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## **Minutes of the Commission Meeting Held on September 17, 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)    | - Yvonne Boyle (A-Governor)       |
| - Harold Chapdelaine (A-Tisbury)   | P Katherine Newman (A-Aquinnah)   |
| P Robert Doyle (E-Chilmark)        | P Doug Sederholm (E-West Tisbury) |
| P Josh Goldstein (E-Tisbury)       | P Abe Seiman (E-Oak Bluffs)       |
| P Fred Hancock (E-Oak Bluffs)      | P Linda Sibley (E-West Tisbury)   |
| P Leonard Jason (A- County)        | - Ernie Thomas (A-West Tisbury)   |
|                                    | P James Vercruysse (E-Aquinnah)   |

Staff: Adam Turner (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Planner).

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

### **1. POLLY HILL ARBORETUM EDUCATIONAL CENTER-WEST TISBURY DRI 657 WRITTEN DECISION**

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Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, J. Vercruysse.

**Doug Sederholm** recused himself he is a member of the Board for the Polly Hill Arboretum.

#### **1.1 Written Decision**

**Fred Hancock**, Chairman noted that there is a draft Written Decision. LUPC has looked at the project and the MVC is trying to review the project as quickly as possible.

**Christina Brown** questioned the placement of the word "Act" on line 63 and suggested revising the language so that "the Act" is placed after Chapter 831. **Fred Hancock** also suggested that this info (under 2.2 Hearings) should also be noted on page 1. under Summary.

There was a discussion about Section 1 Archaeological Investigation.

- **Leonard Jason** did not recollect that the Preservation Officer would be contacted.
- **Christina Brown** said she believed that the MVC said to follow the usual conditions and perhaps that should be clearer.
- **John Breckenridge** said it was talked about and that it should be discussed at LUPC.

- **Leonard Jason** said he did not object to notifying the tribe his objection referred to the fact that this was in the written decision and the MVC did not vote on that.
- **Leonard Jason** asked if a copy of the usual conditions could be given to the Commissioners so everyone is clear on that issue.
- **Paul Foley** said the usual condition is that it goes to a professional archaeologist.
- **James Vercruyse** said if the MVC revises the language from Officer to Office, an office is a place so the word them should be revised to it.
- **Leonard Jason** suggested revising the language to say to alert the Wampanoag tribe.
- **Christina Brown** suggested that perhaps revising the word permit would be helpful.
- **Linda Sibley** suggested the language could be revised to contact the Wampanoag tribe to participate.
- **Linda Sibley** suggested revising the language for 1.1.1 on line 257 and 258 as follows; "They will also contact the Wampanoag Tribal Office to alert the tribe to the study so they may participate".

**Fred Hancock** said under 1.1.3 there needs to be clarification about the test pits and have an accuracy of statement. Three test pits will be dug along the perimeter of the existing structure known as the gym and one will be in the basement.

**Linda Sibley** said there is a wording problem for 1.1.5 regarding excavation and investigation. She suggested revising the language to: "Anything found during archaeological investigation, the building excavation will be appropriately preserved".

**Fred Hancock** suggested that the language be revised for 1.1.7 on line 274 to "archaeological investigation. No building excavation..."

**Linda Sibley** said it should be clear in the written decision as to who makes the decision on line 275 and added "by the MVC LUPC".

***Linda Sibley moved and it was duly seconded that the results of the Archaeological Investigation be ratified and approved by the Land Use Planning Committee (LUPC) rather than the full Commission. Voice vote. In favor: 8. Opposed: 0. Abstentions: 0. The motion passed.***

**Leonard Jason** noted that the MVC made a decision last week on how to deal with the Archaeological Investigation and the MVC should stick with it. **Fred Hancock** said the MVC did discuss it last week and it was discussed to have LUPC approve.

**Leonard Jason** suggested additional language for Section 6.1 Permitting from the Town and read and submitted the suggested language:

*"The DRI standards shall be applied only on projects that exceed the DRI thresholds. Regular maintenance and other routine activities that do not exceed regular DRI thresholds will not be judged to require referral to the MVC for DRI review".*

***John Breckenridge moved and it was duly seconded to revise the language for 6.1 as presented by Leonard Jason. Voice vote. In favor: 8. Opposed: 0. Abstentions: 0. The motion passed.***

**Leonard Jason** suggested revising the language to section 6.3 to the standard language and to eliminate the word subdivision as it is not applicable to this project as well as add two years to begin substantial work.

There was a discussion about conditions for the project.

- **Leonard Jason** questioned where the issue regarding painting is stated.
- **Linda Sibley** suggested that no other conditions are placed on this property and it should be stated so nothing else can be done.
- **Josh Goldstein** felt it was better to have a level of clarity.

**Linda Sibley moved that under Conditions Section 5.1 to add language that no other condition be placed on this property by the MVC.**

- **Christina** Brown asked if that is true in any case.
- **Linda Sibley** said yes.

**Voice vote. In favor: 8. Opposed: 0. Abstentions: 0. The motion passed.**

**Linda Sibley moved and it was duly seconded to approve the Written Decision as revised. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, L. Sibley, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.**

**Doug Sederholm** rejoined the meeting.

## **2. CHECAMO PATH SUBDIVISION- WEST TISBURY C.R. 5-2015 CONCURRENCE REVIEW**

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*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, J. Vercruysse.*

### **2.1 Staff Report**

**Paul Foley** presented the following:

- The project is 65 Trotter's Lane, West Tisbury Map 10 Lot 196 (12.8 acres).
- The proposal is a subdivision of a 12.8 acre lot into two lots (9.5 acres and 3.3 acres) with no further subdivision.
- The site plan was reviewed.
- The West Tisbury Planning Board noted in their referral letter that they believe they have worked out a "good and responsive plan with the applicant" and that any building plans will be required by the Building Inspector to be reviewed by NHESP.
- LUPC voted unanimously to recommend to the full commission that this does not require a public hearing review as a DRI. LUPC also noted that DCPC setbacks must be shown on the plan, there shall be no further subdivision, there shall be no guest house and when someone wants to build on the lot they will have to be reviewed by NHESP.

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

**Linda Sibley**, LUPC Chairman said it is important to note that when LUPC said no guest houses the intention was for the three acre lot only. The other lot is large enough per the West Tisbury zoning to have a guest house.

**John Breckenridge** agreed with Linda Sibley that was the discussion at LUPC regarding the guest houses.

### **2.3 Commissioners' Discussion**

There was a discussion about the access road.

- **James Joyce** asked if a lot has to have a certain frontage on a road.
- **Christina Brown** said yes and that is why the applicant is putting in another road.
- **Fred Hancock** said it is West Tisbury DCPC regulations on a special way and the town asked the applicant not to use the special way as the access so a parallel road will give them access but it is not used for the frontage calculation.

**Linda Sibley** said the MVC cares only that what was presented to LUPC will be recorded with the Form C.

**Fred Hancock** noted that by not concurring with the referral the project goes back to the town.

**Doug Sederholm** questioned the setback. The plan shows a 25 ft wide Right of Way running parallel with the trail set 25 ft away from the Right of Way. **Fred Hancock** said it is in the special ways guidelines for the town.

**Linda Sibley moved and it was duly seconded that the MVC does not concur with the referral from the Town of West Tisbury and send the referral back to the town. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, J. Vercruyse. Opposed: none. Abstentions: none. The motion passed.**

### **3. DIAS HIGH POINT LANE CONTINUED PUBIC HEARING**

*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, J. Vercruyse.*

**Fred Hancock**, Chairman said the re-opening of the public hearing for the Dias High Point Lane was advertised but the MVC does not have a quorum so the public hearing will be re-opened and continued until October 1, 2015 when the MVC will have a quorum for the public hearing.

**Doug Sederholm** asked why the MVC is re-opening the public hearing. **Adam Turner** said there is a technical explanation that he would like to make about the lot sizes at the public hearing.

**Fred Hancock**, Public Hearing Officer, re-opened the public hearing and read the public hearing notice noting the location and the proposal and closed the public hearing without taking testimony and continued the public hearing until October 1, 2015.

### **4. NEW BUSINESS**

*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, J. Vercruyse.*

#### **4.1 Executive Director Report**

**Adam Turner** presented the following.

- MVC counsel Gareth Orsmond is leaving and the MVC is sorry to see him go.
- He will be replaced with an attorney who has done work with the MVC before and the MVC Chairman (Fred Hancock) and Adam Turner will be reviewing.
  - **Christina Brown** asked if Gareth Orsmond had suggested a replacement.
- Attorney Joanna Schroeder has been suggested and he would like to set up a meeting with the MVC Chairman to discuss litigation.
- He attended the Affordable Housing meeting yesterday, September 16, 2015.
- Indices for historic preservation were passed out to the Commissioners and he asked for comments prior to bringing before LUPC.
  - **Joan Malkin** suggested that perhaps the best forum for the indices would be PED rather than LUPC.
- He is working on a statistical package that the Commission should look at every few years and then make the information available. The package will have map information, develop a trend report and will be communicated to the public when it is signed off and completed.

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

**Fred Hancock** said they are looking to develop performance standards for the Executive Director as was stated when the Executive Director was hired.

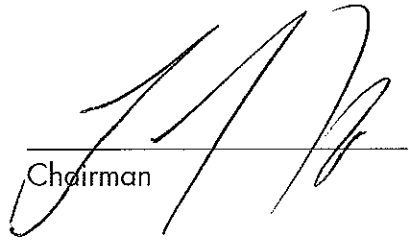
**Joan Malkin** said the idea was that there would be performance objectives for the first six months and that Adam Turner will also come up with some objectives that he feels are essential. The Executive Committee should also state what objectives they feel the Executive Director should meet within the first six months.

**Adam Turner** asked if the Executive Committee would like him to submit his tasks at the meeting or submit them now. **Joan Malkin** said it would be beneficial to him and to the Commission if there were independent thoughts on the objectives.

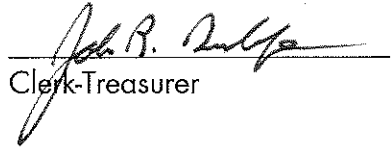
The meeting was adjourned at 8:00 p.m.

#### **DOCUMENTS REFERRED TO DURING THE MEETING**

- Decision of the Martha's Vineyard Commission DRI 657 Polly Hill Education Center
- Martha's Vineyard Commission C.R. # 5-2015 Checamo Path Subdivision MVC Staff Report – 2015-09-14
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of September 14, 2015
- Letter from the Town Of West Tisbury Planning Board, Subject: Checamo Path Realty Trust, Map 10, Lot 196, 65 Trotter's Lane Dated June 23, 2015
- Email from Natural Heritage Endangered Species Re; Incremental Division of Land dated July 21, 2015 and July 23, 2015
- Checamo Path Realty Trust Plan of Land Dated May 20, 2015

  
Chairman

10-15-15  
Date

  
Clerk-Treasurer

10/15/15  
Date