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## **Minutes of the Commission Meeting Held on June 20, 2013 In the Stone Building 33 New York Avenue, Oak Bluffs, MA**

### **IN ATTENDANCE**

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Commissioners: (P= Present; A= Appointed; E= Elected)

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|------------------------------------|---------------------------------|
| - Tripp Barnes (E-Tisbury)         | P James Joyce (A-Edgartown)     |
| P John Breckenridge (E-Oak Bluffs) | P Joan Malkin (A-Chilmark)      |
| P Christina Brown (E-Edgartown)    | P W. Karl McLaurin (A-Governor) |
| - Tim Carroll (A-Chilmark)         | - Ned Orleans (A-Tisbury)       |
| - Madeline Fisher (E-Edgartown)    | P Camille Rose (E-Aquinnah)     |
| P Josh Goldstein (E-Tisbury)       | P Doug Sederholm (E-Chilmark)   |
| P Erik Hammarlund (E-West Tisbury) | P Linda Sibley (E-West Tisbury) |
| P Fred Hancock (A-Oak Bluffs)      | P Brian Smith (A-West Tisbury)  |
| P Leonard Jason (A-Edgartown)      |                                 |

Staff: Mark London (Executive Director), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing), Priscilla Leclerc (Transportation Planner)

**Fred Hancock**, Chairman called the meeting to order at 7:00 p.m. He introduced Joan Malkin who is the newly appointed Commissioner for Chilmark.

### **1. HOUSING NEEDS ASSESSMENT**

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Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

**Fred Hancock** introduced Adam Wilson, Chairman of the Housing Needs Assessment Committee to give a presentation on the Committee's findings.

**Adam Wilson** presented the following.

- The Martha's Vineyard Housing Needs Assessment was sponsored by the six Island communities and the Martha's Vineyard Commission, and supervised by the Housing Needs Assessment Committee. The project started one year ago.
- The group hired consultant Karen Sunnarborg. Three major reports were done: data analysis regarding housing needs, an organizational analysis on housing initiatives and recommendations for addressing priority needs.
- The demographic and economic trends indicate that there are declining numbers of children and younger adults and increasing numbers of older residents. About one fourth of all households earn less than \$35,000 annually and poverty is increasing. There is an increasing number of lower paying jobs in the service industry.

- The final analysis is an assessment but also a road map and it will take people with a passion to find the necessary resources to carry it out.
- Key findings from the Organizational Analysis are:
  - Subsidized housing involves 8.9% of year-round units.
  - Developments have involved creative collaborations without much benefit from economies of scale, reflected in somewhat higher per unit development costs.
  - Organizations are expanding capacity within their special niches.
  - Donated or substantially discounted land prices have a significant bearing on affordability.
  - The largest need/demand is from those earning less than median income.
  - There is a need for deeper subsidies.
- Island wide initiatives include important stakeholders such as:
  - Service providers
  - Dukes County Commissioners
  - Employers
  - The Martha's Vineyard Commission
- The towns need to take a look at existing zoning and find creative resources.
- Housing goals focus on those earning below 60% AMI (Area Median Income) for rentals and below median income for ownership.
- The Island has the Land Bank and regional solutions for housing could be a Housing Bank to develop funding.
- Key elements of the Housing Agenda are:
  - Adopt zoning/regulatory changes to promote smart growth and affordable housing. Promote a wider range of housing types including multi-family housing in appropriate areas and offer incentives for year round housing production.
  - Pursue Island-wide approaches. Expand partnerships among stakeholders and promote all-Island initiatives.
  - Access new and expanded resources (local, state and federal subsidies, tax incentives, fees and private fundraising); this is the key!
- Final conclusions are:
  - There is no substitute for strong leadership.
  - Community education is essential.
  - Partnerships are essential.
  - Get involved (local leaders, residents and employers).

**Fred Hancock** noted that there has been some discussion about some of the members of the Committee continuing within their town to do more structured needs such as looking at zoning.

**Adam Wilson** agreed that it is important to keep moving forward outside of the Committee.

**Fred Hancock** recommended that everyone look at the reports from the Housing Needs Assessment Study and especially the third report which has interesting ideas and achievable ideas without a huge output of money.

**Mark London** noted that Christina Brown was the appointed member of the MVC to the Committee and Christine Flynn did a great job in facilitating the Committee. The final reports will be on the MVC website when they are available.

**Brian Smith** asked who will take action with this information and move it forward. **Adam Wilson** said that members of the Committee are discussing whether to stay together to facilitate implantation. Other mechanisms for organizing on an Island-wide basis are to work with the Joint Affordable Housing Group (JAHG) as well as with the Commission.

**Mark London** said the JAHG involves representatives of town affordable housing committees as well as non-profits meeting at the MVC about once a month to share information and discuss possible joint efforts. The Needs Assessment arose out of JAHG discussions.

**Christina Brown** said that some of the recommendations can be taken up by citizens and perhaps there will be a revival of the idea of a housing bank as an ongoing source of funds. Hopefully people will move forward and take action.

## **2. ALLIANCE (NOVA VIDA) CHURCH (DRI-603-M3) CONTINUED PUBLIC HEARING**

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*Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.*

*For the Applicant: Valci Carvalho (Pastor), Darran Reubens (Architect), Rosemarie Haigazian (Attorney)*

**Brian Smith**, Public Hearing Officer opened the Continued Public Hearing at 7:15 p.m. The Public Hearing is continued from May 16, 2013.

### **2.1 Staff Report**

**Paul Foley** presented the following:

- A new site plan and floor plan have been submitted. The new floor plan shows three one-bedroom apartments rather than the previously stated three bedroom parsonage. Zoning will not permit the three apartments so the original floor plan will remain.
- A key issue is wastewater. The proposed usage far exceeds the nitrogen-loading limit for the property, but it could be met with a high efficiency de-nitrification system.
  - The project site is in the Sengekontacket Pond Watershed that is classified as an Impaired Watershed in the MVC Water Quality Policy. This means that any new project must meet the nitrogen-load limit allocated to the site based on its area. This site contains 1.44 acres that is allocated 4.1 kilograms per acre per year. This would allow a total nitrogen loading for this property at 5.90 kg/yr.
  - However, section 3.5 of the Policy grandfathers in the current nitrogen loading, saying that “if the previously developed site already exceeds the nitrogen loading limits in this policy, the total nitrogen loading of the property shall not be increased.” The current nitrogen loading, and therefore the limit that must be achieved, (based on water records from June 2012 to June 2013 of 141,000 gallons per year) is 16.81 kg/yr.
  - The original decision allowed a maximum of 18.24 kg/yr based on a higher annual water usage of 153,000 gallons per year including a 10% allowance overage.
  - Nitrogen loading based on proposed uses is:
    - Existing building first floor (education 156 days, 50 people); 5.16 kg/yr.

- Existing building second floor (three one bedroom apartments); 14.36 kg/yr.
- New building sanctuary and kitchen (156 days for 150 people); 18.60 kg/yr.
- New building offices; 4.50 kg/yr.
- Roof runoff; 0.56 kg/yr.
- Driveways (pervious and impervious); 0.71 kg/yr.
- Total for proposed project (without de-nitrification); 43.89 kg/yr.
- It is noted that some of the usages and occupancy (numbers of people and days) are estimated because of some lack of clarity in the application. Also, these calculations assume all storage is passive. It should be clarified why there is a bathroom in the basement of the existing building. Once this is clarified, these numbers may change.
- Therefore, the nitrogen load without de-nitrification far exceeds the limit.
- With a high efficiency on site alternative de-nitrification system that achieves at last 60% nitrogen removal, the nitrogen loading would be 17.56 kg/yr.
- Since this is only slightly above the loading limit, it should be possible to meet the limit with a modest reduction either in project area or project usage.
- The previous proposal had various conditions related to tying into the Town sewer and based on previous water usage and a lower efficiency de-nitrification system. These are now moot and new conditions should be written to reflect the current proposal and situation.
- The revised site plan shows 45 parking spaces on site including two handicapped parking spaces.
  - The proposed handicapped parking spaces are across the parking lot from the building. Handicap spaces should be located at the closest space to the accessible entrance or entrances and a person should not be required to cross the traffic stream.
  - The revised parking plan surrounds the property with vehicular circulation which could impact abutters.
  - The plan is trying to save as many trees as possible in the parking area.
- The floor plan was reviewed and it was again noted that the second floor shows three separate apartments but the plan is now one apartment with six rooms and one large common area.
- The basement plan is for mechanicals and a storage area as well as a small crawl space.

**Mark London** noted that additional information is needed regarding water quality. The Commission did not have a clear indication of how each space would be used as well as the hours of operation. The numbers in the report are a best guess based on the information that was available and assumes that nothing is in the basement except the bathroom. The uses and situation have changed considerably since the original approval. At the time of the original approval, the MVC was working with the Town to have the High School and YMCA get tied into the Town sewer and there were discussions about getting nearby residential and other developments tied in as well. Tying into the sewer no longer applies and it is not available as an option. The numbers still need to be fine-tuned.

## **2.2 Commissioners' Questions**

There was a discussion about the water usage.

- **John Breckenridge** noted that it has been mentioned that at one time the water usage was 300,000 gallons and now it is down to 141,000 gallons and asked if an overview can be given regarding the numbers.
- **Paul Foley** stated that the numbers have gone down since the daycare center left. The usage was about 300,000 gallons for about three years and in previous years it was 159,000 gallons.
- **Mark London** also noted that there was also a leak.
- **John Breckenridge** asked how many people were living at the building. **Paul Foley** said it was approximately six people and that is the same today.
- **John Breckenridge** noted that 141,000 gallons is border line for the nitrogen and is also based on a number of assumptions.
- **Mark London** said the guideline is if the usage is already over the limit, then the applicant can keep that same usage but cannot increase the usage and the usage would not go back three years ago when there was a leak.
- **Valci Carvalho** noted that the leak problem was found in 2010 and it was fixed at that time.
- **John Breckenridge** wondered what the real number is that the MVC is trying to base the nitrification load on since the only thing that is really known is the usage of 141,000 gallons.
- **Erik Hammarlund** noted that there is a variety of numbers for the water usage and everyone appears to agree on that fact.
- **Brian Smith** noted that tonight's offer from the applicant indicates that the applicant is committing to put up escrow for five years for a de-nitrification system should it be needed.
- **Leonard Jason** hoped that it would be clarified if there will be three apartments or just one as it will have an effect. **Paul Foley** said the applicant cannot have three apartments per zoning.
- **Josh Goldstein** noted that a couple of months ago the MVC had a residential applicant building on the Great Pond and the Commission was adamant about them having composting toilets, so why not for this application. **Mark London** said that even with an advanced nitrification system that applicant did not meet the limit so they had to take additional measures.
- **Rosemarie Haigazian** said the applicant is not sure how long money would be put into escrow. If they can tie into the sewer it will be done right away. However, if necessary it could be up to five years that the load limit would be exceeded until that happens.
- **Mark London** said it should be clarified right now if there is a possibility to be put on the sewer, and, if not, they should go straight to a de-nitrification system.
- **Doug Sederholm** asked what the Mass Estuaries Project found for Sengekontacket Pond and whether the MEP limit was used for this project.
- **Brian Smith** asked why a bathroom is needed in the basement when it has been repeatedly said that the basement would be used for storage. **Rosemarie Haigazian** said it is an existing bathroom.

There was a discussion about the parking.

- **James Joyce** said the proposal is for 45 parking spaces but per the Staff Report the projected traffic volume for a Sunday morning is 70 cars.
- **Rosemarie Haigazian** said that the volume of 70 cars has not been happening. The parishioners have been carpooling to Edgartown and will continue to do so. The area will not hold 70 cars and they will need to adhere to the number of parking spaces.
- **James Joyce** said that perhaps they could make the church smaller.
- **Rosemarie Haigazian** said with regards to addressing the number of parishioners, that number cannot be limited.
- **Brian Smith** clarified that he thought what was meant is that more parking spaces would be created for the parishioners if the church footprint was smaller and the statement was not referring to limiting the number of parishioners.
- **Darran Reubens** said that the number of parking spaces can be increased to 60 spaces but they are trying to be sensitive to saving the trees. The proposal for 45 parking spaces is based on carpooling as well as the use of the bus system.
- **James Joyce** noted that based on that information, the applicant is stating they will only need 45 parking spaces and they will have more than what they need.

There was a discussion of the housing.

- **John Breckenridge** said that previously the plan called for one apartment with three bedrooms and the plans tonight show three apartments each with their own separate bathroom facilities. It appears that more than one family will occupy that space. He asked for clarification on the use of the space.
- **Rosemarie Haigazian** said the three apartments are off the table and the space will be one apartment for one family.
- **Darran Reubens** said the three apartments were incorporated into the second floor to address low cost housing, but if that is not possible then the applicant will use the space as a parsonage.

**John Breckenridge** noted that there appears to be a large basement and asked what the size is and how it will be used. **Darran Reubens** and **Rosemarie Haigazian** said the space in the new building is 4,500 square feet and will be used for passive storage and to house the mechanicals such as the hot water systems and the HVAC.

**John Breckenridge** asked for clarification on the number of parishioners; it has been stated tonight that there are 85-90 parishioners. **Rosemarie Haigazian** said the applicant hopes the number will increase. **John Breckenridge** asked if the applicant is then asking the Commission to consider a facility for 150 parishioners. **Rosemarie Haigazian** confirmed that.

There was a discussion of the existing shop and deck.

- **Doug Sederholm** said the new site plan shows an existing shop and a deck and asked what the shop is used for.
- **Darran Reubens** said it is a storage shed for landscape equipment.
- **Rosemarie Haigazian** added that it also houses a large refrigerator.
- **Doug Sederholm** noted that if it was eliminated it could be open space for more parking spaces as the parking is a concern of the neighbors and there should be enough parking for 150 parishioners.

- **Rosemarie Haigazian** noted that the applicant wants to accommodate an increased need as well as satisfy the neighbors and they do not want to create a traffic jam. The applicant will find a way to accommodate the parking when it arises. If they do not need to create the parking spaces now they will not. They have considered all things to appease themselves and the Commission. The applicant does not want to take down trees if they don't need to and are trying to accommodate all facets right now. Perhaps later there will be a need to eliminate the shed and the deck to provide additional parking.
- **Doug Sederholm** suggested that perhaps it could be included in the offers.
- **Rosemarie Haigazian** said the applicant can do that.

**Darran Reubens** reviewed the perspective of the building;

- The building will be white cedar shingles that will weather gray and the trim is white.
- The windows are residential grade and meet energy code requirements.
- The curved wall of the sanctuary that houses the pulpit will be copper.
- The existing building is cedar clapboards.
- The new building is 24 feet high and so is the existing building.

There was a discussion about the lighting.

- **Brian Smith** asked if there is an outdoor lighting plan.
- **Darran Reubens** said the outdoor lighting will be 36 to 42 inches high and are low voltage downward lights. The lights are limited to areas around the parking area and there are approximately 20 to 25 lights. Exterior lights for the building are at each exit per state code.
- **Erik Hammarlund** asked when the lights would be on.
- **Rosemarie Haigazian** said they will be on for security measures and when there is activity at the building.
- **Erik Hammarlund** asked if examples can be given of the lighting usage.
- **Rosemarie Haigazian** said that limited parking spaces will have lighting for those living on the second floor and can be on motion sensors.
- **Fred Hancock** noted that it would be helpful to have a schedule in the offers for how long the lights will be on.

**John Breckenridge** noted that there are gutters on the property and asked how the runoff is being handled. **Darran Reubens** said there are gutters on the east side of the building and the downspouts are connected to a drywell. **John Breckenridge** asked if Sheri Caseau is taking into effect any of the roof runoff in the nitrogen loading numbers. **Mark London** confirmed that she is, but the nitrogen load does not include any fertilizer being used in the landscape.

There was a discussion about the hours.

- **Erik Hammarlund** noted that the hours are now increased from 9:00 a.m. to 10:00 p.m. daily and asked for clarification.
- **Rosemarie Haigazian** said that the new building will have a different perspective from what is currently being done in using the Federated Church in Edgartown. In talking with the Town of Oak Bluffs, the new hours conform to the commercial requirements as well as the noise requirements for the Town. The windows will be closed to deal with noise amplification. Every church is different on how they use their facility. There were a lot of

representations made previously that were not necessarily accurate. The hours need to be in keeping with what the Church's purpose is and not be limited.

- **Mark London** noted if that is now the Church's position, the MVC may need to recalculate the water usage since it was based on the number of hours in the previous approval.
- **Erik Hammarlund** said there is a distinction between religious and community activity restrictions. This project is located within a residential community. If the applicant vastly expands the number of activities in the application it implies there will be a greater disruption on the neighborhood.
- **Rosemarie Haigazian** clarified that the Church is not increasing their activities but they will have weddings, funerals and activities which are part of the Church community. She has spoken with other churches in the community and various activities may arise such as a wedding anniversary party for one of their parishioners. She was surprised at the number of activities that could be possible and the Church should not be limited in being able to do things for their parishioners. She believes the level of activity will be the same amount of usage but it should not be governed by the hours.
- **Linda Sibley** noted that the MVC has to do certain calculations such as water usage and the Commission asks applicants to tell the MVC the outer parameters of when they will be having their activities. If limits are not put on the project the MVC has to assume activities could happen 24 hours a day. It is in the applicants' best interest to submit reasonable hours and parameters. In addition there is a policy about night lighting and once usage of the facility stops, lighting is only required per zoning codes.

**Leonard Jason** excused himself from the meeting.

The discussion continued;

- **Brian Smith** asked how the applicant can predict the number of weddings, funerals and other activities they will have.
- **Mark London** noted that the aim is not to prevent the applicant from holding a specific activity. Previous churches have estimated their usage that included parameters for special events. Without those parameters the MVC has to assume that the current applicant, or a future owner of the property, could exceed the usage.
- **Brian Smith** asked if it is reasonable for the MVC to request that Rosemarie Haigazian have a discussion with her client (the applicant) and then present the information to the Commission.
- **Rosemarie Haigazian** said it is a reasonable request and she will have a discussion with her client.
- **Doug Sederholm** suggested that the applicant looks at the conditions and the offers that were made and approved in 2008, especially the offer that details usage. Offers are made because the applicant is applying to build a church in a residential neighborhood and the applicant needs to balance their interest with the neighbors. He suggested giving serious consideration to what was being offered in the past and what will be presented now.

**Doug Sederholm** asked what does parsonage imply; is it multiple unrelated people using the space, related people and/or renting out space? **Valci Carvalho** said it is not unrelated people; it would be a single family.



**Brian Smith** clarified that the 2008 offers carry over to this application.

**Christina Brown** suggested that the applicant goes back and looks at what was offered in 2008 and also look at the pattern of what other churches have offered in the past for their applications.

**John Breckenridge** noted that Darran Reubens could be helpful in looking at what other churches have offered as he has worked on the Pacific Avenue Church as well as the World Revival Church and those projects were laid out with clear understandings.

There was a discussion about how the space on the first floor of the existing building would be used:

- **Fred Hancock** noted that there are two baths with showers and three rooms labeled as meeting rooms. The Commission is hearing that neighbors have said previously that the space has been rented. With this plan it appears these rooms could be used for bedrooms as well as a similar setup in the basement. The Commission has also heard that in the past the space was used as a dormitory. A shower in a church is not a common thing.
- **Valci Carvalho** said there are 2,017 Alliance churches and 95 % have bathrooms with showers. They are used for kids after they have played outside.
- **Fred Hancock** noted that if this same situation was in a residence, the Health Inspector would say the space was a bedroom.
- **Valci Carvalho** said the bathroom in the basement can be removed.
- **Rosemarie Haigazian** said that perhaps she and the applicant can come up with a way to address the rooms as classrooms so they are not misconstrued.
- **Darran Reubens** said that the bathrooms are existing.
- **Brian Smith** noted that the usage of space as a dormitory or being rented is based on rumors.

### **2.3 Public Testimony**

**Kris Chvatal**, a direct abutter, addressed a number of concerns.

- He is concerned about the size of the project. Zoning was started in Oak Bluffs in 1928. The area that this project is in is residential and the area has been under attack, there is a funeral home, a TV station as well as other commercial uses.
- He read a statement regarding the southern part of Town with respect to zoning and development indicating the area is residential and the uses for a residential area as well as a statement from the MVC regarding the same.
- The project that is being proposed is four times the median size of the homes on Ryan's Way as well as larger than many of the hotels in Oak Bluffs. The complex is five times the mean gross living area of the homes on Ryan's Way as well as larger than many of the industrial buildings in the Ice Arena corridor. This is a rural area for Oak Bluffs and there are already problems with water pressure in the area.
- How does this project comply with the MVC's rural use guidelines? The Commission should be sure that the design is in compliance with the guidelines. The building should harmonize with the natural setting and habitat of the area.
- He read what community character is from the Island Plan in addition to reading several statements regarding visual character per the Oak Bluffs Zoning Bylaws.

- There have been little changes in the area that have resulted in consequences for the neighborhood.
- Parking does not meet the one-to-three ratio for churches.
- Noise from the traffic, parking lot and the amplified music will have a detrimental effect on the neighbors. A steel building with residential grade windows will not shield amplified music. Enthusiastic religious music is not ambient noise. At night you will hear the noise from the music and it will inhibit the neighbors from enjoying their residences. If the noise was from a residential use the neighbors might call the police to resolve the issue.
- The offers freely use the wording "we will" when addressing issues but when you read the offers regarding noise its states "should". From how the document is written it doesn't appear that the applicant thinks what they are proposing will work, but are not sure.
- The project should be denied as it does not meet the requirements for the Island Plan, the Island Road District, or the Oak Bluffs Master Plan. The MVC already approved a 150 seat church. The community value is exceeded on the abutter by loss of enjoyment of the property.
- He purchased his property in 2010 and if he had been here for the first approval of the project in 2008, he would have been upset.

**Brian Smith** and **Christina Brown** noted that the 150 seat church was approved in 2008 and Mr. Chvatal should have been aware of that approval when he purchased his property in 2010.

**Linda Sibley** asked if this structure needs to have a sprinkler system due to its mixed use and cubic footage and if it does, what about the water pressure issue that was mentioned.

**Preston Averill** said that with regards to the water pressure it is 35 lbs. of pressure. He questioned the water usage of 141,000 gallons and noted that Leslie Look obtained the permits for a rooming house at the property and then immediately sold the property. Did the rooming house usage numbers transfer over to the new owner and was the 141,000 gallon usage based on legal usage of the house? Perhaps the allowed nitrogen load should go back down to the lower limits.

**Ann McManus** is an abutter to the nearby World Revival Church.

- She feels there is a huge trust issue between what gets approved and actually happens. In that case, it was approved to have cedar shakes and now the building is painted green, downward lighting was approved and there are no lights, and they do not close the doors and the music can be heard. If a neighbor calls the police with a complaint about the music they won't act because it is a church.
- The size of this project needs to be rethought as well as what has to be done. The neighbors and abutters bought and built their homes with a notion of privacy. These applicants are talking about triple the amount of activity compared to what abuts her property.

**Brian Smith** noted that the applicants she was speaking about are not these applicants. **Erik Hammarlund** noted that the next MVC Compliance Committee meeting is on July 9, 2013 and if these concerns are brought to the MVC staff's attention, they can be addressed at that meeting.

There was a discussion about the noise levels.

- **Laurence Copley** is an acoustical engineer who worked with the applicant on the noise issue. In February 2013, the background ambient sound levels were measured in the neighborhood. It is 38 decibels during quiet periods. He calculated the noise transmission from the church. He cannot say that you would not hear music but it would be faint. Neighbors might occasionally hear music they are outdoors in the evening, but during the normal course of the day they would not hear it.
- **Doug Sederholm** said the applicant was using double-pane windows and asked if there are other options that could be used.
- **Laurence Copley** recommended that the applicant use a commercial grade window which has laminated glass and hardened properties.
- **Doug Sederholm** noted that most people object to the low-frequency, base-line noise from music. **Laurence Copley** added that it is the critical frequency band that needs to be addressed.
- **Laurence Copley** noted that based on the analysis of 38 decibels, if you were on a porch and nothing was going on outside you would hear the music. He reiterated that during the course of daily living it would not be heard.
- **Doug Sederholm** asked if there was a written report of his analysis. **Laurence Copley** said there was not, but if the applicant wanted a report he could put it together.
- **James Joyce** noted that the applicant was going to put up a fence and landscaping and asked how that would deal with the sound.
- **Laurence Copley** said the fence and landscaping would have to be high enough to block the line of sight before it would be effective. A stockade fence will not do anything and the analysis was done without a fence.
- **John Breckenridge** asked if the windows are casement, crank or fixed windows.
- **Darran Reubens** said that most of the windows are fixed but there is a percentage by Mass State Code that need to have the ability to be opened for ventilation.
- **Valci Carvalho** is the son of the applicant and he understands there is a question of the sound. The Church now holds services in Edgartown and there are houses all around. Why not ask the pastor of the Edgartown Federated Church how many complaints there have been? In the past four or five years there has been one complaint and it was when the church first moved to Edgartown. He is in charge of the music and was learning about the acoustics and how to manage the sound. The complaint happened because a window was left open. They have hard evidence of what really exists and their worship with music is usually done by 8:30 p.m. He is sorry that the abutter has an unfortunate situation with the other church, but that is not their church. When the house was purchased they also obtained the people who were renting rooms and the agreement was that they had to stay through the summer to the end of August and that is what happened in the past.
- **Brian Smith** asked if the new facility will have the same number of instruments as well as the amplification. **Valci Carvalho** said it would.
- **Russell Wendt** asked what decibel of music was considered to be generated in the building.
- **Laurence Copley** said it was 90 decibels for the sound level in the church. A club would be louder and as a comparison that level of sound would be uncomfortable in the Commission Meeting Room. If the doors were open you would hear the noise more. He

has also suggested to the applicant that the AC units should be on the west side of the building so the building shields them from the residences.

**Ann McManus** asked if the original building was brought up to code. **Kris Chvatal** said the building was last inspected three years ago. **Josh Goldstein** noted that the issue falls into the jurisdiction of the Town.

There was a discussion about the 2008 approval.

- **Anthony Capelli** asked the MVC if they have seen any substantial construction done based on the last decision in 2008.
- **Doug Sederholm** and **Mark London** noted that only a fence was installed.
- **Anthony Capelli** said that based on the decision of the MVC of September 11, 2008 the applicant will have two years from the written decision to start substantial construction and that has not been done.
- **Paul Foley** stated that the state's Permit Extension Act automatically extended all permits for two, two-year periods, so the original 2008 approval is good through September 11, 2014.
- **Anthony Capelli** said that "things" are muddled. There is a decision that some things are good and some things are not. This is wearing on their life, liberty and pursuit of happiness in a residential neighborhood. They have been put through this again and again and don't know what has been approved and what is getting done. The process is taking an extremely long time.
- **Erik Hammarlund** said the applicant is allowed to build based on previous approval and the extension was done by the State. The applicant is applying for a modification of their application. If the modification is approved it will be the decision in effect. If the modification is not approved the decision goes back to the original application.
- **Russell Wendt** asked if the MVC has decided that the application is a modification.
- **Brian Smith** said the Commission calls it a modification because it is a substantial change to an existing DRI. All DRI applicants have the right to modify their DRI.

**Anic Chaves** said the church has made a huge change in her life. She was previously addicted to drugs and because of the church and its support she has been clean for three years.

**Fred Hancock** noted that the MVC tries not to address personalities but rather address the topic and focus on the project application.

**Ann McManus** noted that the neighbors are not saying that there is anything wrong with the church just that it is a residential area and they are trying to protect their personal property.

**Brian Smith**, Public Hearing Officer, continued the Public Hearing until July 18, 2013.

*Fred Hancock, Chairman recessed the meeting at 9:10 p.m. and reconvened at 9:15 p.m.*

### **3. MINUTES**

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*Commissioners Present: J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.*

**Erik Hammarlund moved and it was duly seconded to approve the minutes of May 16, 2013 as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.**

#### **4. TRANSPORTATION IMPROVEMENT PROGRAM FEDERAL FISCAL YEAR 2014 APPROVAL**

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*Commissioners Present:* J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

**Bill Veno** presented the following;

- There is a four year schedule of planned improvements listed in the Transportation Improvement Program (TIP).
- The Vineyard allotment is about \$500,000, which is from gas tax monies. The funds are put towards improvements for such items as new roads, road improvements, and sidewalk improvements. The projects are proposed by the Joint Transportation Committee, made up of representatives of all Island towns.
- There is a required thirty-day comment period for the proposal for the next four years and the public comment period ends on June 29, 2103.
- The main projects for the next four fiscal years are the following.
  - FFY 2014 will be the Old County Road / State Road intersection realignment in West Tisbury. Mass DOT will be working with the Town and it will be a one year project.
  - FFY 2017 will be improvements to Beach Road from Winds Up to Five Corners including extending the Shared Use Path.
  - There are not any accepted projects for FFY 2015 and 2016. A potential project that has been identified is resurfacing the Edgartown/Vineyard Haven Road. The project needs to be scoped out and further defined. It may include bike, pedestrian and bike infrastructure improvements.
- The permanent Lagoon Pond Drawbridge will start this fall, will last three years, and is not part of the Vineyard allocation.
- In addition, the TIP includes transit funding, which is not part of the \$500,000 allocation.

**Josh Goldstein** asked how much control the MVC has over the monies. **Mark London** said that each Town appoints a representative to the Joint Transportation Committee (JTC) and works on preparing proposals to the TIP and prioritizes the projects. There is a Committee of Signatories that includes the MVC that has ultimate approval, but the Committee of Signatories generally goes along with the JTC's recommendations.

There was a discussion about reviewing the proposal.

- **Christina Brown** noted that it may be too late for the MVC to have an effect since there is such a short time to review the proposal.
- **Mark London** noted that many of these projects have been in the works for some time.
- **Christina Brown** said there are new members to the Commission that may not have known or had the time to review and hopes that in the future there would be more review time.

- **Fred Hancock** mentioned that the MVC website advertises when the JTC meetings are held so Commissioners can attend.
- **Josh Goldstein** suggested that the venue to discuss these projects is the JTC.
- **Fred Hancock** stated that the members of the committee are often the Town's Highway Departments.

There was a discussion on how the money is used.

- **Erik Hammarlund** whether TIP money can be used for planning.
- **Bill Veno** said it is only for infrastructure.
- **Fred Hancock** said there are restrictions from the state on what the money can be used for. Only certain roads are eligible.
- **Bill Veno** said that a town has to have a plan to get a project on the TIP.

**John Breckenridge** stated that often money surprisedly appears at the state level. From his experience of working through Oak Bluffs issues, the Town had several projects ready to go, so in many cases they may have done the planning and the engineering so when the money is available it moves up the ladder.

**Linda Sibley** asked if the Commission can schedule a discussion of what will be done with the Edgartown/Vineyard Haven Road. She wonders whether bus improvements means more paved turnoffs and would like to have a discussion on that before it is done.

**Doug Sederholm moved and it was duly seconded to approve the Transportation Improvement Program proposal, barring any substantial public comment.**

- **Christina Brown** said she did not understand the conditional approval, what if the MVC receives public comment?
- **Fred Hancock** said the JTC would receive the comments and addresses them.
- **Mark London** said the JTC has a tentative meeting scheduled for July 5, 2013 and if there were changes, the TIP would have to come back to the Commission.

**Voice vote. In favor: 9. Opposed: 0. Abstentions: 3. The motion passed.**

## **5. UNIFIED PLANNING WORK PROGRAM FEDERAL FISCAL YEAR 2014 APPROVAL**

*Commissioners Present:* J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

**Mark London** presented the following:

- The MVC receives planning funding from the Commonwealth yearly. It funds the salary of the Transportation Planner, and part of the salaries of other employees such as the GIS Coordinator.
- The Unified Planning Work Program (UPWP) describes and provides budgetary information for the transportation planning tasks and activities, which are to be conducted in the region during the coming year.
- The UPWP proposal is submitted to the state and Federal Highway Administration who give comment.
- There is also a thirty-day public comment period.
- The MVC budget is built on the basis of receiving the funding.

- The proposed UPWP tasks include the data collection program for downtown Vineyard Haven.

**Doug Sederholm moved and it was duly seconded to approve the Unified Planning Work Program proposal, barring any substantial public comment.**

- **Brian Smith** noted that in addition to doing traffic counts, the document also mentions doing surveys and asked if the MVC does that?
- **Mark London** said that the MVC has in the past and it was put into the proposal in case it is needed. In the past the MVC has done origin-destination studies.
- **Brian Smith** noted that everyone is concerned about Water Street and Five Corners and perhaps the MVC should talk with the people that use it regularly such as the taxi companies, delivery trucks and drivers. A traffic count doesn't answer the real issues.
- **Joan Malkin** asked if the proposal looks the same from year to year.
- **Mark London** said it is similar from year to year and many things are repetitive.
- **Joan Malkin** asked why it is necessary to approve the document.
- **Mark London** said it is a legal requirement by the Federal Government.
- **Erik Hammarlund** asked how the staff days required for the current funding are determined.
- **Mark London** said it is calculated based on past experience, salary costs, and overhead.

**Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.**

## **6. NEW BUSINESS**

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*Commissioners Present:* J. Breckenridge, C. Brown, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, W. Karl McLaurin, C. Rose, D. Sederholm, L. Sibley, B. Smith.

### **6.1 Executive Director's Report**

**Mark London** said that the MVC has three interns this summer;

- Caitlin Michniewicz will be working with Jo-Ann Taylor on the pre-disaster mitigation plan.
- Ken Kim will work with Sheri Caseau on the coastal pond testing and translate technical information for the public.
- Nicholas Gross will be working with the new Transportation Planner, Priscilla Leclerc doing traffic counts and a bottle-neck study.

He also noted that there were two interesting Coastal Planning Conferences, one in Hyannis and the other in Edgartown focusing on Wasque.

### **6.2 Reports from Chairman, Committees and/or Staff**

**Christina Brown** said PED has not met for a while due to Jim Miller leaving the Commission. She is hoping to schedule a meeting soon. She will speak with everyone about their possible involvement with the planning arm of the Commission.

**Erik Hammarlund** said the Compliance Committee will meet on July 9, 2013 at 8:30 a.m. and all Commissioners are welcome to attend.

**Mark London** noted that LUPC meets next Monday, June 24, 2013 to review the Fishing Pier changing from the approved wood structure nine feet off the water to a steel structure that is twelve feet off the water. Other topics include a monopole at the airport and the new utility poles.

The meeting was adjourned at 9:55 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on May 16, 2013
- Martha’s Vineyard Housing Needs Assessment Overview
- Martha’s Vineyard Commission DRI # 603-M3 Nova Vida/Alliance Church Expansion , MVC Staff Report-2-13-06-20
- Transportation Improvement Program for the Martha’s Vineyard Region, Draft Federal Fiscal Years 2014-2017, October 1, 2013 to September 30, 2017
- FFY 2014-2017 Martha’s Vineyard TIP Programming Overview
- Unified Planning Work Program for Transportation Planning Activities in Dukes County, Massachusetts, FFY 2014 – Draft, October 1, 2013-September 30, 2014, Martha’s Vineyard Commission

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Chairman

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Date

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Clerk-Treasurer

\_\_\_\_\_  
Date