The Martha’s Vineyard Commission
Minutes for the Special Meeting of
January 2, 2003

The Martha’s Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, January 2, 2003, at 7:30 in the first floor conference room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts.

At 7:34 p.m., a quorum being present, the Special Meeting convened. Presiding was James Athearn, a member at large from Edgartown and the Commission Chairman. [Commissioners seated at the gavel were: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; D. Moore; K. Newman; M. Ottens-Sargent; D. Sederholm; L. Sibley; P. Strauss; R. Toole; K. Warner; and A. Woodruff.]

“Thank you for the honor of serving as your Chairman,” began Chairman Athearn. “I know I’ll have your help, and I’ll need it.” He introduced the new Commission members present that evening: Deborah Moore, a member at large from Aquinnah; Katherine Newman, the Aquinnah Selectmen’s Appointee; Doug Sederholm, a member at large from Chilmark; and Paul Strauss, the County Commission representative. “Welcome, and good luck,” said the Chairman.

Announcement of Committee Appointments.

Chairman Athearn reported that thus far he had appointed to the Finance Committee the following members: John Best, a member at large from Tisbury; Christina Brown, a member at large from Edgartown; and Kate Warner, the West Tisbury Selectmen’s Appointee. The other members would be appointed by week’s end, said the Chairman. “We’ll meet next Thursday [January 9] at seven,” noted Jane A. Greene, the Chilmark Selectmen’s Appointee and the Finance Committee Chair.

Next, Chairman Athearn announced the appointment of Ms. Brown as Chair of the Land Use Planning Committee (L UPC) and the joint Chairmanship of the Planning and Economic Development (PED) Committee, shared by Richard J. Toole, an Oak Bluffs member at large, and Megan-Ottens Sargent, an Aquinnah member at large.
Public Hearing: West Tisbury Kingdom Hall (DRI No. 559).

Serving as the Hearing Officer that evening, Ms. Brown read into the record the Notice of Public Hearing for the West Tisbury Kingdom Hall Development of Regional Impact Application (DRI No. 559). [See the Full Commission Meeting File of January 2, 2003 (the meeting file) for a copy of the notice.] Ms. Brown then explained the steps of the Hearing procedure.

Applicant's Presentation.

Jeffrey A. Hatcher, the Applicant's architect, began by relating some details from his résumé. His employment by the Jehovah’s Witnesses, he said, began in 1995, and he had worked on 17 Kingdom Halls, having developed several prototypes. Mr. Hatcher then read from the Book of Malachi (Chapter 6, Verse 8) and from Paul’s Letter to the Galatians (Chapter 6, Verse 10), which, he noted, provided “a couple of guiding principles” for the building of a new Kingdom Hall.

“I’m here on their [the Witnesses’] behalf,” stated Mr. Hatcher, “and they want to be good neighbors.” He then described the wooded site at 48 State Road in West Tisbury, a road that belonged to Massachusetts Department of Transportation District 5. The lot had been configured back in the 1970s, he said.

Mr. Hatcher related that the sightline visibility at Stony Hill Road, an existing potential access to the lot, was quite poor. In addition, Stony Hill Road was unpaved and private. At the other end of the property was Joe Viera Road, an Ancient Way and also unpaved and private. The latter road was very narrow and “deep-country,” he said. Also, that road was not maintained, he added.

The project had been referred to the Commission, Mr. Hatcher went on, because it was a place of assembly and because of its size. The lot was located in the Island Roads District, he said, as well as the Greenlands Wellhead Protection District. The regulations of the former district sought to maintain the Town’s historical pattern, he explained. The lot was also in the RU (Rural) District, although the Kingdom Hall was allowable as a community use in that district.

Mr. Hatcher related that the project would need several permits from the Town. He noted that the term “rural” was, in fact, not defined in the Town’s Bylaws or in any of the MVC’s materials, so he understood it as defined in the dictionary. Historically, he stated, churches were set directly on the street.

Mr. Hatcher described how the present Kingdom Hall, located in Tisbury, was well-worn and required considerable maintenance. Moreover, it was not completely handicapped-accessible, as the new building would be. He then explained why the Applicant was proposing a new curb cut to provide access from State Road, pointing out that there were sightline visibility problems at both Joe Viera Road and Stony Hill Road.
Less than 1,000 feet would separate the new curb cut from the latter road, Mr. Hatcher said. The Applicant had applied for a Variance for the curb cut, although, he stressed, the need for such might turn out to be moot. He related how the Planning Board and the Zoning Board of Appeals could reduce the 1,000-foot requirement if they saw a public benefit to the Variance.

Using a site map to illustrate his point, Mr. Hatcher showed where the access cut was planned. The driveway would be 16 feet wide, he said, and it was recorded in the property deed that such a driveway was permitted. At the new curb cut, the sightline visibility would be excellent, he emphasized, while it was poor at Stony Hill Road. The cut would be made through the woods, and the entrance would have a 50-foot-wide opening. The cut would be adjusted, he noted, to save the best trees in the woods.

Mr. Hatcher pointed out that a person traveling at the speed limit for that section of State Road (35 miles per hour) would see the entrance opening for less than two seconds. He considered this acceptable, he said, under rural standards. “In one second it’s extremely difficult to recognize anything,” he said, and one would only be able to see into the parking dead-on. He related that the original plan had called for the parking lot to be situated 75 feet from State Road, but that the Applicant had been willing to give up four spaces and some landscaping to put the parking lot more than 100 feet from State Road.

Using the site plan, Mr. Hatcher pointed to: the route into the lot and up to the church structure; the pedestrian way in front of the structure; and the asphalt-paved area where elderly or handicapped members of the congregation could be dropped off. The building would be tucked back from the road, he said. He described the storm infiltration system and pointed to where the 13 paved, handicapped-accessible parking spaces would be. “Witnesses are self-policing,” he said, stressing that able-bodies members of the congregation would not use those spaces.

Tristan Israel, the Tisbury Selectmen’s Appointee, asked about what appeared to be an exit at the back end of the parking lot. In doing the site design, replied Mr. Hatcher, they had decided to put an additional access coming from Stony Hill Road. The intention was to spare members who lived on that side of the property from having to drive on State Road, he explained.

In addition to the paved spaces, Mr. Hatcher continued, the parking lot would contain 49 unpaved spaces. He pointed out that, in fact, the Applicant was entitled to a total of 62 spaces. So the Applicant had been willing to give back four spaces. He related that the congregation needed 50 year-round parking spaces and that they had allotted another 20 percent for the peak season, when visitors to the Island would attend their services. Mr. Hatcher stressed that it was customary for a design of this kind to include 65 to 75 spaces but that the Applicant was striving to be “a good neighbor” by reducing that number.

Mr. Hatcher indicated where signage would be located to direct drivers and how the parking would be broken into small groups with internal plantings. They would also plant vegetative screening to shield the two houses nearby from headlight glare, he said.
The trees and the shrubbery would be either very high or very low so as not to impede sightline visibility. He emphasized that the landscape plan contained more plants than was required by zoning. He had spoken to nearby neighbors, he said, and had offered to meet with them when the trees were planted.

As for the site lighting, Mr. Hatcher spoke of striking a balance between the requirements for safety and those for preventing glare onto neighboring properties. It was spot lighting that was not uniform which caused glare, he explained. So they had solved this conundrum by uniformly lighting at a lower level with 2-to-5-foot candles as well as with some 22 light poles, 10 feet tall with 100-watt light bulbs, in the parking lot. The area would be lit on average at 0.08 foot candles, along with spots set at 0.2 foot candles. Mr. Hatcher then offered to reduce the number of pole lights to 15, with 18 light bulbs. He then went into some detail on lighting standards.

As for the issue of a possible bicycle path along State Road sometime in the future, Mr. Hatcher stated that the Applicant would grant an easement to facilitate that, “but they want to be involved in the design process.” In addition, they would wish to draw up some sort of legal mechanism to absolve them from any harm cyclists might endure on the path.

Regarding the trail along Stony Hill Road, Mr. Hatcher indicated that the Applicant wished to put down pea-stone, if that was acceptable. They would not lay it down without written notice to the Town, he stressed. On the other hand, he said, those who used the path had to be “good neighbors”; if any vandalism occurred, the Applicant would block off the path after notice to the Town.

Mr. Hatcher also stated that the Applicant wished to have the option, after due notice to the Town, of taking back the four parking spaces he had given up if it was determined that the church needed those spaces. Likewise, if the West Tisbury Building Inspector required stronger lighting, that plan would change as well.

Leonard Fogg, Chairman of the West Tisbury Kingdom Hall Building Committee, offered an account of the Island’s history with regard to masonry and brick. First, though, he made the point that the proposed curb cut would benefit those who lived along Stony Hill Road, who would be burdened with additional traffic if that road were used as the main access instead.

Mr. Fogg explained how the Witnesses built their own structures, using volunteers from off-Island who had been trained as bricklayers. In addition, the time required to maintain a clapboard building, for instance, would take away from the time available for teaching.

Mr. Fogg then read aloud from an article in from the May 1974 issue of The Intelligencer, published by the Dukes County Historical Society, wherein was described the old brickworks in Chilmark, which once produced over 600,000 bricks per year. Mr. Fogg emphasized that even though the structure would be brick, it would be low (23.5 feet high) and so would blend in with the wooded areas surrounding it.
Mr. Hatcher passed around a brick made on the Island. He stressed that the Applicant wanted the building to be modest in design and have low maintenance requirements. Although granite brick cost a little more initially, he said, it would have a longer life and better energy efficiency. Moreover, the use of brick was compatible with Island architecture. “Compatible doesn’t mean identical,” he said, but the design would be modest, simple and compatible with the neighborhood.

In addition, noted Mr. Hatcher, the building would not be entirely made of brick but would also include an understated frieze and subtle detailing.

Linda Sibley, a Commission member at large from West Tisbury, inquired about the orientation of the proposed building. Mr. Hatcher showed her, using the site plan. He added that since the late 1980s, members of the church had been trained to lay brick. As for the size of the structure, Mr. Hatcher related that usually such halls contained 5,000 square feet; the design before them would contain 4,275 square feet. Mr. Hatcher pointed to where shingles and shake siding would be used to cover the upper gable area. The windows, he said, were modestly designed.

Returning to the subject of using a durable building material, Mr. Hatcher related that the average life of clapboard shingles was 30 years. Moreover, the Applicant might have proposed aluminum siding instead of wood in the gable area.

Mr. Hatcher went through the details of the entrance, with its raised-panel doors, canopied drop-off, and then described the floor plan. He stressed that the materials used on the interior would be low-maintenance and durable. The congregation would be meeting five days a week, he added.

Summing up, Mr. Hatcher declared that in using off-Island members of the church to lay the bricks, with local members helping, “this construction effort truly is a form of worship.”

Staff Reports.

**DRI Coordinator Jennifer Rand** referred the members to her Staff Notes dated January 2, 2003. [See the meeting file for a copy.] Ms. Rand reported that she also had the Minutes from the Applicant’s Hearings before Town of West Tisbury boards. She explained that the Applicant had begun the Town board process because of pressing time factors. Due to the size of the proposed building, the Zoning Board of Appeals, she said, was the permit-granting authority in this case.

Attached to her Staff Notes, Ms. Rand continued, was a piece written by Executive Director Mark London titled “Kingdom Hall and the Preservation of Scenic Values.”
Ms. Rand then pointed to a GIS map mounted on the front wall of the site area, indicating where the South Mountain Company, Chicama Vineyards and the Island Co-Housing project were located.

Ms. Rand reported that she had had no comments from either the Town’s Fire Chief or Chief of Police. And lastly, there was no affordable housing contribution offer on file, she noted.

**Water Resources Planner William Wilcox** reported that the soil on the site was Carver loamy coarse sand and was not prime agricultural soil. The lot gently sloped, he said, at an average angle of 3 percent slope. The Applicant would have no problem, he noted, in meeting the requirement for 150 feet of space between the leaching facilities and the wells.

The site was probably in the Tashmoo Pond Watershed, Mr. Wilcox went on, emphasizing the word “probably.” The nitrogen-loading limit for the pond under the highest rating standard was 4.3 kilograms per acre per year, he reported, and if 151 people attended services three times a week, the nitrogen loading would come in slightly below the highest standard and “nowhere near” the SA water rating. Even if 151 people met in the church 365 days a year, the nitrogen loading would still be at an acceptable level, he testified.

The site was also in the Greenlands Watershed Protection District, related Mr. Wilcox. “I don’t see that there are any strong water resources issues,” he concluded.

**Transportation Planner David Wessling** referred the members to his Staff Notes titled “Kingdom Hall (DRI #559) – Review of Traffic Impact Analysis.” [See the meeting file for a copy.] “I only saw the [Applicant’s] Final Impact Study just before the meeting,” he stressed. The site access proposed by the Applicant, he continued, required special permission from the Town as well as Site Plan Review. He had adjudged the traffic flow on the site to be adequate.

As for the Level of Service, Mr. Wessling continued, with the new curb cut in place, one could expect a slightly lower time delay. Do you mean the delay when waiting to exit onto State Road? asked Ms. Brown. Correct, replied Mr. Wessling.

Mr. Israel stated that it looked to him as if cars would be exiting the site both from a side road (leading to Stony Hill Road) and directly onto the main road (State Road). What would be the effect on State Road of having cars exiting from both of those routes? he wondered. There would be no major difference in the Level of Service, answered Mr. Wessling. “Both is better,” he added.

Responding to a question from West Tisbury member at large Andrew Woodruff about sightlines, Mr. Wessling explained that they were measured from a height of 3.5 feet. Anything impeding the view or any road curves was considered, he said.
Joe Fragosa, a member of the congregation, pointed out that when trying to exit from Stony Hill Road onto State Road, the Chicama Vineyard sign and some trees impeded the view of the latter road. He described how he had measured the sightline distances, coming up with 270 feet to the left when leaving from Stony Hill Road. From the proposed curb cut, one would be able to see almost 500 feet to the west and 488 feet to the east. He added that he had brought with him a copy of the Applicant’s Traffic Study.

Did the Commission have a copy of that study for the Written Record? inquired Ms. Brown. “Not yet,” responded Mr. Fragosa.

What would be required to improve the sightline visibility from Stony Hill Road? wondered Ms. Sibley. Mr. Wessling replied that there would be some improvement if some obstacles were removed. “I’d have to stake it up,” he said.

What would be the effect of having the main access moved to the Ancient Way, Joe Viera Road? asked Chairman Athearn. Mr. Fragosa noted that the Applicant had just taken measurements from the curb cut the Applicant was proposing. Mr. Hatcher interjected that the sightlines at Joe Viera Road were very good and that the Applicant was willing to discuss the possibility of using that road.

Mr. Sederholm wanted to know the distance from the proposed curb cut to Joe Viera Road. Approximately 75 to 80 feet, replied Mr. Hatcher. Could the bus shelter at the opening to Stony Hill Road be moved? inquired Mr. Israel. Mr. Hatcher indicated that it could be pulled away from the intersection. And could a bus rider easily get to the facility? asked Mr. Israel. “Not very comfortably,” responded Mr. Hatcher.

Ms. Brown wanted to know if bus riders had to be at a bus shelter or whether one could flag down any VTA bus traveling along any of their routes. Ms. Greene informed her that a rider could flag down the bus from anywhere along the route.

Ms. Sibley asked if the mailboxes at the end of Stony Hill Road should be moved to improve sightline visibility. “I’d recommend they be moved,” replied Mr. Hatcher. After Mr. Hatcher showed on the site plan where the mailboxes were, Ms. Ottens-Sargent noted that the boxes were not on the Applicant’s property. Correct, said Mr. Hatcher. At Joe Viera Road, he added, the Applicant had rights to one half of the road. Would the proposed curb cut be on the Applicant’s property? inquired Ms. Ottens-Sargent. Yes, answered Mr. Hatcher.

Next, Executive Director Mark London summarized his report “Kingdom Hall and the Preservation of Scenic Values.” [See page 6 of these Minutes.] Mr. London explained that traditionally churches were located in towns and villages but that the site of project was a rural setting. Thus, preserving the rural quality in this case might involve the building design and the choice of materials.

His understanding, Mr. London said, was that this stretch of State Road was similar to other rural areas on the Island, and he was concerned that in this setting a brick building
would stand out. This, he added, was antithetical to the concept of modest design that Mr. Hatcher had referred to earlier. [Ibid., page 5.]

Mr. London then recommended that the Commission require that: one, there be no new road access from State Road; two, the building and/or parking be pushed back somewhat farther from the road; and three, the strip of land between the road and the building be a no-cut zone, with additional planting of native species immediately around the building and parking lot.

Testimony from Town Boards and Officials

Eric Whitman of the West Tisbury Zoning Board of Appeals related that the two main points brought up in his board’s dealings with the Applicant had been one, consideration for the neighbors on the northeast side, avoiding as much as possible traffic and light pollution and requiring vegetative screening; and two, the issue of the bricks. He did not think, however, that the use of bricks was enough to deny the project, he added. Overall, he concluded, his board had been impressed by the sincerity of the Applicant and their willingness to be good neighbors.

Testimony from Members of the Public in Favor of the Proposal

Richard Green of West Tisbury, a member of the congregation, testified that one of the basic principles of the Jehovah’s Witnesses’ faith was the concept that those who had more should endeavor to share with those who did not have as much. The Witnesses, he related, shared by donating their time and energies. For instance, 300 to 400 trained bricklayers were willing to come to a strange place – the Vineyard – to accomplish what they called a “quick build.” He added, “It’ll be a discrete and neat and well-built job.”

Janet McLean of Tisbury, a member of the congregation since 1984, related that she had been trained to work with the brick-laying crew. The completed buildings were beautiful, she remarked. She also emphasized that the Jehovah’s Witnesses gave generously of their time.

Kevin Roth of Edgartown, another congregation member, related that he did caretaking on the Island and that in his experience shingle was a high-maintenance item and brick would be a better use of their resources, lasting for a long time.

Congregation member Barbara Fontaine of Oak Bluffs read aloud a letter from her daughter, Holly Fontaine. The letter included mention of the fact that the new building would be right in the middle of the Island, making it more convenient for churchgoers. In addition, the meetings took place during non-peak hours. Lastly, concluded the letter, no new church had been built in West Tisbury in 100 years.

Chris Rohr of Oak Bluffs, a Jehovah’s Witness since 1975, said that he did construction on the Island and that he had been impressed by the enormous amount of work it took to maintain the older Kingdom Hall in Vineyard Haven. The exterior of the
building, for instance, had had to be replaced entirely since its construction in 1974. The proposed brick structure in West Tisbury would be low-maintenance and cost-effective, he remarked, and this should be considered in light of the extremely high cost of construction on the Island.

David Giles of Aquinnah related how he voluntarily offered service to his church, so a low-maintenance brick building made good sense. In addition, Harrison Vanderhoop had been the first Witness on the Island, he said.

Church member Mark Nicotera of Tisbury stated that he and his wife had lived on the Island for five years and that they were in favor of the proposal. He testified that he assisted older members of the congregation who wished to come to the services and that access to the older Kingdom Hall was not good for the elderly and the handicapped.

Congregation member Stanley Larsen of Chilmark related that he had a lot of fears about the future and that a building like the one being proposed brought with it “a message of peace.” He added that he had four children who would “face these obstacles coming down the tubes.”

Testimony from Members of the Public with Concerns or Questions

Peggy MacKenzie of West Tisbury expressed concern that the walking path along Stony Hill Road would not be maintained. “The children use it on the way to the bus,” she said.

Neal Galligan of West Tisbury said that he lived on Stony Hill Road and that he feared the construction of the church would bring “more and more havoc” to what was already a dangerous road to exit from.

Heidi Feldman of West Tisbury, elected manager of the Stony Hill Road Association, pointed out that the walking path along the road belonged, in fact, to the property owners who lived along it and not to the Town of West Tisbury. So any changes to that the Applicant was proposing had to be brought to the association.

Ms. Feldman also expressed concern about the traffic at the intersection of Stony Hill Road and State Road, where many parents waited for their children to return from school. She stated that any construction vehicles brought in for the project should not be parked on Stony Hill Road; nor should cars be parked there. In addition, she pointed out that the road was already “tough to maintain.”

Noting that she was a proponent of “maximum screening,” Ms. Feldman stated her preference for clapboard. She had seen a clapboard-clad Kingdom Hall in the Town of Mashpee, she said.

Mr. Sederholm inquired about the current level of usage of Stony Hill Road. Ms. Feldman answered that there were 40 to 50 shares in the Stony Hill Road Association,
plus the Island Co-Housing project, the South Mountain Company headquarters and Chicama Vineyards. So the amount of traffic was already more than what was typical for a residential area, she stressed.

**JuleAnn VanBelle of West Tisbury** stated that churches were traditionally used as a hub in town centers. If, for instance, the Applicant was building in the West Tisbury Business District, the brick exterior would be more suitable. She emphasized that she did not want the church to become a hub around which growth occurred. In addition, Ms. VanBelle opined that increasing the number of curb cuts would "denigrate" State Road. Lastly, she appealed to the Applicant not to put pea-stone down on the walking path along Stony Hill Road.

**Peter D'Angelo of Stony Hill Road** stated that when he looked around, he saw lots of "great old shingled houses" on the Island. Shingles had just as many virtues as brick, he remarked, and the weather damaged stone, brick and stucco, too.

**Philippe Jordi, a Stony Hill Road resident**, testified that lighting on the site was an issue for him and that he would "strongly prefer" down lighting.

**Tim Mathiesen, a resident of West Tisbury and an employee at South Mountain Company**, recommended that the Public Hearing be continued so that the issues surrounding traffic generated by the site could be explored further. He also pointed out that the Applicant would need an easement to make the curb cut on Stony Hill Road for the alternate entrance to the site. Ms. Brown, the Hearing Officer, responded that she was considering a continuation of the Hearing.

**Further Questions and Comments from the Commission Members.**

Ms. Greene asked Mr. Mathiessen if the cut for the access road off Stony Hill Road crossed someone else's (and not the Applicant's) property. Mr. Mathiessen replied that the Turney family owned most of the land in question. Responding to a query from Mr. Israel, Mr. Hatcher stated that the Applicant would have no problem eliminating the alternate exit onto Stony Hill Road. He added that it was his basic understanding that there was some kind of easement dedicated to that road.

**Continued Testimony from Members of the Public with Concerns.**

**Tim Mathiesen, who had spoken earlier**, said that he hoped the Public Hearing would be continued so the issues and questions surrounding traffic impacts could be resolved. He also pointed out that the Applicant would require an easement to make a cut in Stony Hill Road. Responding to a question from Ms. Greene, Mr. Mathiesen explained that it was likely the Applicant's curb cut would have to cross over a strip of land owned by the Turney family.

Answering a question from Mr. Israel, Mr. Hatcher stated that the Applicant would have "no problem having no exit" onto Stony Hill Road. Mr. Woodruff asked Mr. Hatcher
about the Turney land just alluded to by Mr. Mathiesen. Mr. Hatcher explained that it was his understanding that there was some kind of easement dedicated to Stony Hill Road.

More Commissioner Questions and Comments.

Ms. Sibley expressed her sense of confusion: the GIS aerial photograph mounted on the wall showed a different relationship of the property lines to Stony Hill Road than did the site plan she had in her packet. “The map provided is accurate,” said DRI Coordinator Rand.

Ms. Sibley was concerned, she said, that it looked as if there was a separate piece of land between the Applicant’s property and Stony Hill Road. “I want to know what this is,” she said. She also wanted to know if the Applicant would be willing to grant a bicycle path easement if the Town chose an alternate route coming out of Old Holmes Hole Road. “We would certainly consider it,” replied Mr. Hatcher, adding, “I think that they would strongly consider it in a favorable light.”

Ms. Moore wished to know the pros and cons of using Joe Viera Road for access to the Applicant’s land. Mr. Sederholm inquired about the vehicle load permitted on Joe Viera Road. Mr. Veno pointed out that there was a no-no-cut buffer along Joe Viera Road, so lights would likely be visible to those living on that road.

With so many questions left hanging, Ms. Brown noted that she was thinking about continuing the Public Hearing. One possibility, she added, was for the Applicant to return to the Land Use Planning Committee to sort out these issues. “That would be helpful,” said Mr. Woodruff.

Ms. Warner requested that the Applicant submit a photograph of a brick Kingdom Hall building. In addition, she strongly recommended that the Applicant look at the lighting plan used at the West Tisbury Public Library, which was unobtrusive but useful. She stressed that there should not be eighteen 100-watt bulbs, which were “too energy-intensive.” Lastly, Ms. Warner said she hoped the Applicant would come up with some alternative to their proposal for air conditioning.

Final Testimony from Members of the Public with Concerns

George Mathiesen of West Tisbury related how in 1971 his family members were the only residents along Stony Hill Road. At that point, he said, a lawyer had concluded that Stony Hill Road was an Ancient Way and that the property owners on either side of it owned to the center of the road, except for a piece of the roadway at the end of the road.

More Questions and Comments from Commission Members

Ms. Ottens-Sargent wanted to be shown where abutters’ residences along Stony Hill Road were located. Mr. Hatcher pointed to their locations. Ms. Sibley pointed out that
one of those houses was “really close” to the planned development. Mr. Israel wondered if it was possible not to have any access for the project off Stony Hill Road.

Mr. Strauss said that he would like to see “a more comprehensive neighborhood picture” along Stony Hill Road. With regard to the lighting plan, he requested that some comparison be made with the lighting plan at the Vineyard Youth Tennis Center on Barnes Road, which, he noted, had “very visible lighting.”

Ms. Sibley emphasized that if the Applicant would not be permitted to made a curb cut off Stony Hill Road, the Commission needed to know that before proceeding further. Acknowledging that the Applicant was subject to certain time constraints, she also recommended that the Public Hearing be continued to the earliest possible date.

Regarding the possible access of Stony Hill Road, Mr. London pointed out that the last third of the Applicant’s property did not abut the road.

Ms. Greene requested that the Applicant provide detailed information on the lighting in the parking lot as well as any lights on the building itself. She also suggested that the Applicant might want to add some evergreens in the buffer between the parking lot and State Road.

Ms. Ottens-Sargent inquired about what would happen if the Applicant could not, in fact, make a curb cut on Stony Hill Road. Mr. Israel recommended that all lights on the site be turned off at 2:00 a.m. Mr. Woodruff wondered if the building could be pushed back so that it was not as close to State Road. Mr. Sederholm echoed that concern.

Ms. Greene wanted to know if a fire lane would be available if the curb cut off Stony Hill Road was not allowed. Mr. Hatcher indicated that the primary access would not pose any problem for emergency vehicles.

Responding to a question from the Hearing Officer, Ms. Rand said that the Public Hearing could be continued to the following Thursday, January 9.

**Applicant Summary**

Mr. Hatcher made it clear that the Applicant would be willing to forego the curb cut for a secondary access road off Stony Hill Road. In addition, he said, the Applicant was flexible about where the exact curb cut off State Road would be. He finished up by stating that members of the congregation would be meeting with the neighbors closest to the site to work out some of the issues raised that evening.

The Hearing Officer then closed the Hearing session and continued the Hearing to Thursday, January 9, 2003, at 7:30 p.m. Chairman Ahearn took the gavel and called for a short recess. The time was 10:10 p.m.
Vote: Pearlson-Sturges Subdivision Written Decision (DRI No. 383-1)

Chairman Athearn reopened the Special Meeting at 10:18 p.m. Ms. Greene made a Motion To Move To Item Six, Possible Vote, duly seconded by Mr. Israel. The Motion carried unanimously by Voice Vote. Ms. Sibley made a Motion To Approve The Pearlson-Sturges Subdivision Written Decision As Written, duly seconded by Mr. Israel.

Mr. Veno then conducted a Roll Call Vote on Ms. Sibley's Motion, with the results as follows:

AYES: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole; K. Warner; and A. Woodruff.

NAYS: None.

ABSTAINING: None.

INELIGIBLE: D. Moore; K. Newman; D. Sederholm; and P. Strauss.

Discussion: Possible Fee Waiver for Bridge Housing Applicant (DRI No. 560)

DRI Coordinator Rand explained that the Application fee for the Bridge Housing Project came to $5,995, plus some incidental costs for advertising. The Applicant was requesting that the fee not be based on the Commission’s usual formula but instead on the Staff time that had been and would be expended on the review of this DRI. Ms. Rand then stated that she had told the Applicant that she could not recommend their request to the full Commission. It was a big project, she stressed, adding, “We’ll take a hit on it.”

Ms. Greene wanted to know how many residential units the project entailed. Thirty-two, answered Ms. Rand. Ms. Sibley pointed out that the Commission had not waived the fee for the Windemere project.

Ms. Rand emphasized that she would be loath to set a precedent by calculating the fee as the Applicant had requested. “It’s not the way I would prefer to approach fee waivers,” she said.

Ms. Warner made a Motion That The Bridge Housing Applicant Not Be Granted A Waiver Of The Commission’s Application Fee, duly seconded by Mr. Strauss. The Motion carried unanimously by Voice Vote.

Brief Discussion: Increase in the Commission’s Assessments to the Towns.

Mr. Israel stated emphatically that he had problems with the raised Commission assessment for the Town of Tisbury. Ms. Greene, Chair of the Finance Committee,
related that initially the budget had called for a 29 percent increase but that the committee had whittled that down to a 17 percent increase. She stressed that in view of the State budget deficit and the new administration of Mr. Romney, the Commission could no longer count on any grant money from the State.

Responding to a question from Ms. Ottens-Sargent, Ms. Greene explained that some of the assessments had jumped because of the revaluation of properties by the Towns. Mr. Israel pointed out that the increase the year before had also been significant.

**Discussion: A Questioning of the Next Step for the West Tisbury Kingdom Hall Application (DRI No. 559)**

The discussion turned back to the subject of the next step in the Hearing process for the West Tisbury Kingdom Hall Application (DRI No. 559). Ms. Brown wondered if instead of continuing the Hearing to the following week, the Commission could conduct a further review of the project under the auspices of the Land Use Planning Committee.

Ms. Rand pointed out that, due to the heavy influx of DRIs during the last few months of 2002, she had been unable to schedule the Kingdom Hall Application within 30 days of its receipt by the Commission, which was the usual procedure. The Applicant, she said, was subject to a strict timetable and needed to have the review wrapped up by the end of January.

Mr. London remarked that the Applicant seemed to have a clear idea of what the Commission’s concerns were and had not objected when they had been asked if they could have the answers to the MVC’s questions by the following Thursday.

Mr. Woodruff stated that he was not willing to proceed with this review until the Applicant had answered fully all the questions that had arisen in the Hearing session that evening.

Ms. Rand suggested that the Applicant could work with a series of options, as the Anderson Irrevocable Trust Applicant had done recently (DRI No. 504-1).

“My concern, frankly, is I don’t want a curb cut on State Road,” commented Ms. Sibley, who added that the whole question of access had to be worked out. Mr. Israel thought that another LUPC review would be beneficial. Besides the curb-cut issue, he wanted the committee to consider the question of using brick for the structure.

Ms. Brown observed that the issues the Applicant would be looking into were clear, for instance, what improvements could be made to a State Road curb cut. An LUPC view in the middle of the Public Hearing was not especially productive, she noted. Mr. Israel disagreed.

Regarding the issue of access, Mr. London emphasized that it was “strongly desirable” to avoid any new curb cut. A discussion ensued on this issue. Mr. Woodruff wanted to
make it clear that he was not totally rejecting the possibility of having the access from a curb cut off Stony Hill Road.

Mr. Israel again stressed that the Applicant should look at the possibility of not using brick on the building's exterior. Ms. Sibley wondered if the Applicant had taken seriously enough Mr. Woodruff's suggestion about moving the building farther back from State Road. Ms. Warner requested an elevation of the building drawn without the portico the Applicant was proposing. Ms. Moore pointed out that if a bicycle path was built along State Road, the vegetative buffer between that road and the building would provide even less screening. The time was 10:43 p.m.

**Discussion: Summons to Members From the Down Island Golf Applicant**

Senior Planner William Veno related to the Commissioners a conversation he had had with Commission Counsel Eric Wodlinger with regard to a Summons that had been served to five of the members by the Down Island Golf Club III Applicant (DRI No. 556). According to Mr. Wodlinger, he said, the Docket number on the Summons was the same on the one on the lawsuit against the full Commission. So, he stressed, Mr. Wodlinger had already provided an Answer to the Summons in answering the larger lawsuit. The time was 10:45 p.m.

**Discussion: Tisbury Inn Reconstruction and the Weisman Letter (DRI No. 550)**

Mr. Israel stated that he had been very disturbed by a letter from architect James Weisman published in the local press contending that the Tisbury Inn Reconstruction Applicant had exceeded the amount of floor area approved by the Commission by 900 feet. “By Jamie [Weisman]’s calculation,” commented Ms. Greene. “It needed to be responded to,” declared Mr. Israel.

DRI Coordinator Rand explained that Mr. Weisman had been looking at the steel frame of the building going up and then had scaled it out, concluding that 900 additional square feet had been added to the plan as well as 19 balconies. In addition, the structure on top of the building had expanded from 12 feet by 12 feet to 20 feet by 20 feet.

One thing that she wanted to clarify, continued Ms. Rand, was at which juncture the Applicant’s plan had changed. For instance, was the plan approved by the Zoning Board of Appeals the same one that the Commission had approved?

Ms. Sibley remarked that this did not, in fact, matter. Ms. Warner suggested that the Commission fire off a letter to Building Inspector and Zoning Enforcement Officer Kenneth Barwick, stating simply that the plan he had was not the plan the Commission had approved “and we ask that you stop the project until this is resolved.”

Mr. Israel commented that it behooved the Commission to identity for the Town of Tisbury exactly what elements of the plan had been changed since the MVC’s Approval. Ms. Greene strongly recommended that the Commission cease its discussion of the
subject until after DRI Coordinator Rand had spoken with Mr. Barwick. "Talk to him tomorrow," urged Ms. Warner.

A brief discussion followed regarding what legal recourse the Commission had available if the Applicant refused either to stick with his original plan or return to the Commission for a Modification. Ms. Warner mentioned that in the Town of West Tisbury all building plans were recorded at the Registry of Deeds.

Ms. Greene made a Motion To Adjourn, duly seconded. The Special Meeting adjourned at 10:56 p.m.

PRESENT: J. Athearn; J. Best; C. Brown; J. Greene; T. Israel; D. Moore; K. Newman; M. Ottens-Sargent; D. Sederholm; L. Sibley; P. Strauss; R. Toole; K. Warner; and A. Woodruff.

ABSENT: Alan Schweikert.

[These Minutes were prepared by Staff Secretary Pia Webster using her shorthand notes and a tape recording of the Special Meeting.]