

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF SEPTEMBER 1, 1994

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a reopened public hearing on Thursday, September 1, 1994 at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the following Development of Regional Impact (DRI):

Applicant: Peter Sharp

Location: North Water Street, Edgartown

Proposal: construction of a single family structure qualifying as a DRI since the Martha's Vineyard Commission has so designated the proposal as such in accordance with § 14(e) of Chapter 831 of the Acts of 1977, as amended.

Linda Sibley, Chairman of the Land Use Planning Committee, (LUPC), called the hearing to order at 8:18 pm and explained the reasons for the reopened hearing. She then discussed the order of the hearing and called upon the applicant for his presentation.

Ken Hurd, agent for the Applicant, discussed the proposal and how the proposal had been developed. He explained that the new proposal was a compromise which hopefully would satisfy all. He discussed the design and how 50% of said view would be preserved. He discussed how the new design was made to capture the historic look of the neighborhood and the historic feel of the Town.

Ms. Sibley asked that the house be described in detail for all. Mr. Hurd discussed the various dimensions of the proposal and the various aspects of the plan. The dwelling was to be a three bedroom affair. He noted that the deck was open below to allow any flood water that should occur to pass through.

Mr. Schweikert asked if this proposal met state standards. Mr. Hurd noted that the proposal was 3 feet above flood area. Mr. Schweikert then asked about Conservation Commission involvement. Mr. Hurd indicated that the Conservation Commission would be involved.

Ms. Greene raised a question regarding windows below flood level. Mr. Hurd discussed the fact that the windows were for aesthetic purposes only and flood water could pass through. There was to be no basement.

Mr. Briggs raised a question regarding the exterior finish and possible future changes. Mr. Hurd noted that the applicant was working closely with the Historic Commission regarding exterior

finish.

Mr. Schweikert questioned the size of the lot. Mr. Hurd indicated 20,000 sq. ft. A discussion of the number of bedrooms followed.

A further discussion regarding the role of the Historic District Commission followed.

Ms. Rubinoff questioned whether there was to be a poured slab or pilings for supports. Mr. Hurd discussed this matter and indicated that pilings were to be used.

Mr. Schweikert discussed this issue of the view and asked if the neighbors had been involved. Mr. Hurd indicated that not in this design. A discussion of how this design evolved followed. It was noted that this design was a bit longer than originally considered several months ago.

Ms. Greene raised a question regarding plantings on the north side. Mr. Hurd noted that the existing plantings would remain and be replaced if damaged or if they die but there would be no plantings below the house on the lot. She then inquired about those along the street. Mr. Hurd noted that those along the street would be removed as would the fence. He then noted that the parking may be below the deck if the Historic Commission permitted same.

Ms. Riggs raised the question of the size relationship between the previous house design and the present one. Mr. Hurd indicated that the size was smaller than the so called floodplain house.

Mr. Schweikert questioned whether there could be a garage and if a visual easement was being offered. Mr. Hurd indicated no to the easement offer and that no garage was yet considered.

Ms. Sibley further discussed the issue of parking under the deck. Mr. Hurd explained where this issue had come from.

Ms. Sibley then asked about any staff report. Mr. Clifford noted that the staff member who had started this proposal had retired following an illness and that the LUPC had acted as a defacto staff and that a staff report was in the files and that there were no changes save for the architectural design change.

Ms. Sibley then read correspondence received regarding the proposed development. One from Robert Forrester and one from the Historic District Commission.

Ms. Sibley then asked Mr. Hurd to discuss the issue of the front setback. Mr. Hurd discussed the zoning by-law that permitted the structure to be placed closer to the front line to permit compatibility with the neighborhood. A discussion of the matter followed.

Ms. Sibley then called for town board testimony.

Ted Morgan, Selectman, discussed the reason that the plan had been sent to the Commission. He discussed the issue of the viewshed. He asked for a continuation to permit the Town to determine what steps it wished to take regarding re-hearing and or appeal of State Building Code decision.

He discussed the various options that may be available to the Town. He asked for time to permit the Town to exhaust all options. He felt approval would destroy the vista.

Ms. Sibley then called for those in favor.

Tom Wallace spoke in favor and detailed the compromise efforts. He discussed the meeting before the State Board.

Paul Moriarity, Attorney and Building Code consultant discussed the issue of what was before the MVC.

Ms. Sibley then called for opponents.

George Brush discussed the issue of the viewshed. He explained the present situation with respect to the view. He discussed the issue of precedence and further discussed what a neighbor might do. He discussed the issue of the compromise plan that had been before the State Board. He then reviewed the past activities of the neighbors and the applicant and then discussed the hearing before the State Building Appeals Board. He asked for the Commission to pause and rethink this matter. He felt that the floodplain plan had not received a fair hearing.

John Murphy, attorney for abutters discussed the plan and the relationship to the community input on the floodplain plan. He discussed the meeting before the State Board. He felt the plan should be reheard by the State Board. He also discussed the fact that the elevation used by FEMA may not be correct.

Joe Eldridge, architect discussed the issue of the 11-foot elevation. He further discussed the compromise plan and how it related to the floodplain issue. He then discussed the present Plan in relation to the floodplain plan. He then discussed certain details of the plan presented.

Peter Lauson-Johnson, abutter, discussed the cooperation that had gone into the floodplain proposal. He discussed the issue of proper mitigation measures. He also discussed the issue of precedence setting and the loss of views.

Ms. Sibley then called for general comments.

Paul Moriarity, attorney and building code consultant, discussed the State Board decision. He felt that the issue of the State Board decision should not be discussed since this was not the plan before the MVC at this time. He discussed the actions of the State Board. He further discussed the procedures of the State Board with respect to hearings.

A discussion of the possible reasons why abutters and other interested parties were not at the hearing followed.

Mr. Moriarity discussed the issue of FEMA and insurance requirements.

Ms. Rubinoff questioned whether parties may return to the Appeals Board several times. A discussion of this matter followed. Mr. Colaneri questioned whether the State Board had ever granted such appeals as this. Mr. Moriarity was unaware of any. He then introduced Charles Danizio, former Executive Director of the State Board of Building Regulations and Standards who indicated that he had never heard of any such grantings. He then further discussed the rules of the State Board and what a manifest injustice meant.

George Brush raised a question of why there were no plans in the State file and what measures were shown to the State.

Ms. Sibley discussed the obligations of the MVC and did not feel it was appropriate to debate the fairness of the State Board and its hearing.

Ms. Sibley then noted that the Town had requested a continuance and further discussed the matter. The applicant indicated that he would request closure.

Mr. Hurd made the final statement. He discussed what portion of the view would be saved.

Mr. Colaneri questioned whether an abutting lot would be referred. A discussion of this matter followed.

A discussion of procedures on this issue followed. A discussion of what the Town really sought followed.

Ms. Rubinoff discussed the issue of how to approach FEMA to have the flood information altered. Ms. Rubinoff noted a minimum of 6 months. Mr. Clifford indicated that it could be up to 2 years also.

Ms. Greene felt that the continuation of 2 weeks would not be of a detriment to any party. A discussion of this matter followed.

Mr. Morgan indicated a decision would be made by the Town in 2 weeks. Mr. Briggs moved continuance for 2 weeks, duly seconded and so voted. Mr. Hall abstained.

The Special Meeting of the Commission was called to order by Michael Donaroma, Chairman of the MVC.

ITEM #3 - Approval of Minutes - August 11, 1994
Mr. Best noted that the meeting date read September 25 when it should be August 25. Ms. Greene moved approval as amended, duly seconded and so voted.

ITEM #4 - Chairman's Report
Mr. Donaroma introduced Heather Baldner as the newest staff member.
Mr. Clifford noted for all that John Schilling had formally

retired. He then discussed the role of Ms. Baldner in conjunction with the rest of the staff. He then discussed what each staff member was doing.

LUPC - Ms. Sibley discussed the review of the Sharp proposal. A discussion of the State Board hearing followed.

PED - Mr. Early noted that the Committee would be meeting shortly - tentatively around Sept. 21.

ITEM #5 - Possible Vote - Agricultural Society DRI
Ms. Greene moved approval as written, duly seconded. By voice vote, the motion was approved with 3 abstentions (Briggs, Schweikert, Rubinoff)

ITEM #6 - Old Business
Mr. Clifford discussed the status of the hearings. He noted that the hearing had been continued until September 20. A discussion of whether the Commission wanted to have the Attorneys discuss the matter just at hand followed.

ITEM #7 - New Business -
There was a discussion of the possible reason that Mrs. Marinelli had asked to be on agenda.

Mr. Colaneri raised a question of whether there would be a forum regarding sewers. Mr. Clifford noted that there would be a meeting between MEPA and the Boards of Selectmen. A discussion of potential MVC involvement followed. Ms. Rubinoff discussed the role of MEPA in such undertakings. Mr. Colaneri further discussed the possible MVC involvement early on.

Mr. Best asked if staff could be assigned to study certain aspects of impacts on towns with sewerage. A discussion of this matter followed.

A discussion of what might happen following the MEPA meeting followed.

A general discussion of the next steps of the process followed.

Ms. Rubinoff discussed the role of CZM with respect to federal consistency issues.

It was suggested that staff continually review the reports and meetings and keep the Commission informed as to what current status was.

There being no further business the meeting adjourned at 10:47 pm.

ATTEST



Michael J Donaroma,
Chairman

9/15/94
Date



Jane A. Greene,
Clerk/Treasurer

9/15/94
Date

Attendance

Present: Best, Briggs, Colaneri, Donaroma, Early, Greene, Hall,
Jason, Lazerow, Riggs, Schweikert, Sibley, Rubinoff

Absent: Bryant, Sargent, Sullivan, Vanderhoop, Allen, Bolling,
Chapin, Gallagher