

THE MARTHA'S VINEYARD COMMISSION

BOX 1447 • OAK BLUFFS
MASSACHUSETTS 02557

(508) 693-3453

FAX (508) 693-7894

MINUTES OF SEPTEMBER 15, 1994

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, September 15, 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, Jr.
Box 351
Westport Point
Newark, MA 02791

Location: North Water Street
Edgartown, MA

Proposal: construction of a single family dwelling 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), read the Public Hearing Notice, opened the hearing for testimony. She called for applicant presentation.

Mr. Hurd passed around a model of the proposed house. He stated that the present plan preserved the public viewshed as much as possible, and requested that specific design issues be referred back to the Town of Edgartown for review by the Historic District Commission and Conservation Commission. He requested the MVC approval of a building envelope, with details to be worked out at the town level.

Ms. Sibley called for questions for Commissioners.

Mr. Colaneri questioned what the building height might be.

Mr. Hurd explained it wasn't but could be 25'.

Mr. Hall asked about exterior treatments.

Mr. Hurd responded that he would like white clapboard, but those are issues better left to the Historic District Commission.

Mr. Briggs asked for clarification of lot lines on street lines and the applicant did so.

Mrs. Riggs questioned the scale of the windows.

Mr. Hurd responded they were 3' wide, but would need to be proportioned, per Historic District guidelines.

Ms. Sibley asked where the roofline of the previously denied house would have been and the applicant indicated so.

Ms. Sibley asked for Town Board comments.

Mr. Morgan, Edgartown Selectman, related unsuccessful efforts to purchase and completely preserve the property. He supported approving the construction of a house as long as the Town could determine what would be most appropriate on this property.

Ms. Sibley called for public testimony in favor of the proposal. There was none.

Ms. Sibley called for public testimony against the proposal. George Brush stated that applicant has petitioned the State for an appeal of the denial to build in the floodplain. They also have been working on alternative building scenarios and continued dialogue with Mr. Sharp. He claimed that the present plan is for a house that is too large and out of proportion for the street. Mr. Eldredge described possible alternative development schemes. He discussed the viewsheds, benefits and detriments associated with each scheme.

Ms. Sibley asked were there any questions from Commissioners concerning these alternatives.

Mr. Best asked about the square footage of the house and in alternative diagrams. Mr. Eldredge responded 1,400 square feet+. The Commissioners discussed the relative positions within the lot of the various schemes presented.

Mr. Brush expressed support for an alternative scheme and requested MVC denial of the applicant's plan.

Mr. Colaneri questioned the pursuit of building in the floodplain.

Mr. Brush responded that he was unhappy with the DEP decision. Mr. Sargent asked why the abutters simply haven't purchased the property.

Mr. Brush stated that the applicant has shown no interest in selling.

Ms. Sibley called for additional testimony in opposition.

Mr. Peter Lawson Johnson stated that he didn't feel the current plan was a true compromise between Mr. Sharp's desire and the neighbor's views. He stated that an MVC denial would be supportive of a fair and reasonable compromise.

Mr. Gene Barbato questioned the present plan showing a house at elevation 14', as opposed to 7'.

Ms. Sibley called for general public testimony. There was none.

Ms. Sibley called upon the applicant to summarize.

Mr. Hurd reiterated the fairness of the plan as proposed. He expressed doubt that DEP would rehear the floodplain issues. He also disagreed with some of Mr. Eldredge's conclusions and requested approval in order to pursue those very issues with the Town of

Edgartown.

Mr. Sobel, attorney for Mr. Sharp confirmed that the appeal request for building in the floodplain was in fact denied because it was not filed in a timely manner.

Ms. Greene asked when that decision was made. Mr. Sobel responded "yesterday".

Mr. Sargent asked what the square footage of surrounding houses were. This information was not immediately available.

Mr. Morgan added that the appeal to the Building Board of Appeals was written on behalf of Edgartown, but it was in fact not filed by the Town.

Ms. Sibley declared the hearing closed.

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

ITEM #2 - Discussion - Peter Sharp DRI

Ms. Greene moved that the Commission proceed immediately to ITEM #5 - Possible Vote. Duly seconded approved.

ITEM #5 - Possible Vote - Peter Sharp DRI

Ms. Greene moved that the DRI be approved with the following conditions: top elevation no more than 24'6", house may be raised in 11'6" contour, may be no closer than 5' from street line, no deeper than 65' from street line.

Mr. Early suggested removing the floor level of 11'6" from the conditions, attached to the motion, and Ms. Greene agreed.

Discussion ensued concerning elevation on the site and various building plans.

Mr. Colaneri pointed out the need to include the Historic District Commission. Ms. Greene added condition to her motion that the Historic District Commission must approve the final plan and that hedges in front would be no higher than 4'.

The motion was duly seconded by Mr. Early.

The Commissioners then discussed the motion including the height and style of any potential house in light of a 24' 6" elevation cap, and the option available to the applicant, Historic District Commission and other Town Boards. Mr. Early questioned whether a 24' 6" cap would create architectural difficulties. Ms. Sibley and Mr. Colaneri concurred, as the house would become part of the view itself. Mr. Early suggested that the location of the SE corner of the house should define the building envelope.

Ms. Greene and Mr. Early amended their motion to eliminate the height restriction and to define an envelope with bounds of 25' and 60'. Commissioners further discussed the proposal and clarified the conditions. Ms. Sibley expressed concern about parked automobiles on

the property obstructing the view.

Mr. Clifford reviewed the conditions.

- 1) Building envelope will be limited as follows: the street corner after house will be no further than 25' from the water property line and 60' from the streetside property line. Town Committees will work out the details of actual house.
- 2) fencing and shrubbery along street property line will be reduced and maintained so as not to obstruct the view nor shall additional plantings, fences obstruct the view.

Additional discussion followed.

Mr. Donaroma called for a vote. The motion was approved 10-0 with 1 abstention.

ITEM #3 - Minutes of September 1, 1994 were approved.

ITEM #4 - Chairman's Report - there was none.
LUPC - there was none.
PED - September 21, 1994 with the Agricultural Task Force at 5:00 p.m.
Legislative Liaison - there was none.

ITEM #6 - Old Business -

Mr. Colaneri asked for a status report on the Sewage issue. Mr. Clifford responded that the MVC will meet with the towns on Sept. 22. We are awaiting the MEPA process.
Mr. Briggs called for an update on the Herring Creek Farm Trust litigation. Mr. Clifford stated the next hearing date was scheduled for September 20. Commissioners discussed the importance of attending hearings.

ITEM #7 - New Business - there was none.

ITEM #8 - Correspondence - there was none.

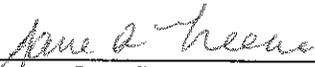
There being no further business the meeting adjourned.

ATTEST



Michael J Donaroma,
Chairman

Date



Jane A. Greene,
Clerk/Treasurer

10/20/94
Date

Attendance

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

Absent: Bryant, Jason, Lazerow, Sullivan, Vanderhoop, Allen,
Bolling, Chapin, Gallagher