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## Minutes of the Commission Meeting Held on July 9, 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)

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|------------------------------------|----------------------------------|
| - 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)   | - Katherine Newman (A-Aquinnah)  |
| P Robert Doyle (E-Chilmark)        | P Doug Sederholm (E-Chilmark)    |
| P Josh Goldstein (E-Tisbury)       | - Abe Seiman (E-Oak Bluffs)      |
| - Fred Hancock (E-Oak Bluffs)      | - Linda Sibley (E-West Tisbury)  |
| - Leonard Jason (A- County)        | P Ernie Thomas (A-West Tisbury)  |
|                                    | P James Vercruyssse (E-Aquinnah) |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner).

**Acting Chairman James Vercruyssse** called the meeting to order at 7:00 p.m.

**James Vercruyssse**, Acting Chairman announced that the retirement party for Mark London will be on August 16, 2015 from 5:00 p.m. to 8:00 p.m. at the Sailing Camp Park in Oak Bluffs. Details are to follow.

### 1. DIAS/HIGH POINT LANE - TISBURY DRI 653 PUBLIC HEARING

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Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, D. Sederholm, E. Thomas, J. Vercruyssse.

For the Applicant: Chris Dias (Specialty Builders Supply), John Folino

**John Breckenridge**, Public Hearing Officer opened the public hearing at 7:05 p.m. and read the public hearing notice. The applicant is Chris Dias (Specialty Builders Supply). The location is High Point Lane, Tisbury, part of Map 22-A Lot 13.11. The proposal is to construct a 60' x 60' two story metal building for wholesale lumber storage, an office and an apartment. The public hearing process was reviewed.

#### **1.1 Staff Report**

**Paul Foley** presented the following.

- The packet of information contains the LUPC Meeting Notes of June 29, 2015, Correspondence from Mary Gosselin to the MVC, memo from the Tisbury Wastewater

Planning Committee Recommendation from the Town re: guidelines to MVC, deeded right of way, A.N.R., plans and elevations.

- Tom Pachio is the owner of the property with the Pachio Family Trust.
- A MVC public hearing was scheduled for June 18, 2015 but there was not a quorum present so the public hearing was rescheduled to July 9, 2015.
- The site was reviewed in detail.
- The project location on High Point Lane in Tisbury is a four lot A.N.R. subdivision that was remanded to the town by the MVC in 2012 but has not been recorded.
- No frontage is required in Tisbury for the Tisbury B-2 Commercial zoning.
- Permits required are Planning Board, Building Permit and Board of Health.
- On June 21, 2012 the MVC decided that the proposal by the Pachio Family Trust as presented by Tom Pachico to create an A.N.R. division of one 1.2 acre parcel into four (0.28-0.32 acre) lots on a wooded hillside located off of High Point Lane (map 22-A Lot 13.11-1.2 acres) did not have enough regional impact to warrant a public hearing and voted not to concur that the proposal was a DRI.
- The plan the MVC reviewed and remanded showed access from High Point Lane though the easement through the mini-golf was shown on the plan. A revised division plan which changed the access and frontage was approved by the Planning Board but not referred to the MVC. This plan is based on the revised access plan (June).
- The proposed storage facility and office will operate year round from 7:00 a.m. to 5:00 p.m.
- The DRI referral was from the Tisbury Building Inspector.
- The DRI Trigger is 3.1a – Development over 3,000 sf and is a mandatory DRI review.
- A site visit was conducted on July 9, 2015.
- Access, floor plans and elevations were reviewed.
- Key Issues.
  - Vehicular Access:
    - The proposed access is through the abutting mini-golf business. The owner of the original Lot 13.11 has an easement "for all purposes for which ways are used...". Since the lot to which the Right of Way (ROW) has been granted is now being sub-divided into four lots do all four lots have access to the ROW through Lot 13.1 or just this one of four?
    - The plan the MVC remanded to the town showed access to all four subdivided lots from High Point Lane.
    - The proposal is for access through a 20 foot wide deeded ROW across the mini-golf property. Does this pose any serious conflict with the current use of the property?
  - Vehicular Circulation: The internal vehicular circulation is difficult. Should there be a limit on the size and number of trucks accessing the property?
  - Nitrogen: The proposal on such a small lot does not currently meet the strict budget limit of the MVC Policy for the impaired Tashmoo watershed. It is hoped that this area will be connected to an expanded sewer system someday. How should the MVC condition projects before the extension of the sewer becomes a reality?
  - Site Issues: Development of all four lots will require major grading and retaining walls within the property and possibly with abutting properties.

- Site Coverage: Almost the entire proposed lot is covered in building and/or pavement. Should the MVC allow projects that cover entire properties with buildings and pavement?
  - Incremental Growth: This is a large building currently proposed for mostly wholesale but some retail. What are the impacts if the retail aspect grows?
  - Future Development: What will the area look like if other lots in the this subdivision are developed in the same manner
- Vegetation is oak, pine and beech trees. A quarter of the whole lot has been cleared recently.
- The proposed project is not an NHESP designated habitat.
- No landscaping is proposed. A retaining wall (which is not shown on the plans) is proposed for the back of this site.
- Of the four lots with the subdivision this is the flattest with a 5% grade.
- The MVC Open Space Policy does not apply to properties under three acres.
- The soil type is Carver loamy coarse sand. This type of soil is prone to be very deep, strongly sloping and excessively drained, permeability is very rapid.
- The site is in the impaired Tashmoo Watershed. The Lake Tashmoo Watershed budget is 5.6 kg/acre/yr. For this size lot the maximum allowable load is 1.74 kg/yr.
- The MVC policy provides for a 50% Smart Growth Allowance that applies to this property, resulting in a nitrogen loading limit of 2.61 kg/yr.
  - The nitrogen loading with a Title 5 system would be:
 

• Apartment	2.02 kg/yr
• Showroom and Office	1.39 kg/yr
• Lumber Storage (passive storage)	0.00 kg/yr
• Roof Runoff	0.04 kg/yr
• Total	3.45 kg/yr

 This total would be over the nitrogen limit by 0.84 kg/yr (1.8 pounds/yr).
  - The total nitrogen load with an innovative alternative (IA) system would be 1.90 kg/yr. This would be well within the nitrogen limit.
- The cost for an IA system is about \$15,000 for an add-on to the Title 5 system as well as about \$1,500 to \$2,500 a year for operation and maintenance. This property is located on a proposed extension of the sewer line and the Town of Tisbury is currently preparing engineering plans. Town of Tisbury representatives recommend that instead of having the applicant install an IA system which would only remove 40 – 50 % of the nitrogen, the MVC require that the applicant redirect the cost of the IA system into an escrow account towards the construction of and connection to the sewer which would remove about 95% of the nitrogen. MVC staff has drafted a possible offer/condition to achieve this objective.
  - **Mark London** noted that the draft possible condition is perhaps an overall plan that would be better for the applicant and the Town in view of the monies to be expended for the IA system including yearly maintenance fees.
- The site plan indicates that roof and surface runoff will be directed to four catch basins located on the lower side of the property. An engineered stormwater plan demonstrating all stormwater mitigated on site should be submitted to the Commission prior to the MVC decision.

- On June 1, 2015 LUPC waived the need to do a traffic study. The rescheduled LUPC on June 29, 2015 also waived the need for an outside traffic study but asked the MVC Transportation staff to look at access and circulation.
- The current mini-golf parking will have to be reorganized in order to accommodate access to this lot through the deeded Right of Way.
- Total daily trip generation is 33 trips with peak hour trips of 3 in the AM and 4 in the PM. This not a significant amount of traffic added to this area.
- Vehicular Circulation: Cars exiting the lot will be required to back up and turn 180 degrees to exit. Parking the truck on the northern side as depicted on plan will result in a truck backing up 150 feet. This would be particularly difficult for larger trucks. If there is only a couple of cars and trucks a day then maybe it will not matter so much. But if and when the number of trips grows, then the conflicts between cars, trucks and pedestrians making these unusual entry and exit maneuvers will increase.
- Next to the mini-golf the Right of Way is actually 20 feet but access is 16 feet.
- The Martha's Vineyard Transit Authority provides bus service along State Road.
- There are sidewalks on both sides of State Road. No special infrastructure exists for cyclists. A sidewalk through the mini-golf property may have to be removed to provide adequate access to this site.
- The second story apartment will be used for staff housing which is consistent with the MVC's Affordable Housing Policy.

## **1.2 Transportation Report**

**John Breckenridge**, Public Hearing Officer asked Priscilla Leclerc to review transportation and trucking issues.

**John Breckenridge** said the MVC was under the impression that there would be deliveries with a 24-foot flatbed truck. **Chris Dias** said receiving and shipping of materials would be on trucks. There will all types from flatbed trucks to pickup trucks. Currently there is not a plan to use semi-trucks but it could be a fit in the future.

There was a discussion about the truck turning radius.

- **Priscilla Leclerc** said per Chris Dias a typical 24-foot flatbed truck would be used and she feels comfortable that the truck can have access and meet the turning radius. There is 60 feet in front of the proposed building.
- **John Breckenridge** asked if any studies were run on the turning radius with a semi-truck that can range in size of 40 feet. **Priscilla Leclerc** said the turning radius would be slightly smaller than a transit bus so it should not be an issue. She used the example of the trucks from the ferry and with the traffic on Water Street the need to use the next lane.
- **Christina Brown** asked how traffic would be affected if turning onto State Road. **Priscilla Leclerc** said the truck may need to go slightly out into the other lane and cause a slight delay like the transit bus. It is not a huge issue.
- **Joan Malkin** asked after doing the calculations, is there an adequate turning radius for the trucks with the six car parking spaces occupied. **Priscilla Leclerc** said it might be tight.

- **Chris Dias** added that trucks are not coming in every second. It can be coordinated and not really an issue. If he could not utilize the equipment he has, flatbed trucks and box trucks, he would not be buying the property.
- **Priscilla Leclerc** presented a diagram of the truck turning radius.

**Mark London** noted that the layout of the mini-golf does not meet what was approved and the applicant will work with the mini-golf to pay for revising it, including better delineation of the ROW.

**Joan Malkin** asked if the existing ROW is encumbered with parking spaces, who pays to restructure the min-golf parking area to accommodate the ROW. **Doug Sederholm** said the mini-golf, as they own the property.

There was a discussion about pedestrian safety and the ROW.

- **Joan Malkin** said she noticed at the site that there is no fence around the rock climbing wall and the public could stray and end up in the ROW. She is concerned about those types of issues from a safety perspective.
- **Chris Dias** posed the question what if someone walks off the sidewalk into the road, wouldn't they be in more danger than being in the ROW?
- **Joan Malkin** said her concern is pedestrians on the sidewalk and at the rock climbing area with trucks on the road. It doesn't appear to be safe.
- **Chris Dias** said he has been driving for 30 years and he and his drivers are in more congested areas and there have been no issues. The ROW is not quite a road; it is a driveway into the property and the speed is low. It would be similar to a UPS truck making a delivery. There is nothing extraordinary or unsafe about it and visibility in the trucks is very high. He said if his employees were asked what is the most important focus you would hear "safety". We are very conscious of safety. It is taken seriously and is a key focus.

### **1.3 Wastewater Report**

**John Breckenridge**, Public Hearing Officer asked Sheri Caseau to present what was discussed with the Town of Tisbury with regards to wastewater for this project.

**Sheri Caseau** presented the following.

- She attends the Wastewater Planning Committee meetings for the Town of Tisbury.
- The committee would rather the MVC not prescribe IA systems and setup mitigation funds for sewer connection.

**James Vercruyse** asked if there is a timetable for putting the sewer in for the proposed project. **Sheri Caseau** said it is about 3 to 5 years and the Cape Cod Five project is helping to move that along.

**James Vercruyse** asked what assurance is there that the time table will be met and the sewer will be moved along. **Josh Goldstein** said at Town Meeting, no assurances were given.

### **1.4 Applicants' Presentation**

**Chris Dias** presented the following.

- He is from the Island and started out as a small wholesale lumber yard off-island.

- His business gives the builders what the larger facilities are not providing. Specialties that are needed for newer building designs.
- He is trying to set up a home base on the Vineyard.
- The project is similar in size to the Vineyard Home Center.
- He would be trucking supplies to the Island from the home office.
- The business is contractor only and a focus is on building relationships with contractors to meet their specialty needs.
- The business is 69-72 % special orders. The rest of the business is basic such as PVC boards, roofing, decking – the staples of the business.
- There are 750 – 800 SKUs [products] and is not near the volume of the SKUs that Hinckley's has.
- The business meets specialty needs that no one else does such as packaging and cutting up interior trim.
- He supplied the Corbin Norton house with all of the turnings, brackets, etc.; 95% of everything for the house.

**John Folino** presented the following.

- The building will be similar to other buildings in the area.
- The height is the same as the new Barnes facility and the Tisbury Highway Department.
- He has built all of those buildings.

There was a discussion about the apartment.

- **John Breckenridge** asked how much housing is being offered.
- **Chris Dias** said the project allows for a one-bedroom unit that will most likely be for him, for one of his employees if they needed to stay overnight or he will rent it year round. It will not be a summer rental.
- **Doug Sederholm** asked if the applicant would commit to that. **Chris Dias** confirmed that he would.

**John Breckenridge** asked how the runoff from the building will be handled. **John Folino** said there is separate drainage for the downspouts and runoff will be retained on site.

**John Breckenridge** asked if the wastewater calculations include the roof and parking. **Sheri Caseau** confirmed that the calculations include both.

### **1.5 Public Testimony**

**Tom Pachio** said there are a couple of flaws with the nitrogen numbers. They are four times stricter than for drinking water. One of the conditions for the gas station project was a public restroom and that would have taken more than this building will. There are a lot of things he could do with the property, including putting in housing that would have a greater effect on the nitrogen. The MVC is counting rainwater off of the roof and if it didn't go into a catch basin it would go into the ground, so that needs to be removed from the wastewater calculations. Is the nitrogen policy the nitrogen removal numbers the State allows or what is actually removed? The State credit is only a 50% reduction when it is actually an 80% reduction. You are shooting the horse when you are trying to get it out of the barn. The MVC is making lots unbuildable with the nitrogen requirements.

- **John Breckenridge**, Public Hearing Officer recognized Tom Pachio's knowledge with regards to nitrogen but asked him if he had anything specific to share with the public and the MVC regarding the project being reviewed.

**Tom Pachio** said he is trying to do something good for the town and the applicant. The proposed project will have a minimum amount of nitrogen. **John Breckenridge** agreed the proposed project will have a minimal amount of nitrogen but it is in an impaired watershed.

**Mary Gosselin** is the owner of Island Cove Golf. She has questions for the MVC regarding the project. When they purchased the property 25 years ago there was a deeded easement to one lot. She asked if there is any legal document supporting that and would they need to hire a lawyer for that.

- **Doug Sederholm** said the applicant could make that as an offer and she would not need to hire an attorney for that.
- **Robert Doyle** said his understanding at LUPC was that the deeded R.O.W was to the one lot in question.

**Mary Gosselin** said they agreed to stop using their curb cut at State Road and access on High Point Lane.

- **Paul Foley** said if the Town of Tisbury ever did a service road the access from State Road would be shut off and access would be on High Point Lane. But it is highly unlikely that the service road will happen.
- **Bill Veno** said the MVC approved the mini-golf in 1992. There was a condition for three properties and to minimize the number of curb cuts on State Road. The concept at the time was call the "dump road". There are some buildings that would make the service road unfeasible to extend all the way from High Point Lane to Evelyn Way. The 20-foot access easement is from 1991 and was not part of the 1992 MVC approval.
- **James Joyce** did not feel the service road was relevant to the proposed project.
- **Mark London** added that the MVC could condition if the service road was ever put through, the applicant would access from the service road rather than from High Point Lane.

**Mary Gosselin** said they don't believe the service road would come through but if it did would the service road affect the mini-golf access and how does it pertain to the connector road.

- **John Breckenridge** said the MVC staff would have to look at that.
- **Doug Sederholm** asked the applicant if he would be willing as part of the project to access from the service road rather than High Point Lane/State Road. Would that access work for the applicant and it is something to think about.

**Mary Gosselin** asked if there would be engineering to address the runoff.

- **Paul Foley** said yes it has been done and the run off will need to be retained on the property.
- **Chris Dias** added there is a condition for the runoff for his project but the ROW has no condition for the runoff, but he has no issue with working on that. He added that he wants to be a good neighbor and will work with Mary Gosselin.

## **1.6 Commissioners' Discussion**

**Christina Brown** asked the applicant if they are working with the mini-golf to be sure that when the trucks are coming through the ROW the mini-golf and the applicant's trucks are safe. **Chris Dias** said if he widened the ROW to 20 feet he would be removing the green belt and nice

landscaping. He feels there is enough room with the current 16 feet of width for the trucks to access. If he needs to help he will. When the permit was issued it is not how it is now and if it needs to be changed he will work with the Gosselins to make it safe.

**John Breckenridge** asked what the timetable is for the proposed project and what the mini-golf season is. **John Folino** said two weeks for the building permit and three months for the process.

**Mary Gosselin** said the mini-golf season runs through October.

**Ernie Thomas** suggested as a solution for the safety issue with the trucks that the applicant could make an offer to post the speed limit on the road. **Chris Dias** said that is not a problem and thought it was a great idea and it could be carefully worded to prevent vehicles from speeding up to meet the limit.

**Joan Malkin** still had a concern about pedestrian safety with the sidewalk and thought it would be productive if the applicant could work out with the mini-golf to better delineate the sidewalk.

**Chris Dias** wondered why that would be his responsibility since the sidewalk is not on his property and it has been that way for ten years, but he would still be glad to help.

**Joan Malkin** wanted to be sure that the ROW only applies to the proposed project lot and not all four lots as it then would affect potential traffic. If the ROW is only for one of the four lots, developing the one lot would be okay but if all four lots are developed similarly the area will look horrible and she did not know what the solution would be.

**Tom Pachio** said that when you go into Cronig's there is a road and parking spaces and the lanes are delineated. Huge trucks drive in and out all the time and Cronig's has a lot more deliveries than the proposed project will have so he did not see any traffic concerns. It would be up to the mini-golf to retain their traffic at the climbing wall area.

**James Vercruyse** asked if money in escrow for the septic is part of the discussion or a separate topic.

**John Breckenridge** said a timetable needs to be proposed. A lot of information has been submitted to the MVC and staff can be drafting possible offers with the applicant. He suggested keeping the written record open until July 24, 2015 at 5:00 p.m. which would give the public time to submit comments and the MVC staff time to work with the applicant. The proposal could then come back to LUPC on July 27, 2015 to go through the applicant offers and review the project and make final recommendations to the full Commission for Deliberation and Decision on August 6, 2015. The MVC has a minimum quorum for this DRI and asked if the Commissioners would all be available on August 6, 2015. No one said they could not attend on the 6<sup>th</sup>.

There was a discussion about the Tisbury Wastewater Planning Committee recommendation to the MVC.

- **Doug Sederholm** said he needed clarification on the Tisbury Wastewater Planning Committee submittal to the MVC.
- **Mark London** said the recommendations are a draft version of what the MVC expects will come from the Tisbury Board of Selectmen. Tisbury Town Meeting approved engineering work on the sewer but not construction work.
- **Doug Sederholm** said his point is that the submittal is political and it should have been done ten years ago. He is not comfortable in hoping something will be done. It is a very

impaired watershed. The MVC needs more assurance that it will actually happen. The MVC only has an unsigned draft memo.

- **James Vercruyse** said the memo is vague and so non-comittal.
- **Chris Dias** said he did not want to make any escrow payments and asked if he could come to the MVC with a denitrifying system and engineering that takes out 80% of the nitrogen and agree to hook up to the sewer if it happens, would the MVC consider that offer.
- **Doug Sederholm** said if it met the guidelines he would prefer that.
- **John Breckenridge** said the MVC wants something that works for the applicant and for the community and that the MVC is comfortable with in moving forward, including other possible offers.
- **Paul Foley** noted that another project in the area that was approved by the MVC used composting toilets and that may be another option.
- **Tom Pachio** asked for clarification on nitrogen removal numbers so the offers can be determined.
- **Mark London** noted that the amount of reduction needed for the project can be readily achieved with the approved alternative systems as approved by the DEP.
- **John Breckenridge** said the MVC reviews projects and as long as the nitrogen is being removed and not overloading the Tashmoo watershed it would be considered.

**Mark London** noted that the applicant is already cutting trees and suggested that perhaps the applicant would consider replacing and replanting trees. **Chris Dias** agreed to do some replanting if it needs to be done and hopes to move beyond the sticky points and move forward with the project.

**Tom Pachio** wanted the project to move along as quickly as possible to avoid delays. **John Breckenridge** noted that the MVC is moving quickly on the proposed project but there are questions that need to be answered and issues to be reviewed.

**John Breckenridge** closed the Public Hearing and left the written record open until July 24, 2015 , 5:00 p.m. and noted that if any substantive testimony is received the public hearing could be re-opened. LUPC will be scheduled for July 27, 2015 with Deliberation and Decision on August 6, 2015.

## **2. TRANSPORTATION REPORT – MV TRANSPORTATION PLAN, MV TRANSPORTATION IMPROVEMENT PLAN, UNIFIED PLANNING WORK PROGRAM**

Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, D. Sederholm, E. Thomas, J. Vercruyse.

There was a discussion about presenting the transportation report tonight rather than at the July 16, 2015 MVC meeting.

- **Josh Goldstein** questioned presenting the transportation reports with only nine Commissioners present. Perhaps it could be presented at the next meeting when more Commissioners may be present.
- **James Vercruyse** said there was a previous concern that the Commissioners did not have enough time to review before approval of the documents.

- **Christina Brown** noted that Priscilla Leclerc had sent the information to the Commissioners and it is on the MVC website and thought highlights could be presented at tonight's meeting.

## **2.1 Transportation Report**

**Priscilla Leclerc** presented the following.

- On July 14, 2015 there is a public meeting on the transportation report and all are invited if they wish to hear more about the documents.
- There are three documents.
  - Martha's Vineyard Transportation Plan (MVTP) 2015-2040 is a minimum 20-year long range plan and is updated every four years.
  - Transportation Improvement Plan (TIP) is updated every year. It is a short range implementation program with four years of projects.
  - The Unified Planning Work Program (UPWP) is updated every year. It is a one year program of proposed planning activities.
- The MVTP is for the whole county including Gosnold. An online survey was done and the highest priority was the ferry service and road safety. Interest was also shown for free shuttle bus expansion and the Shared Use Path (SUP) network. Safety issues were for five corners, Beach Road and the SSA terminal.
- The MVTP goals include a transportation system on Martha's Vineyard that is safe, reliable convenient, accessible, economical, affordable and is consistent with the Vineyard's scenic, historic and natural resources.
- MVTP goals also include convenient, efficient, economical, affordable, safe and reliable connections to come and go beyond the Island.

**Rob Doyle** asked if Priscilla Leclerc ever worked with the merchants, as employees take key parking locations when they could use the Park n' Ride. **Priscilla Leclerc** said the MVC has been working with them and have suggested the merchants purchase bus passes as well.

**Priscilla Leclerc** continued.

- Traffic has remained fairly level.
- Ridership is still growing with the VTA.
- The MVC has started to count SUP numbers for bicyclists.
- The number of autos for the SSA was slightly down in 2013 and bicyclists were up.
- MVTP funding for highway and transit is estimated at \$47 million.

**Christina Brown** asked what the Federal and State split is for the funding. **Priscilla Leclerc** said its 80/20.

**Doug Sederholm** asked if the Federal money is dedicated funds. **Priscilla Leclerc** said it is.

- The TIP projects were reviewed by year.
- The TIP budget for four years 2016-2019 is \$17 million. It includes four years of projects programmed within estimated highway and transit funds. The Federal government requires TIP be updated every four years but it is updated annually in Massachusetts.

**Josh Goldstein** asked who oversees the funds that the VTA receives including monies for bus passes since they are cash only. **Priscilla Leclerc** said sometimes it is partially State and Federal

Funds but the Island is more under the State umbrella since the Island is a smaller area. The VTA shares information about its expenses with the MVC and the VTA Board. It is a detailed process and there are audits.

- UPWP is for Federal Fiscal Year 2016 and it is an outline of the annual transportation planning activities to be performed for Martha's Vineyard. It is the connection to Mass DOT.
- UPWP includes ongoing planning with JTC/MPO, Federal, State, regional and local agencies, towns and the public. It also includes data collection of existing conditions and at locations being studied as well as transportation studies, assistance, and development and safety reviews.

### **3. MINUTES**

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Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, D. Sederholm, E. Thomas, J. Vercruyse.

**Doug Sederholm moved and it was duly seconded to approve the minutes of June 18, 2015 as written. Voice vote. In favor: 7. Opposed: 0. Abstentions: 2. The motion passed.**

### **4. NEW BUSINESS**

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Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, J. Joyce, J. Malkin, D. Sederholm, E. Thomas, J. Vercruyse.

There was a discussion about the Southern Woodlands purchase.

**Josh Goldstein** said he was curious about the recent purchase of the Southern Woodlands development and what authority the MVC had over the current sale of the property.

**Christina Brown** asked if the Written Decision was accessible on the MVC website. **Mark London** confirmed that it was and **Doug Sederholm** added that it was also filed.

**John Breckenridge** said Fred Hancock and Bill Veno had conversations with the owner prior to the recent auction. Josh Goldstein had a good question and tonight is a good opportunity to bring the MVC up to date.

**Bill Veno** said there was an informal meeting three weeks ago with two Oak Bluffs Planning Board members, the MVC Chairman, Paul Foley and two representatives of the owner of the property who was putting it up for auction.

- They were trying to figure out what the way of the land was.
- At the last approval the MVC pointed out to those owners that the project was deficient. What the Town of Oak Bluffs approved was not what the MVC had approved. So the approvals are not so clean.
- The Oak Bluffs Planning Board met earlier this evening and have an interpretation from counsel that the town's Special Permit approval can be voided if the project is not completed in two years, but the Planning Board wants to move forward and not backward.

- The Planning Board is concerned about the approval from nine years ago which did not have studies with nitrogen concerns of the ponds and housing guidelines. The Town is looking to have the developer meet today's standards for those issues.
- The Town wants a working group with MVC members so the differences that exist can be worked out and they also want a Public Hearing on July 30, 2015, when it expects to have a recommendation from the working group.
- On that date, the Planning Board hopes to have a plan modification to refer to the MVC along with its recommendations.

**James Joyce** asked when the Oak Bluffs Planning Board approved the prior project, did they make it more stringent than the MVC. **Mark London** said there was an easement for a trail that is missing. If the new owner wants to proceed with the current MVC approval they can.

**Doug Sederholm** said it is better for all three parties to come up with something that will not void the Special Permit and could come back to the MVC for modification.

**Bill Veno** said the Planning Board identified four main concerns: nitrogen loading, public access for ancient ways, the proximity of the lots on the western side to the Lagoon Heights subdivision off of Barnes Road and affordable housing.

**James Joyce** asked if there was any discussion at the meeting about the town well being put in. **Bill Veno** said there was not.

**Christina Brown** asked about the Land Bank acquisition of the property. **Bill Veno** said that was not discussed.

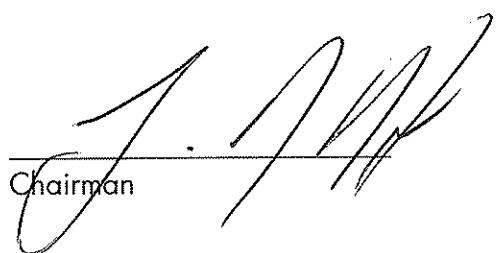
**James Joyce** asked if the affordable housing policy had changed since the MVC approval. **Bill Veno** said it had not changed.

**John Breckenridge** said a lot of work went into the project with the prior MVC Commissioners and asked if Bill Veno felt there was cooperation between the new owner and the Oak Bluffs Planning Board to move forward. **Bill Veno** said they all want to move forward.

The meeting was adjourned at 9:15 p.m.

#### DOCUMENTS REFERRED TO DURING THE MEETING

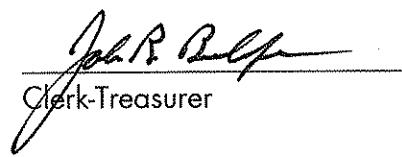
- Minutes of the Commission Meeting – Draft, Held June 18, 2015
- Martha's Vineyard Commission DRI # 653 Dias High Point Lane, MVC Staff Report – 2015-07-09
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of June 29, 2015
- Letter to Martha's Vineyard Commission from Mary Gosselin Received on June 29, 2015
- Tisbury Wastewater Recommendation for the Town re: Guidelines to MVC, Received on June 29, 2015
- Quitclaim Deed, Deeded Easement through Mini-Golf, December 26 1995
- Site Plans, A.N.R and Elevations for Dias High Point Lane DRI 653
- Traffic Circulation Plan for Dias High Point Lane DRI 653



Chairman

Date

9-17-15



Clerk-Treasurer

9/17/15

Date