

WEST TISBURY  
CONSERVATION COMMISSION  
MINUTES OF MEETING  
April 23, 2019

**Present:** John Brannen, Whit Griswold, Michael Turnell, Binnie Ravitch Peter Rodegast and Tara Whiting-Wells

**Absent:** Geraldine Brooks

**Staff Present:** Maria McFarland

**Also present for all or part of the meeting:** Hunter Moorman, Brendan O'Neill and Tracey Smith

The meeting was called to order at 5:00 P.M. Tara Whiting-Wells, Chairman presiding.

**Minutes:** The minutes of the March 12 and March 26 meetings were approved. Binnie and John abstained.

**Continued Public Hearing:**

**Map 3 Lot 9.11:** an after-the fact public hearing under the requirements of G.L. Ch.131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Schofield, Barbini & Hoehn, on behalf of Michael J. and Kelly M. Desrosiers for a project located at 40 Bartimus Luce Road. The project consists of the construction of a single family dwelling and associated site work in the second 100 feet of the Riverfront Area. The DEP comment letter was read for the record.

The alternatives analysis and plan were reviewed. If this project had come in for approval before work was started, the board might have considered location 2 as the best choice. Location 2 placed the house outside the Riverfront Area, but would have required relocation of utilities and removal of numerous trees. Alternatives 3 and 4 placed the house closer to the brook.

There was no public comment. The public hearing was closed. A motion was made and seconded to approve this project. The vote was 5-0-1. Peter abstained as he missed the first meeting on this application.

**Old Business:**

**Map 25 Lot 1.1/Martha's Vineyard Agricultural Society /Agricultural Preservation Restriction (A PR):** At the request of the board, Brendan, Executive Director of Vineyard Conservation Society (VCS) was present for an informal discussion on the process currently used to approve events under the terms of the APR.

Brendan has been the Executive Director of VCS for 30 years and worked with the Woods family and their attorney Stephen Small to write the APR. Brendan showed members a 1986 map of the area and gave a thumbnail sketch of how the terms of the APR were crafted.

The Ag Society parcel was originally part of the planning for the Frances Woods Preserve which abuts the Ag Society parcel. Bob Wood's mother, Frances, was interested in privacy for wildlife preservation. VCS and the family wanted to provide a public benefit as well preservation of the land so they agreed to sell the parcel to the Ag Society so that they could move from the Grange property.

Brendan expressed Bob Wood's initial resistance to placing an APR on this property because he had gone to school in town, was friends with members of the Ag Society and recognized that some activities, such as the annual fair would continue at this location.

By making the Town a co-holder of the APR, the land is protected from development. Removing the APR would require a 2/3 vote of both branches of the State Legislature.

There is a full range of activities that were historically permitted and were allowed to continue at the new site including the Fair and a limited number of weddings and other events as outlined in the list of events attached to Town Counsel's 1998 letter.

According to Brendan, in 2002 VCS met with MVAS board members and established the following criteria that VCS would use to determine if an event could take place:

- Frequency of event (one time or ongoing)
- Day time uses less impactful than night time uses
- Low noise
- Reduced lighting
- Local activities preferred over non-local.

Zoning compliance is determined by the building inspector.

Brendan said the above criteria should continue to be used and that review be done in two phases; determining zoning compliance first and then compliance with the terms of the APR. If the event doesn't comply with zoning it cannot be held.

As agreed by all interested parties in the fall of 2018, starting this year, MVAS will submit a list of events for the coming year to be approved by the Town and the co-holders of the APR. . The 2019 list was approved by a committee made up of the Board of Selectmen, Brendan and Tara.

It was agreed at that as new events come up MVAS has to obtain approval from the Building Inspector, sign off from the co-holders of the APR and obtain an event permit from the Board of Selectmen.

Tara listed the letters dating back to 1997 from attorneys for the parties. At the time it was agreed that 6 weddings and 3 incidental events could be held every year. In Tara's opinion weddings are in violation of the APR because they are commercial events. Brendan replied that the number of weddings and the criteria to be met for permission to have a wedding at this location was heavily negotiated. There were stipulations about the number of weddings, that they could only be for Ag members in good standing, and that music would not be amplified outside the building.

Tara expressed her frustration with the expansion of events that are in violation of the APR.

She said that MVAS needs to avoid commercial uses that fall outside the “education, community, recreational and non-profit use”.

John asked how MVAS has reacted when the APR holders have said no. Brendan replied that events that do not comply with zoning have never been allowed. This is the first year that they have been asked to submit a detailed list of events to be approved by both co-holders. Based on clause 5 of the APR, VCS is the final arbiter of consistency and compliance with the terms of the APR.

Brendan explained that events like memorials are considered a “pop-up” event and are allowed as a community service.

Asked what the role of the Massachusetts Department of Agriculture is in monitoring for compliance, Brendan explained that the state signed this APR, but that no state money was used so Vineyard Conservation Society does the monitoring.

Peter asked Mr. Moorman, a property owner on the Panhandle Road, to describe how the neighbors feel. Mr. Moorman replied that the neighbors are against more signage, noise and the amount of traffic that challenges the rural nature of the Panhandle. He said that he hopes MVAS will begin to do more fund raising rather than increasing the number of events.

There was a lengthy discussion about the number of weddings, whether memorial services are an event and if any commercial activity is permitted even if the type of event was historically held when the Ag Society was at the Grange.

Brendan concluded by saying that he hopes the MVAS will begin to voluntarily reduce the number of events and the size of events.

After Brendan left members discussed how they would like to proceed. John suggested setting a deadline of October for submittal of the 2020 list of events. No action was taken.

**Tiah’s Cove/ Clam Point Dredge Environmental Notification Form (ENF):** The site visit with Erin Flaherty of the Mass Environmental Protection Agency was held today. The draft letter was reviewed and revised. Motion was made and seconded to send a comment letter to Secretary Beaton. All in favor.

There being no further business to conduct, the meeting adjourned at 6:45 P.M.

Respectfully submitted,

Maria McFarland  
Board Administrator  
APPROVED