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**Minutes of the Commission Meeting  
Held on May 21, 2015  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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

P Tripp Barnes (E-Tisbury)	P James Joyce (A-Edgartown)
P John Breckenridge (A-Oak Bluffs)	P Joan Malkin (A-Chilmark)
P Christina Brown (E-Edgartown)	- W. Karl McLaurin (A-Governor)
- Harold Chapdelaine (A-Tisbury)	P Katherine Newman (A-Aquinnah)
- Robert Doyle (E-Chilmark)	P Doug Sederholm (E-Chilmark)
P Josh Goldstein (E-Tisbury)	- Abe Seiman (E-Oak Bluffs)
P Fred Hancock (E-Oak Bluffs)	P Linda Sibley (E-West Tisbury)
- Leonard Jason (A- County)	P Ernie Thomas (A-West Tisbury)
	P James Vercruyse (E-Aquinnah)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner).

*Chairman Fred Hancock called the meeting to order at 7:00 p.m.*

**1. MINUTES**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

***Josh Goldstein moved and it was duly seconded to approve the minutes of March 26, 2015 as written. Voice vote .In favor: 12. Opposed: 0. Abstentions: 2. The motion passed.***

***Josh Goldstein moved and it was duly seconded to approve the minutes of April 2, 2015 with the correction as noted by Fred Hancock that 2016 needs to be removed from the title date. Voice vote. In favor: 9. Opposed: 0. Abstentions: 3. The motion passed.***

***Josh Goldstein moved and it was duly seconded to approve the minutes of April 8 and 9, 2015 with the correction as noted by Bill Veno that April 9 needs to be added to the title date. Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.***

**Fred Hancock**, Chairman noted that the Huseby Farm Subdivision Deliberation and Decision is on the MVC agenda for June 4, 2015 and he will not be available for the meeting. Since only ten Commissioners are eligible he asked that the nine eligible Commissioners (T. Barnes, J.

Breckenridge, R. Doyle, J. Goldstein, J. Joyce, K. Newman, D. Sederholm, L. Sibley, E. Thomas) attend the June 4, 2015 meeting so there will be a quorum and avoid cancellation of the meeting. Linda Sibley will be Acting Chairman for that meeting.

## **2. TOM'S NECK FARM RE-SUBDIVISION – EDGARTOWN DRI 483-M3 MODIFICATION REVIEW**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

For the Applicant: Ann Floyd

**Fred Hancock**, Chairman noted that Ann Floyd has been to the MVC for a modification on this project and is now asking for a further modification. The current modification was not ready for proposal at the time the first modification was presented to the MVC.

### **2.1 Staff Report**

**Paul Foley** presented the following:

- The packet of information contains the Modification Request, the Archaeological Executive Summary, PAL clarification, the archaeological map and the site plan of the subdivision.
- The proposal is to create four lots out of two of the existing five buildable lots that remain resulting in a total of seven buildable lots.
- The site plan and plot plan were reviewed.
- The applicant is also asking that DRI 483 Conditions 1F and 1C be removed. Condition 1F requires denitrification for septic systems within 325 feet from wetlands and Condition 1 C requires an "intensive archeological survey" for areas within the building envelope or to be disturbed.
- The condition on septic systems appears to have been placed because much of the land is wetlands and has high water tables.
- The May 2002 Public Archeology Lab (PAL) intensive archeological survey found potentially significant archeological deposits on Lots 1,2, 3, and 4. The study did not evaluate Lots 6 and 7 because historic buildings already occupied them and no new development was proposed. A professional archeologist from PAL (Dianna Doucette) who has worked extensively at Tom's Neck Farm has said when asked about the proposed modification: "Given the archeological sensitivity of the area, and the location of Lots 6 and 7 in relation to NRHP eligible Lots 1, 2 and 3, I would highly recommend consultation with MHC and that Lots 6 and 7 undergo an archeological survey if they are to be developed".
- In 1999, the MVC approved with conditions a plan on Chappaquiddick. The original subdivision was for 57.2 acres into nine building lots and three open space lots.
- The Sheriff's Meadow Foundation holds the Conservation Restriction on Common Areas A, B and C while the Land Bank owns Common Area C and four previously buildable lots.

**Doug Sederholm** asked what was found archeologically. **Paul Foley** said it was arrowheads and flints.

## **2.2 Land Use Planning Committee (LUPC) Report**

**Linda Sibley**, LUPC Chairman presented the following.

- After extensive discussion, LUPC recommended that the modification, other than the requested modification dealing with archeology, does not require a public hearing and that the re-subdivision be approved.
- After discussing the septic with Sheri Caseau, it does not require review per the MVC Wastewater Policy and LUPC recommended that is was okay to remove that condition.
- LUPC recommended not taking action at this time to remove the condition concerning the archeological survey.
- Also the subdivision requires approval by the Town of Edgartown.
- Subdividing Lot 6 and 7 does not add to the number of bedrooms on the property. The Health Department Agent said there can only be a total of 20 bedrooms.

***Linda Sibley moved and it was duly seconded that a public hearing is not required to make a decision on the modification to the subdivision plan and the septic condition.***

**Linda Sibley** withdrew her motion so the applicant could present.

## **2.3 Applicant's Presentation**

**Ann Floyd** presented the following:

- Lots 1, 2, 3, 4 and Common Area C have been sold to the Land Bank.
- With regard to the archeological survey she would like to move on that fairly swiftly and needs instruction from the MVC on how to do that.
  - **Linda Sibley** noted that the MVC cannot act on that tonight because the MVC needs to be educated on what is required.
- Lots 6 and 7, because of the geography of the land, and Common Land A and B were all farmland. It has been extensively farmed, plowed and used. As well, buildings have been there.
- She would like to propose that if archeological work needs to be done, that it be done and at the time of the development of the foundations and have someone on site at that time due to the extensive costs involved in the archeological survey.
- To date, she has already spent \$300,000 on archeological work and feels it is an onus to have someone go through that expense at this time.

## **2.4 Commissioners' Questions**

There was a discussion about the archeological survey.

- **John Breckenridge** asked Paul Foley about his contact with PAL and what are the next steps that need to be taken.
- **Fred Hancock** said the MVC needs to find out if it is archeologically valid to do the surveys.
- **Linda Sibley** said LUPC was sympathetic to the argument Ann Floyd was making regarding the costs and sympathetic to having someone be on site when the foundation work commences, but the MVC has not had the time to consult with the archeological authorities if that would work or if there is some other alternative.

- **Ann Floyd** said she is confused why PAL has the say in what would be done when they are the organization that is making the money. **Fred Hancock** clarified that the MVC is consulting with the Massachusetts Historical Commission who would make a recommendation that could be based on information from PAL.
- **James Joyce** questioned what was already found there such as the arrowheads. **Linda Sibley** said 5,000 year old middens were found. LUPC suggested that the archeological discussion be postponed until the MVC has more information.
- **Doug Sederholm** said the test bits on Lots 5, A, B and C were negative and appear to be close to the road and asked if they were areas like Lots 6 and 7 that were farmed. **Ann Floyd** said the lots were treeless and grazing pasture, and were not necessarily disturbed in the past.

**Linda Sibley moved and it was duly seconded that the MVC approve moving ahead with the proposed subdivision of the property and removal of the septic wastewater condition and that a public hearing is not required for those two issues.**

- **Katherine Newman** wondered if Ann Floyd needs to withdraw the archeological condition from the modification.
- **Fred Hancock** said no, the MVC can let that be decided at a later time.
- **Christina Brown** asked if that means that the archeological condition is still in front of the MVC and the applicant does not need to apply again for that part of the modification.
- **Linda Sibley** said yes, that a new application is not needed, but the archeological condition would be dealt with a separate modification, namely modification number four.

**Roll call vote. In Favor: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse. Opposed: J. Goldstein. Abstentions: none. The motion passed.**

**Linda Sibley moved and it was duly seconded as per the recommendation of LUPC to approve the subdivision of Lots 6 and 7 into four lots, to approve the removal of Condition 1F, and to keep in place Condition 1C for the time being.**

- **Christina Brown** noted as a point of clarification that the 1999 subdivision was approved and she is fairly sure that what she had said at that time was that the Conservation Commission has regulations around Edgartown Great Pond. Within 300 feet back from wetlands, regulating everything including the septic was being super caution. Regulations have come a long way since then and she approves releasing the covenant regarding the septic due to the improvements of the regulations which now have better scientific evidence.
- **Joan Malkin** noted that the record reflects that the MVC takes no action at this time on the archeological condition, Condition 1C.

**Roll call vote. In favor: T. Barnes, J. Breckenridge, C. Brown, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse. Opposed: J. Goldstein. Abstentions: none. The motion passed.**

**Ann Floyd** said she understands the importance of archeological work but repeated her concern about private money at the level that she has had to pay being used for the public good.

There was a discussion about the MVC's involvement in the archeological survey.

- **Katherine Newman** asked if it is under the MVC purview to make the decision about the archeological survey. Doesn't the Massachusetts Historical Commission make the decision since it is historic land?
- **Paul Foley** clarified that in many cases, MHC has no legal jurisdiction. However, in this case there is a state or federal permit in place, so MHC is involved and is not just advisory.
- **Linda Sibley** said the land is potentially a very important Native American site. The middens go back 5,000 years and it is unusual.

### **3. CAPE COD FIVE BUILDING – TISBURY DRI 631-M2 PUBLIC HEARING**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

For the Applicant: Christopher Raber, Richard Leonard, Geoghan Coogan, George Sourati

Linda Sibley and Trip Barnes recused themselves as they are direct abutters.

**James Vercruyse**, Public Hearing Officer opened the Public Hearing at 7:40 p.m. and read the public hearing notice. The applicant is the Cape Cod Five Cents Savings Bank. The location is 412 State Road, Map 22-A Lot 9, Tisbury. The proposal is to demolish both existing buildings at 412 State Road and build a single one story 1,590 sf bank building with two a lane drive through.

#### **3.1 Staff Report**

**Paul Foley** presented the following:

- The site was reviewed.
- Required permits are the Building Department to demolish the existing buildings and to construct a new building, Planning Board reviews parking of 20 or more space sand the applicant is proposing 33 spaces, Board of Health for review of the waste system, and Zoning Board of Appeals for the drive thru.
- In 1999 The MVC denied a proposal for a gas station and automotive repair shop (DRI 489 Vineyard Service Center) on the site.
- In 2011, the MVC approved DRI 631 for a 7,400 s.f. grocery store with four one bedroom apartments for this site.
- In 2012 the MVC approved, as a minor modification, demolishing both buildings and building a 10,000 s.f. grocery store with offices, apartments and basement on this site.
- Phase 1 elevation and site plan were reviewed.
- Key issues include:
  - Traffic: Will the modification increase traffic? How will the plan fit with High Point Lane when it is part of the Connector Road?
  - Pedestrian Connections: What accommodations are made for bikes and pedestrians?
  - Stormwater: A significant portion of the site would be paved or built on. Is the drainage plan adequate to contain the storm water on the site?

- Construction: How will the noise and dust from the construction process be mitigated so as not to negatively impact surrounding businesses? What is the schedule?
- The applicant has allowed space for a pumping station if the sewer becomes available.
- The applicant asked for and received a waiver from doing a traffic survey.
- The property has two curb cuts. Once access is from State Road and the other is on High Point Lane. Both are for in and out egress.
- The septic and drainage plans were reviewed.
- The impervious surface comparison was reviewed. Compared to the existing, the proposed plan is slightly less.
- The site plan shows 33 parking spaces. ITE recommends from 5 to 14 parking spaces based on the bank square footage.
- The revised site plan shows planted islands every six parking spaces as called for in the MVC landscaping plan.
- Trip Generation: based on the Institute of Transportation Engineers (ITE) Trip Generation rates are:
  - Code 911 walk in bank at 2,000 s.f. the daily trip generation is 43.
  - Code 912 drive in bank at 2,000 s.f. the daily trip generation is 296.
  - Code 850 Supermarket at 7,400 s.f. (DRI 631) the daily trip generation is 757.
  - Code 911 walk in bank at 2,000 s.f. the p.m. Peak Hour is 24.
  - Code 912 drive in bank at 2,000 s.f. the p.m. Peak Hour is 52.
  - Code 850 Supermarket at 7,400 s.f. (DRI 631) the p.m. Peak Hour is 89.
  - The proposed 2,000 s.f. Bank use creates significantly less trip generation than the previously approved DR 631 Supermarket.
- The proposed hours of operation are Monday – Thursday 8:30 a.m. to 4:45 p.m., Friday 8:30 a.m. to 6:30 p.m., Saturday 8:30 a.m. to 12:00 p.m.

**Fred Hancock** noted the reason why the proposed project is a DRI and not a modification is that the existing DRI was sunsetted and is no longer in effect.

**Doug Sederholm** noted the nitrogen generation is not in the Staff Report. **Paul Foley** said as he recalled from LUPC, the nitrogen load was at the border. **Doug Sederholm** said he would like the numbers and confirmation in writing.

**Doug Sederholm** questioned why the applicant needs four light poles if the bank closes at 6:00 p.m. With regards to the trip generation a walk-in bank is 43 and a drive in bank is 296. Does the drive in bank include the walk in bank? **Paul Foley** said the 296 includes the walk-ins; it is the total number.

**John Breckenridge** said the project is being spoken in terms of Phase 1 and if Phase 2 happens, does the project come back to the MVC? **Paul Foley** said the project would come back to the MVC and it would be a modification.

### **3.2 Applicant's Presentation**

**Geoghan Coogan** presented the following.

- The Cape Cod Five Cents Savings Bank is looking for a branch on the Island and bought the site one year ago.

- There have been lots of discussions with the Town about sewer lines which held up the project. The Town is not doing sewers at this time.
- At LUPC the nitrogen load was noted as being low and also there will be an on-site septic system since there is no sewer.
- The applicant would like a building on the site so they can operate as a bank. They are proposing a modular unit at this time.
- It is a single one-story building for now and will be architecturally shingled with cedar shakes.

**Christopher Raber** presented the following.

- He is the Chief Real Estate Officer for the bank.
- The building is modular with asphalt architectural roof shingles and cedar shakes.
- The building is not a temporary office building.
- The bank hopes to go from the MVC to the Town so the building can be delivered by the fall.
- The bank will begin design on a larger building and the timing for that is not known at this time as it is contingent on the Town.
- The bank will grant an easement for the sewer.
- A walk thru was done for the site last week and it was looked at how to remove the invasive species and put in planting areas. A fence would be installed in back and the area will also have green space.
- The building will be farther back than the current building location.
- The existing buildings are beyond their life span so they will be removed.
- It is a bank, so there will be motion-sensor security lighting which is also for safety. Pole lights would come on at dusk and stay on until 8:00 p.m. or 9:00 p.m. for security reasons.

### **3.3 Commissioners' Questions**

There was a discussion about the lighting.

- **Joan Malkin** asked if the pole lights are for parking at night.
- **Christopher Raber** confirmed they are.
- **Fred Hancock** suggested that the applicant might want to state that the lights would be mounted at ground level to avoid any disparity.
- **Christopher Raber** said the lighting is all downward facing mounted at ground level. The top of the pole is ten feet.
- **Joan Malkin** asked why pole lighting was considered versus bollard lights.
- **Christopher Raber** said it was for safety and security risks for the customers and the employees.
- **John Breckenridge** asked about the site plan and where bollard lights could be used versus pole lights.
- **Paul Foley** showed the lighting plan.
- **Fred Hancock** noted that bollard lights are usually every 8 to 10 feet to make them effective.
- **Mark London** said the Commission usually looks for bollard lights for commercial projects in residential areas, and that the issue of when the lights are on needs to be looked at.

- **Richard Leonard** said the lights are usually on until the last employee has left the bank. There will be sensor motion lights on the bank.
- **Ernie Thomas** asked if the light where the ATM is would be on all the time.
- **Richard Leonard** said it would be on all the time and is downward lighting. It is the same as all of the other ATM locations on the Island. He noted that the bank would be comfortable that the lighting goes off 30 minutes after the last employee leaves the building.

**John Breckenridge** asked whether the 33 parking spaces would expand in Phase 2, and whether Phase 2 would expand the banking services offered. **Richard Leonard** said it would not; all services would be available in Phase 1, but it takes time to grow the business.

There was a discussion about the design of the building.

- **Katherine Newman** noted the MVC is sometimes concerned about the view of the project from the road. The building looks like a trailer from the elevations and from a customer perspective it could look better. She asked whether it is a green building.
- **Christopher Raber** said the building will be energy efficient and meets the Stretch Code.
- **Geoghan Coogan** added that the next building would be aesthetically improved.
- **Katherine Newman** said the proposed building would be placed on the site and there is no guarantee that it would not stay longer than anticipated.
- **James Joyce** said perhaps something can be done to improve the aesthetics of the building. The proposed building doesn't fit the property and it is ugly.
- **Doug Sederholm** said it is an ugly building but the applicant is supposed to build to the context of the environment and it is not out of character for the location.
- **Mark London** noted the MVC looked at the architecture for the prior owner. One thing that could perhaps be done is change the roof to increase the pitch.
- **Doug Sederholm** suggested that perhaps false dormers could be added.
- **Katherine Newman** asked if there were any thoughts about doing anything that could improve the roof line. Perhaps vegetation would help to soften the look.
- **Christopher Raber** said the roof pitch is low since the building arrives complete.
- **Katherine Newman** suggested the applicant come up with creative ways to improve the look of the proposed building.
- **Christopher Raber** said the bank has looked at stick building and other modular methods, but the proposed will allow the bank to operate sooner and is a more efficient way to do it.
- **Christina Brown** suggested that perhaps the bank could add more windows or perhaps window boxes, if the roof pitch cannot be changed.
- **Richard Leonard** said the bank chose a modular building so it could be removed easily and be reused by the bank at another site.
- **Katherine Newman** thanked the applicant for listening to the MVC's design concerns.

**Doug Sederholm** asked what type of fence would be installed. **Christopher Raber** said it would be a cedar board fence and not a stockade fence and noted that the abutter requested it not be a stockade fence.

There was a discussion about the Phase 2 building.

- **Joan Malkin** stated that the applicant must have some prognosis of what they hope would occur and asked when the plan would be to replace the proposed building.
- **Christopher Raber** said designing a new building and getting it permitted takes approximately one year and to build is another year.
- **Richard Leonard** said the sewer would need to be coordinated with the DPW and the building was approved by the town for 1,322 gallons of flow per day; the bank wants to see if there is another approach.

**Richard Leonard** noted there is no walk up ATM in the lobby but customers can walk up to the ATM in the drive thru.

**Fred Hancock** asked when the work would begin for the proposed building. **Christopher Raber** said the site work and demolition of the existing buildings as soon as possible so the new building can be in place by the fall.

**Fred Hancock** noted there is a grade difference between this property and the next property and asked if there is any consideration to raise the grade and asked about improving the vegetation. **George Sourati** said the project proposes to re-grade the site and there will be a one-foot difference in elevation between the property lines.

**Ernie Thomas** asked what the foundation would be for the proposed building. **Christopher Raber** said it is a pier foundation and a perimeter foundation so the building sits on the ground and meets wind loads, but is not a typical foundation.

**Ernie Thomas** asked when the Phase 2 building is put in would there be a total excavation. **Christopher Raber** said it would be a total excavation but the new building is not necessarily in the proposed location.

**Doug Sederholm** said he would like in writing from the applicant their proposal for the lighting schedule for night time, the proposal for the nitrogen load, the construction schedule, what the applicant will do to minimize traffic during construction on upper State Road in the summer season so it does not impact the other businesses during the height of the season and what type of fence will be installed.

**Josh Goldstein** said he has had experience with demolition. The building will come in all together and the demolition of the existing buildings will be done in two days and he does not see it disrupting anything. The proposed building is better than what is currently there. From a business perspective, another bank on the Island is a good thing.

There was a discussion about the paved area.

- **Joan Malkin** noted that there are two curb cuts and asked why both are ingress and egress.
- **Richard Leonard** said that will depend on what happens in the future with High Point Lane. It may change.
- **Joan Malkin** added that she would like Priscilla Leclerc, the Senior Transportation Planner's view on that point. It seems like 33 parking spaces is more than the bank would need even with a larger building. It seems the space is being turned into more paved area.

- **Christopher Raber** said the current roof area and paving exceeds the use the bank is proposing now but the plan would allow for future development while the bank is still operating.
- **Christina Brown** said it was stated that the amount of paving being proposed is less than what is there now, yet the bank does not need all that paving or parking for the proposed building. She asked if the applicant is taking up the old paving and putting down new pavement. The MVC usually tries to make things better such as less visible parking and less paving, so why so much paving right now.
- **Richard Leonard** said the bank will be picking up the old pavement and putting down new. The bank is reviewing the cost perspective, being able to operate during the construction of Phase 2, and how it will fit future plans. The bank wants to operate cleanly and neatly now and have less interruption for the bank and the street at a later time.
- **Katherine Newman** noted the MVC has asked other applicants to not pave all the area until it is needed.
- **Richard Leonard** said the bank would like to do things once and showed where six parking spaces could possibly be eliminated at this time and would offer to reduce the parking plan by the six spaces.

**Joan Malkin** asked where the larger building would be located. **Richard Leonard** said the parcel is one acre and the full plan is not developed at this time.

**John Breckenridge** said the applicant is hearing further opinions tonight and asked if the applicant will be putting written offers together regarding lighting and landscaping. The project is still in the works. The MVC comfort level becomes a little more at ease when a timetable for the project is known.

**James Joyce** said the MVC is worried about the aesthetics of the building because it could potentially be a permanent building.

**Josh Goldstein** said the hearing makes him wonder. There are five highly qualified people presenting the project. The location is light industrial and it is not a neighborhood. He did not understand the grilling of the project. It is a service to the community and better than what is currently there.

**Richard Leonard** said it has been talked about coming back to LUPC with the landscaping plan and the bank wants the location to be appealing to attract customers. They have heard that there are opportunities to improve the curb appeal of the building.

### **3.4 Public Testimony**

**Trip Barnes** said the corner of Hines Point Lane is pitch black at night and he is amazed that buses haven't hit there and that should be taken into consideration with regards to the lighting. Canvas awnings and flower trellises between the windows could help to hide the building.

**Linda Sibley** said the view being shown will not be seen from State Road, it is not a real view. There are trees there and when the bank is trying to locate the fence it does not have to be in a straight line.

**Barbara Baskin** said the UPS building is close by and is a modular building and visually it is far more appealing than what is being looked at for the bank. UPS has meticulously landscaped

the building and trim was added. There is potential for this project to improve the aesthetics of the building and relate to the community.

### **3.5 Applicant's Closing Remarks**

**Geoghan Coogan** said he understands the MVC's concern about the potential for the building becoming permanent but the applicant wants it gone as quickly as possible. The Bank wants the permanent structure and regardless of the location it will come back to the MVC. The applicant can come back with landscape plans to improve the aesthetics. The bank would not be doing a modular building if it were to become permanent.

**James Vercruyse**, Public Hearing Officer, closed the public hearing at 8:40 p.m. and kept the written record open until May 29, 2015. The Post Public Hearing LUPC is scheduled for June 1, 2015 and Deliberation and Decision on June 4, 2015.

**Fred Hancock**, Chairman recessed the meeting at 8:40 p.m. and reconvened at 8:45 p.m.

**Trip Barnes** and **Linda Sibley** rejoined the meeting.

**Trip Barnes** said he felt bad that the applicant left without approval for demolition. **Fred Hancock** said the applicant has to receive the MVC approval for the whole project first and then they can go to the Town for a demolition permit demolish. The MVC does not issue permits.

## **4. BUILT ENVIRONMENT DRI POLICY - COMMENTS**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

### **4.1 Policy Overview**

**Mark London** presented the following.

- The purpose of DRI policies is to assist applicants in preparing proposals and formulating offers to address Commissioners' concerns. The policies are also used by the Commissioners to review the DRI and the policies offer general guidance. Each project is reviewed on a case by case basis.
- Policies are given to applicants at Staff-Applicant Meetings. Only relevant policies for the applicant's proposals are given and staff indicates the relevant sections to the applicant. As a comparison, the Cape Cod Commission gives all applicants a 208-page policy plan and has two other building design policy documents of 89 and 42 pages.
- As documents that are related to the regulatory process, the MVC policies are more akin to zoning bylaws and building codes than to an awareness document for the general population.
- As with other policies, this one was prepared by reviewing previous MVC decisions, policies from Island towns, and other best practices. An initial draft was reviewed by a limited number of Commissioners, representatives of town boards, and the Mass Historical Commission, and this version incorporates their comments.
- The Built Environment Policy pertains to: Historic Preservation, Community Character, Universal Access, Green Building, Impacts on Abutters and Public, Archeology and Building Resilience (which deals with hazard mitigation). In addition the policy contains information about the application process.

## **4.2 Commissioners' Comments**

**Fred Hancock** noted that one reason the MVC writes policies is that it helps applicants know what the MVC is looking for and policies help to keep the MVC predictable.

**Katherine Newman** said the information in the Built Environment Policy is terrific but suggested to have it reformatted. It would be desirable that each section start on a new page. Perhaps an appendix with bullet points would be helpful. People don't read a 26 page document. The MVC has to sell it better and make it user friendly.

**Fred Hancock** noted that applicants don't have to read the parts that are not applicable to them.

**Linda Sibley** had also suggested the addition of an executive summary. She is concerned that applicants don't grasp the policies. For example, applicants propose non-native plants when the policy calls for native or Island compatible plants.

**Trip Barnes** said the policy is an easy read and the document is important to Martha's Vineyard. It is a guideline for good behavior that should be obvious to anyone who loves the Vineyard.

**Doug Sederholm** said the MVC should not dumb down the policy. It is very well written. He agreed with the content of the policy. He thinks that dumbing down the document or providing a cheat sheet with just the goals and guidelines would be of no value. The people who read the policies are professionals and if they can't read it, then shame on them.

**John Breckenridge** said the document is very thorough and not hard to read. The policy took a lot of information and condensed it into a very readable document. If an executive summary would help, it could be added.

**Christina Brown** felt the Built Environment Policy is a useful and readable document. She suggested some editorial clarifications, such as more clearly defining Historic District, Historic Area, Traditional Neighborhood, and Historic Building. She suggested adding a mention of stone walls and other man-made structures in the section on Streetscapes, Scenic Roads and Vistas, and said it would be helpful to have an index and bibliography with links. She also suggested changing the heading of Section 9.

**Fred Hancock** said that the policy will be reviewed at the PED meeting next week. **Mark London** noted that this will be at the MVC Offices on May 27, 2015 at 12:30 p.m.

**James Vercruyse** said that in the Historic Preservation section, the discussion of the age of a structure should be clarified. What age would be considered historic? The old Coke Building on State Road is over 50 years old; would it be considered historic? **Mark London** said that there is no single age that makes a building historic; age is one of the factors that are considered.

**Mark London** suggested that Commissioners submit specific suggestions before the PED meeting. The idea of preparing a summary could be discussed for all of the MVC policies. He will send a Word version to Commissioners who want one.

**Fred Hancock** asked Commissioners to send their comments to Mark London and Joan Malkin.

## **4.3 Public Comments**

**Barbra Baskin** is on two Architectural Review Boards for Oak Bluffs. She had the honor to review the document early on and has reviewed it several times. This document is important for the Town of Oak Bluffs. There are certain areas in the town that are unprotected and the MVC is the town's only source for protection. The document took a vast amount of information and condensed it. It is very readable by professionals. The detail in the policy is important; it leaves no area uncovered. She urged the MVC to seriously consider approving the Built Environment Policy. It is a valuable tool.

**Jim Geary** had an architectural practice and has worked with town boards, planning boards and zoning boards. Professionals can read the policy and abide by it and if they can't, there are special consultants to give the applicant additional input. He found the Built Environment Policy to be an easy read. Any licensed contractor or landscaper could follow the policy.

## **5. NEW BUSINESS**

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Commissioners Present: T. Barnes, J. Breckenridge, C. Brown, J. Goldstein, F. Hancock, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, E. Thomas, J. Vercruyse.

### **5.1 Reports from Committees and/or Staff**

#### Compliance Committee

**Fred Hancock**, Chairman noted that traditionally, the Vice Chairman is the head of the Compliance Committee. He named Jim Vercruyse to chair the committee and appointed the following Commissioners members: Doug Sederholm, James Joyce, Linda Sibley, and Christina Brown. He noted that all Commissioners are welcome to all committee meetings unless it creates a quorum of nine.

**James Vercruyse** asked how the compliance issues are brought to the MVC and who follows up on the conditions that were approved for a project.

**Fred Hancock** said that usually, Paul Foley would notify the Compliance Committee Chairman after receiving a call from someone concerning compliance of a project. MVC Staff usually follows ups on conditions and sometimes the Compliance Committee has to investigate further. There is a compliance procedure.

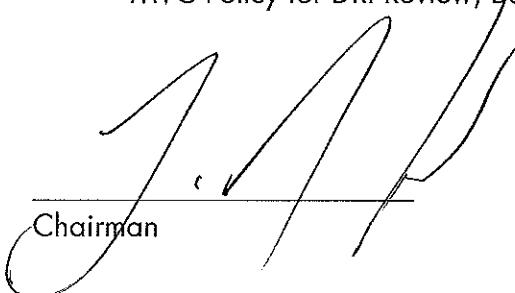
**James Joyce** asked what steps should be taken if a Commissioner notices non-compliance of a project. **Fred Hancock** said if a Commissioner sees something that is contrary to an approved project, he or she should call Paul Foley; he will follow the procedure and will try to work out the issue with the applicant first before referring it to the Compliance Committee.

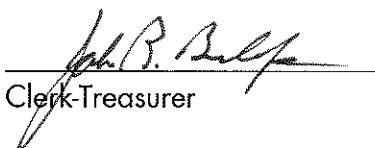
The meeting was adjourned at 9:25 p.m.

#### DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on March 26, 2015
- Minutes of the Commission Meeting – Draft, Held on April 2, 2015
- Minutes of the Commission Meeting – Draft, Held on April 8 and 9, 2015
- Martha's Vineyard Commission DRI # 631-M2 Cape Cod Five on High Point Lane, MVC Staff Report May 21, 2015

- Martha's Vineyard Commission Memo to MVC Commissioners from Priscilla Leclerc, Senior Transportation Planner, Subject: DRI # 631-M2 Cape Cod Five Cents Savings Bank, Dated May 20, 2015
- Martha's Vineyard Commission DRI # 483-m3 Tom's Neck Farm Re-Division, MVC Staff Report May 21, 2015
- Modification Request for Tom's Neck Farm DRI 483-M from Ann Floyd, Dated May 5, 2015
- Technical Report Intensive Archeological Survey Tom's Neck Farm Subdivision and Archeological Site Examination Lots 1,2,3,4, and 5 Driveway, Dated May 2002
- Email from Dianna Doucette, PAL Senior Archeologist to the MVC, RE; Tom's Neck Farm Clarifications, Dated May 19, 2015
- Tom's Neck Farm Subdivision Plot Plan Dated August 31, 1998
- Tom's Neck Farm Subdivision Plan of Land Dated March 19, 2015
- MVC Policy for DRI Review, Built Environment Draft May 4, 2015

  
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Chairman 6-17-15  
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Date

  
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Clerk-Treasurer 7/9/15  
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Date