, though he couldn't see himself refusing passage to a pedestrian who was not a local resident. There is no restriction.

Ms. Sibley called upon town boards for testimony. Alex Preston, Chilmark Planning Board, stated many townspeople are in favor of the bike ferry, but fear what will happen if people begin driving and parking in Menemsha to take the ferry. Ms. Sibley queried whether Chilmark could control that through time limitations on parking. Mr. Preston reiterated the parking difficulties in Menemsha.

Pam Goff, Chilmark Selectman, stated that parking time limits have been considered, but this doesn't seem popular with many town residents. She favored attracting more bicycle traffic to North Road, and that the Selectmen support the bicycle ferry as a bicycle ferry.

Mr. Schweikert asked if bus service was available to Menemsha. Ms. Goff said no.

Ms. Sibley called for proponents.

Chris Murphy favored the ferry, and asked if the Commission could modify their decision so as to allow for jurisdiction and modification in the future.

Russell Walton spoke as an EMT in favor of removing bicycles from the State Highway and bringing them up North Road.

Phil Smith, a Menemsha resident, was "highly" in favor and suggested a future review could address increased parking problems if they occur.

Ms. Sibley called for opponents. There were none.

Ms. Sibley called for general testimony.

Ms. Greene asked Mr. Taylor if he would provide emergency services gratis. Mr. Taylor replied yes, he already had this past summer. Mr. Walton expressed general support from the Planning Board. Mr. Taylor stated he had no aversion to periodic review. There being no further testimony the hearing was closed at 10:00 p.m.

Following the public hearings, the Commission held a Regular Meeting on Thursday, May 19, 1994 in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Michael Donaroma, Chairman of the Commission, introduced Charles Kilmer, new MVC planning staff member, and Pam Rubinoff, new Governor's Alternate (CZM) to the Commission.

ITEM #2 - Discussion - Peter Sharp DRI update

Mr. Clifford explained how this DRI has been on hold for several months while the applicant and LUPC have been working towards a resolution.

Mr. Hurd, representing Mr. Sharp, updated the Commission on progress made thus far. Mr. Hurd showed a plan which has been worked out with a neighbor which will preserve a large amount of public viewshed and still allow Mr. Sharp to build a safe home. He discussed his meeting with various town officials, and he requested an approval or consensus from the MVC so that Edgartown officials can proceed. He noted he still has to receive approval from the state since the house is located in the flood zone.

Mr. Donaroma explained that the MVC would need to call a public hearing in order to proceed.

Ms. Rubinoff raised a question as to where exactly the flood zone was. Mr. Hurd indicated its location.

ITEM #2 - Discussion - Cape Pogue DCPC Amendment
Accept or Not

Mr. Clifford informed the MVC that the Edgartown Planning Board would like to ask the MVC to alter the boundaries of the Cape Pogue DCPC to include the southern and western shorelines of Cape Pogue Bay, and the waters of the bay itself. He explained that the Commission must

decide tonight whether or not to accept this modification. If accepted, we will schedule a hearing to make the designation.

Mr. Hall explained the reason for the request, relating to the installation of docks in the bay, and possible subsequent degradation of eel-grass beds and shellfish areas.

Mr. Donaroma indicated that several town departments have been working on this matter.

Mr. Clifford added that there is also a simple change to the regulations being proposed. They want to delete the word "boathouses" as a use allowed by special permit. That issue is not yet before the Commission, and will have to be published separately.

Mr. Jason moved that the MVC accept the nomination to expand the Cape Pogue DCPC. Ms. Sibley seconded. The motion passed unanimously.

ITEM #3 - Minutes of April 21, 1994 were not available for approval.

ITEM #4 - Reports

Chairman's Report - no report

Mr. Clifford explained the workload at the MVC in order to comply with subpoenas issued in the Herring Creek case.

LUPC -

Ms. Sibley reported that LUPC will not be meeting for the next 2 weeks. Two weeks ago LUPC saw the proposal for the most recent airport plans. She reported that numerous parties have shown an interest in establishing business at the Airport Park.

PED -

Mr. Early reported that there was a joint meeting yesterday between the PED and the Agricultural Task Force. Mr. Wilcox added that the groups are still trying to flesh-out a corporate mechanism to support base-line economics. He stated they will continue to schedule meetings through the summer on the third Wednesday of each month.

LEGISLATIVE LIAISON - no report

ITEM #5 - Possible Vote - Tabor House Farm DRI Modification -
Mr. Jason moved that the modification be approved as presented subject to the following conditions: that \$15,000 be placed in escrow for the Farmer's Fund; that a sum of money equivalent to the equipment list be agreed to by the Farm committee and be set aside; and that the Certificate of Non Compliance remain in force until these two items are complied with. The motion was seconded by Ms. Greene.
General discussion on the motion followed. The motion was approved unanimously.

ITEM #5 - Possible Vote - Sturges & Pearlson DRI Modification - Mr. Jason moved "that the MVC approve the modification as presented recognizing that the tracts continue to be counted cumulatively for the purposes of affordable housing. Mr. Early seconded the motion. General discussion followed.

The motion was approved unanimously, with Tom Sullivan abstaining.

ITEM #5 - Possible Vote - Hugh Taylor DRI -

Mr. Jason moved that the MVC approve the DRI as presented with the following conditions: that the ferry be for bikes only; that the selectmen set a fee schedule for the trips; that the hours be 7:00 a.m. to 7:00 p.m., and that he renew his license yearly and be reviewed by a joint meeting of the Chilmark and Gay Head Selectmen and the Martha's Vineyard Commission. Mr. Early seconded.

General discussion followed. Ms. Lazerow objected to the exclusion of pedestrians from the ferry. Mr. Sargent reported that several young people are commuting to work in Menemsha from Gay Head without bicycles. Ms. Greene recalled that the Gay Head Selectmen were requiring Mr. Taylor to transport passengers. Mr. Best suggested that if the selectmen of either town see a problem, it should come back for immediate MVC review. Mr. Schweikert agreed that an immediate review was a more desirable method of dealing with this than excluding pedestrians. Mr. Donaroma stated that the Chilmark Selectmen have a variety of options open to them and it was not necessary to limit pedestrians now. Mr. Early withdrew his second of the motion.

Mr. Jason moved that the DRI be approved as presented with the following conditions:

- 1) that the Selectmen set the fee schedule
- 2) that the hours be 7:00 a.m. to 7:00 p.m.
- 3) that there be an annual license renewal and the operation can be reviewed at any time by the joint Chilmark & Gay Head Board of Selectmen and the Martha's Vineyard Commission by request of Selectmen in either Gay Head or Chilmark. Mr. Donaroma seconded.

General discussion followed.

The motion carried.

ITEM #6 - MVC Regulations - tabled

ITEM #7 - New Business - none

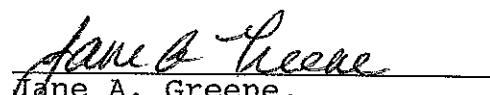
ITEM #8 - Correspondence - none

Mr. Jason moved to adjourn. Mr. Early seconded. The meeting was adjourned at 11:00 p.m.

ATTEST


Michael J. Donaroma,
Chairman

6/20/94
Date


Jane A. Greene
Clerk/Treasurer

6/20/94
Date

Attendance

Present: Best, Colaneri, Donaroma, Early, Greene, Hall, Jason, Lazerow, Riggs, Sargent, Schweikert, Sibley, Sullivan, Rubinoff, Gallagher

Absent: Briggs, Bryant, Vanderhoop, Allen, Bolling, Chapin