

THE MARTHA'S VINEYARD COMMISSION

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MINUTES OF JUNE 6, 1991

MARTHA'S VINEYARD COMMISSION MEETING

The Martha's Vineyard Commission held a public hearing on Thursday, June 6, 1991 at 7:30 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: Richard H. Goodell, Jr.
General Delivery
West Tisbury, MA 02575

Location: State Road
Vineyard Haven, MA

Proposal: Renovation of an existing commercial structure qualifying as a DRI since the structure had been the subject of a previous DRI application.

Alan Schweikert, Chairman of the Land Use Planning Committee, (LUPC), read the Public Hearing Notice, opened the hearing for testimony at 7:35 p.m., and called on Mr. Goodell to make his presentation.

Richard Goodell discussed the proposal and what was being proposed for the former Woodchips building - 12 candlepin lanes, 6 tournament pool tables, 3 vending machines, handicapped access rest rooms, 4 video game tables. He indicated little work on the outside. He felt parking and landscaping were already in place.

Mr. Simmons, staff, discussed the plans. He noted that the landscaping was as is but he was unsure of whether that included new lighting or not. He noted that the septic system may not meet Title V for bowling alleys and that the Board of Health in Tisbury had not seen the proposal yet. He discussed the capacity of the existing system. He discussed the proposal with request to traffic and felt that there would not be a major impact on State Road. He discussed the parking lot lay-out and the problems therein. He further discussed handicapped access and drop-off. He suggested the possibility of moving the sign to increase visibility since it was nearly impossible to move the driveway due to the location of utility lines.

Mr. Wey asked if the structure was scheduled for enlargement. The response was no. A brief discussion followed. Mr. Wey asked who drew the parking plan. The response was Mr. Goodell's daughter-in-law.

Mr. Goodell indicated that the Tisbury Building Inspector had stated 46 spaces needed.

Ms. Harney questioned whether there were plans to serve food in the future. Mr. Goodell indicated none; vending machines would be the only source of snacks.

Mr. Early questioned the signage. Mr. Goodell had originally hoped to use the existing sign. He discussed his hopes and described the type envisioned.

Mr. Hebert expressed concern over the lack of a Title V system. Mr. Schweikert questioned whether there was a need for up-grade. Mr. Simmons indicated yes, per Board of Health. A discussion of this matter followed.

Mr. Colaneri questioned the Title V requirements. Mr. Simmons read the regulations and the Tisbury Zoning Ordinance requirements.

Ms. Sibley questioned whether rental or purchase of building. Mr. Goodell indicated rental, possible purchase, if profitable. Ms. Sibley discussed possible curb cut consolidation and the state road corridor study. A discussion of this matter followed.

Mr. Hall asked if the parking lot was paved. The response was no.

Mr. Jason questioned the lighting. Mr. Goodell noted that there were two large lamps on rear of building. He discussed the darkness in certain areas of the site and that other lighting would be needed.

Mr. Briggs discussed the possibility of persons being dropped off on State Road and questioned a turn-out. Mr. Goodell felt that it would be very dangerous. A discussion of the need for State permission for such followed.

Mr. Best discussed the past usage of the area and felt that stopping on State Road should be discouraged.

A discussion of improved visibility at the entrance drive followed.

Mr. Hall discussed the issue of drainage. Mr. Goodell discussed the drainage of the site. Mr. Clifford discussed the topography of the site and the direction of the flow of surface water.

Mr. Schweikert called for town boards. There were none. Mr. Schweikert then called for proponents. There were none. He then called for opponents. There were none.

Mr. Lee discussed the need for such a venture. Ms. Greene felt that the proposal was a great benefit to all. Mr. Jason discussed the issue of Title V being a local issue. Mr. Early further discussed the Title V issue.

Mr. Goodell raised the issue of time needed to get the proposal started.

He then discussed the issue of the fee which was \$3,800. A discussion of this matter followed. Ms. Greene felt that since the project was the result of a previous DRI and was of great benefit, the deposit should be sufficient. A discussion of this matter followed.

There being no further testimony the hearing was adjourned at 8:03 p.m.

The Martha's Vineyard Commission held a Public Hearing on Thursday, June 6, 1991 at 8:00 p.m. in the Commission Offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA on the Standards and Criteria for developments of regional impact in accordance with Section 12 of Chapter 831 of the Acts of 1977, as amended.

Alan Schweikert, Chairman of the Land Use Planning Committee read the legal notice and opened the hearing for testimony at 8:15 p.m. He then called upon Mr. Clifford to go over the proposal.

Ms. Bryant wished to note for all the new map hanging on the wall which was scheduled to be available for visitors in a week. She felt the staff deserved much credit. Ms. Greene noted that there had been requests from some hotels for copies. Mr. Clifford noted that Jan Wheaton and Tom Simmons were the staff most responsible for the development of the map.

Mr. Clifford began by reading each of the parts of the standards and criteria and indicated whether there had been any changes proposed. Preamble - no change. Section 200, subsection 210 definitions were drawn straight from Chapter 831 with exception of clarification of what constituted change of use.

Mr. Colaneri questioned how the procedure would occur. Mr. Schweikert explained the process. A discussion of this matter followed.

Mr. Hall discussed subsection 210. He proposed changing the wording to "or a change from residential to commercial" following the words "in the number of units." He felt that it would make it simpler. A discussion of this matter followed.

Mr. Jason felt that the standards and criteria should be read page by page and comment taken and then discussion by Commission later. He felt that since it was a public hearing the public should be heard first. A discussion of this matter followed.

Angeljean Chiaramida, Chamber of Commerce, questioned whether this was the only comment period or would record remain open for comments. Mr. Schweikert felt the record would be kept open. Ms. Chiaramida asked for date of closing.

Subsection 2.11 changed to clarify net access and what constituted cumulative floor area. Mr. Clifford explained the revisions.

Subsections 2.12 through 2.19 were unchanged.

A clarification on procedures followed.

Leo Convery raised an issue of net square footage, what was it. Mr. Jason noted what had been discussed previously. Angeljean Chiaramida, found section confusing also. A discussion of what "net" meant followed.

Section 3.00 subsection 3.101 - deleted by the Supreme Judicial Court - former crosstown referral.

Subsection 3.102 - changes explained to permit MVC to decide whether applicant should be before Commission or not. Mr. Convery questioned the reasoning of why return. Ms. Greene explained how the process would work. Ms. Sibley further explained using examples. Mr. Convery further questioned issue. Ms. Greene further attempted to explain process to Mr. Convery. She felt that it was simplified now. Mr. Hall asked about rational for 3.102. Mr. Jason explained where 3.102 came from and why safeguard.

Eric Peters discussed problem of 3.102 and the need to be clear cut. He wanted to know what the rules were.

Ms. Chiaramida questioned whether there was a fee. Mr. Clifford explained the fee structure and MVC regulations. Mr. Peters further questioned the need for much clearer wording. Mr. Clifford discussed the points in Section 12 of Chapter 831. Mr. Colaneri noted that it was the intent to provide some relief for applicant. A discussion of this matter followed.

Subsection 3.103 - no changes. A discussion of this matter followed.

Subsection 3.104 - Mr. Clifford read the change included in the proposal. Ms. Chiaramida asked for a repeat. Mr. Clifford explained the change.

Mr. Convery questioned why include National Historic Register since he felt it would be an added burden. He further discussed the issue. Mr. Clifford explained the reasons for the change and read a letter from the Mass. Historical Commission regarding this issue and which was in favor of the change with some modifications. A discussion of this matter followed. Mr. Hall noted that there were State regulations in place and further discussed the potential for a list. Ms. Greene discussed the amount of research that was contained in the office and what would be used as a guide. Mr. Peters discussed a possible scenario of what might occur.

Subsection 3.105 - unchanged

Subsection 3.106 - added words bridge and driveway; no comments.

Subsection 3.107 - unchanged

Subsection 3.108 - added "of the county".

Mr. Peters felt that there were other matters changed; all noted the corrections. A discussion of this item followed.

Subsection 3.109 - unchanged.

Subsection 3.201 - changes include 30 acres and 6 lots.
Mr. Peters felt that change was good and explained why.

Subsection 3.202 - only change was from 7 years to 8 years.

Subsection 3.203 - unchanged.

Subsection 3.204 - unchanged.

Subsection 3.205 - entirely new. Mr. Clifford read the new words and emphasized the role of the local board. Mr. Peters noted potential problems. He felt that "in perpetuity" was a problem. Ms. Greene noted where the listing of soils could be found.

Subsection 3.301a - changed from 1,000 to 3,000 square feet.
3.301b - changed from 1,000 to 1,500 square feet
3.301c - unchanged.
3.301d - entirely new.
3.301e - entirely new.

Mr. Clifford discussed the latter two items. Mr. Best questioned certain procedures and how many more public hearings would occur. He discussed possible further changes and public input. Mr. Combra discussed his feelings on the issue. Ms. Sibley discussed her feelings on the issue.

Mr. Schweikert noted that any changes should be made known now. Mr. Early discussed his feelings on how the Commission might act. A discussion of this matter followed. Mr. Schweikert indicated that he wished to take testimony from the public. Mr. Peters discussed what he felt was necessary to make it clearer with respect to changes of use. He discussed what was good and what was bad about the proposals.

Peter Cronig questioned whether commercial to commercial would be reviewed. A discussion of whether intensity of use was the criteria followed. A discussion of the need for a permit followed. Mr. Colaneri asked for a consensus of the feeling 1,000?, 3,000?, 2,000? A discussion followed.

Mr. Convery questioned whether the entire standards and criteria were open for discussion. Mr. Schweikert restated the rules of the hearing. Mr. Convery stated his feelings regarding the size of a DRI. He discussed the interpretation of the checklist and gave some examples.

Ms. Chiaramida discussed the numbers of calls received by the Chamber for clarification of this issue. She discussed the lack of time to study the changes. She asked for a period of time to review and comment on the proposals.

Mr. Early suggested keeping record open twice or three times the normal for comments.

A discussion of the routing and numbers of phone calls followed. Mr. Sullivan noted that the changes were an attempt to free the standards of very rigid wording.

Subsection 3.401a - unchanged
Subsection 3.401b - new section
Subsection 3.401c - new section

A discussion of why 3.401c contained three as the number rather than a different number. Mr. Cronig suggested going to number 10 as all others are. Mr. Peters questioned what a premise was. A discussion of these items, particularly 3.401c followed.

Mr. Hall discussed the wording of 3.401c. Mr. Convery felt the local boards were more capable of dealing with this matter. He felt square footage and usage should be a criteria.

Mr. Early questioned whether 3.401b was gross or net - the total number in the end. A discussion of this matter followed. A discussion of the review of bed and breakfasts followed.

Ms. Chiaramida discussed issues that were local in nature regarding bed and breakfast. Ms. Sibley discussed this matter from a regional standpoint and the need for the MVC needing its own criteria. Mr. Best discussed the matter with respect to apartments.

Subsection 3.501 - unchanged although wording was reorganized

Subsection 3.502 - unchanged

Subsection 3.601 - word religion replaced by place of assembly

Subsection 3.701, 3.702, 3.703 - unchanged

Mr. Lee questioned what a place of assembly would be. Mr. Clifford indicated that whatever the Town defined the term as.

Mr. Convery thanked the Commission for the opportunity to give input and hoped that they would remember that things should be viewed from a regional perspective.

Ms. Sibley commented and thanked those of the public who came to discuss these items.

Mr. Jason asked to hear town board comments.

Mr. Schweikert called for town board comments - there were none.

There being no further testimony, the hearing was closed at 9:27 p.m. and the record was kept open for two weeks.

Following the public hearings, the Martha's Vineyard Commission held a Special Meeting of the Commission on Thursday, June 6, 1991 in the Commission offices, Olde Stone Building, New York Avenue, Oak Bluffs, MA.

Jennie Greene, Chairman of the Commission, called the meeting to order at 9:40 p.m.

ITEM #1 - Chairman's Report

Ms. Greene announced that a party for departing Laurie White would be held on Saturday, June 8 at 7:00 p.m. She circulated maps to all Commissioners.

ITEM #2 - Old Business

Mr. Clifford noted that Norman Friedman was well and walking the

streets.

Mr. Briggs indicated a possible need for illustrative examples for the public to better understand the standards and criteria. A discussion of this matter followed.

Ms. Sibley felt that there was a need for a workshop when the new standards and criteria were adopted. She discussed the reasons for such a training session. Mr. Jason suggested discussion at Land Use Planning Committee meetings.

ITEM #3 - Minutes of May 30, 1991

Mr. Jason asked for one change - the inclusion of his comment that the applicant would be treated fairly. Mr. Combra discussed the issue regarding the Island Queen shelter and apologized to Mr. Schweikert for certain comments. He did not feel that the matter was related at all to the checklist. A discussion of the issue as it occurred on May 30th followed. Mr. Combra further discussed the proposal, how it would look and the reasons why it would not qualify as a DRI. Mr. Wey agreed. A discussion of this matter followed. A discussion of whether it was or was not a DRI followed.

Mr. Combra noted that the minutes should read Island Queen and not the Hy Line.

The minutes were approved as corrected.

ITEM #4 - Committee and Legislative Liaison Reports

LUPC - Mr. Schweikert discussed the presentation of Ed Cuetara on the Fisher property in Edgartown.

Mr. Schweikert then discussed the review of the Boch DRI. He noted that the Committee had discussed the issue for a long period of time. Mr. Sullivan felt that the Commission had spent too much time on hearing the proposal over and over with no changes being put forth. Mr. Donaroma discussed his impression of what the applicant had offered and would put forth something in the future. A discussion of what was really offered and what was not followed. Ms. Sibley discussed the difference in the proposal, not the plan, but the activity which was marine oriented. A discussion of who the agent was followed. A discussion of what constituted a completed application followed. Mr. Jason discussed his interpretation of why the applicant had returned. Mr. Donaroma discussed the events of the evening. A discussion of the further request for a different proposal followed. Mr. Hall indicated that added information from staff was needed.

Ms. Greene discussed the difference in the proposals. She noted that there was no recommendation as yet. A discussion of employee parking and other changes discussed followed. Mr. Schweikert further explained the discussions of the Committee. A further discussion of the Boch DRI followed.

Tom Simmons was asked to explain his review of the proposal which he did noting that he had used the numbers presented by the applicant. Ms. Sibley further discussed some of the discussions and items sought by the Committee. Mr. Sullivan questioned enforcement. Mr. Schweikert discussed the visual aspects of the site. Mr. Lee explained why it was suggested to see if the structures were sound and could be removed. Mr. Hall discussed uses in accordance with the by-law. Mr. Colaneri questioned the need for a completed application. Mr. Best questioned procedures.

Mr. Early noted that the Commission was on Item #4 and suggested moving on.

Mr. Schweikert reported on the status of the Cape Cod Company DRI. A discussion on this item followed. Ms. Bryant questioned whether the applicant would return to the LUPC since there was a concern for water availability. A discussion on the issue of water quality and availability followed. A discussion on the offer of the applicant followed. Mr. Colaneri asked for an elaboration of the affordable housing issue. Ms. Greene explained what was offered and what had transpired since. Mr. Hall discussed his feelings on the issue.

PED - Mr. Early indicated that there had been no meeting scheduled as yet with the Board of Selectmen in Oak Bluffs.

LUPC - Mr. Schweikert discussed the Taylor DRI and explained what was bothering the Committee. Mr. Lee discussed the history of this proposal and felt that it was important to determine what was really installed as the septic system. Mr. Hebert discussed what had been submitted by the engineer. A discussion of whom the applicant had to satisfy followed. Mr. Briggs discussed the validity of the stamped plan. A discussion of how Title V viewed restaurants followed. Ms. Bryant suggested a site visit. Ms. Greene felt a date should be set for the visit.

Mr. Early discussed the position paper of J. Eldredge regarding the prevailing wage law, the issue of bonds and a risk pool. He questioned whether there was a role for the MVC in this issue. All agreed there should be. A discussion of this matter followed. Mr. Early felt there would probably be a meeting of the group in the near future to discuss this issue further. A further discussion followed. Ms. White explained her experience with the Tisbury Senior Center. Ms. Greene suggested Mr. Clifford correspond with the Howes House group conveying the MVC feelings on this matter.

Ms. Bryant noted that the County Commissioners had confirmed with EOCD that there was a \$3,000.00 match available for the Business Park Feasibility Study.

Ms. Greene introduced Joanne Taylor as the new transportation planner.

ITEM #5 - Discussion - There was none.

ITEM #6 - Possible Vote - There were none under this item.

ITEM #7 - New Business

Ms. Greene questioned whether anyone would object to discussion and vote on the Goodell DRI under New Business. None did.

Mr. Jason moved approval with conditions. The conditions were: the lighting plan and the parking plan be approved by LUPC; the septic be approved by the Tisbury Board of Health. He felt there were all benefits and not detriments. Second by Mr. Early.

Mr. Sullivan questioned whether such a DRI could be voted upon under new business. Ms. Green felt it could and discussed the process of getting to a final vote on the written decision.

Ms. Sibley questioned whether the issue of an easement could be addressed at this time. She discussed this issue. A condition of the future consideration of a redesign of the parking to take into account a service road to the rear followed. A discussion of the run-off followed. A discussion of possible blocking of the potential of a drop-off on State highway followed. Ms. Sibley questioned whether the curb cut could be closed if the service road came into being. A discussion followed.

Ms. Greene restated the conditions: parking and lighting to LUPC; septic to Tisbury Board of Health; sign moved and altered; consideration of an easement to rear of property.

On a roll call vote the Commission voted unanimously with two abstentions (Sullivan and Briggs).

Mr. Jason moved that the Executive Director figure out the cost of review and charge the applicant same. Ms. Sibley discussed the problem of doing things on an ad hoc basis. Mr. Schweikert agreed with motion and felt this may be a method of greeting to revising fee structure. Mr. Jason noted that such cases as this had not been addressed in fee structure. Ms. Sibley further discussed the issue and felt that she had problem using this system. A discussion of how the fee structure was developed and the consistency thereof followed. A discussion of how to figure such fees followed. The motion, duly seconded, was approved with 2 nays and one abstention (Sullivan).

Ms. Greene questioned whether the legislation should be changed to recover costs from persons who sue the Commission. Not possible according to D. Connors.

Mr. Colaneri questioned changes to allow persons to vote if missing one part of hearing. Mr. Clifford to send copy of court decision regarding issue.

ITEM #8 - Correspondence

Ms. Greene read postcard from L. McCavitt from Fiji.

There being no further business, the meeting adjourned at 11:06 p.m.

ATTEST

Jane A. Greene 6/13/91
Jane A. Greene, Chairman Date

Thomas Sullivan 6/13/91
Thomas Sullivan, Date
Clerk/Treasurer

Attendance

Present: Best, Briggs, Bryant, Colaneri, Combra, Donaroma, Early, Greene, Hall, Hebert, Jason, Lee, Schweikert, Sibley, Sullivan, Wey, Harney.

Absent: Benoit, Clarke, Allen, Davis, Geller.