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## **Minutes of the Commission Meeting Held on November 5, 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)       |
| - Yvonne Boyle (A-Governor)        | P Joan Malkin (A-Chilmark)        |
| P John Breckenridge (A-Oak Bluffs) | P Katherine Newman (A-Aquinnah)   |
| P Christina Brown (E-Edgartown)    | P Doug Sederholm (E-West Tisbury) |
| - Harold Chapdelaine (A-Tisbury)   | P Abe Seiman (E-Oak Bluffs)       |
| P Robert Doyle (E-Chilmark)        | - Linda Sibley (E-West Tisbury)   |
| - Josh Goldstein (E-Tisbury)       | P Ernie Thomas (A-West Tisbury)   |
| P Fred Hancock (E-Oak Bluffs)      | P James Vercruysse (E-Aquinnah)   |
| P Leonard Jason (A- County)        |                                   |

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

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

### **1. MINUTES**

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

**Ernie Thomas moved and it was duly seconded to approve the minutes of September 10, 2015 as written. Voice vote. In favor: 8. Opposed: 0. Abstentions: 4. The motion passed.**

**James Joyce moved and it was duly seconded to approve the minutes of October 15, 2015 noting the correction of the spelling of Tom Pachico's name. Voice vote. In favor: 10. Opposed: 0. Abstentions: 2. The motion passed.**

### **2. NEW BUSINESS**

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

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

##### Transportation

**Adam Turner** noted that the MVC spends a lot of time on transportation planning and introduced Priscilla Leclerc (Transportation Planner) to present an overview on transportation.

**Priscilla Leclerc** presented the following.

- Transportation relates to economy and tourism, housing, moving freight and it is also about people moving.
- Transportation is the second highest household expense.
- There are two facets to transportation; to and from the Island as well as moving around the Island.
- The following should be considered regarding transportation; a multimodal transportation system, safety and it is nice to have a pleasant experience. The Island has a good scenic value and the Island Roads Committee is also looking at that.
- The MVC staff role is as follows.
  - MassDOT partnership related efforts.
  - Joint Transportation Committee and other groups.
  - Transportation Improvement Plan (TIP), Unified Planning Work Program (UPWP) annually and working on funding and with the towns on project concepts to advance.
  - Safety audits, long range plans, Title VI and public participation.
  - Collecting data on the system and usage.
  - Other federal, state, regional and local coordination, evaluation, assessment and information sharing, education and outreach.
  - Study the transportation system, sometimes with consultants.
- Travel volumes have remained fairly level on the Island and the travel trends and numbers were reviewed.
- The data for school children on the Island walking and cycling to school were reviewed.
- Congestion needs to be understood. One bus can carry the same number of people as many cars.
- Transportation infrastructure cost estimates include the Tisbury Beach Road project at about \$2,400,000; Vineyard Transit Authority services at \$3,500,000 annually and the Oak Bluffs roundabout at \$2,000,000.
- Pedestrian amenities are important such as benches or stone walls for rest stops along the way and it is also important to have bicycle parking.

**Adam Turner** noted that the MVC also conducts the traffic count program for long term and short term statistic gathering. The MVC is responsible for the administration of the Transportation Improvement Program (TIP) and also is responsible for looking at parking. In the next couple of months the MVC will get into the statistics to better understand the historic information and transportation on the Island.

**Abe Seiman** noted that transportation-related signage appears to be lacking on the Island. **Priscilla Leclerc** said there are things that can be done with signage such as a way finding system and Oak Bluffs had been reviewing that. Effective signage is helpful for residents as well as visitors.

There was a discussion about bus usage.

- **Katherine Newman** asked if there is a huge increase in bus transportation.
- **Priscilla Leclerc** said it is growing. August was a record month and the annual ridership is approximately 1.2 million.
- **Doug Sederholm** added that there is a dramatic difference in off season for availability of buses. You have to plan due to the lower ridership.
- **Christina Brown** said the remarkable thing is that the Island has all of the routes running all year but you do have to plan.
- **Adam Turner** noted that Angie Grant, VTA Administrator, gave a presentation at the Joint Transportation Committee and perhaps she could also do one for the MVC.

## Water Resource Planning

**Adam Turner** noted that Sheri Caseau made a presentation a few weeks ago and she has distributed a watershed map at tonight's meeting. The matter will be discussed at the next meeting.

## **2.2 Executive Director Report**

### Visit to Cuttyhunk

**Adam Turner** presented the following:

- He visited Cuttyhunk and attended the Gosnold Selectman Meeting. They are very supportive of the MVC.
- The issues discussed by the selectman and MVC staff to review were:
  - Concern about climate change; Cuttyhunk has seen tides creep up on their docks and wharfs. They have begun to establish base lines and will put in mechanisms to evaluate.
  - Housing; one party owns 50% of the island, so they are looking at subdivision regulations.
  - Solid waste; it is shipped off Island and they have discussed buying compactors for each home.
  - The economy is seasonal with fishing and tourism. There are up to 300 residents in season and 20 to 30 off season. There are two school children.
- Currently there is a ferry twice a week. They would like to get a mid-week ferry service but are not sure there is a demand to sustain it.
- Internet service is not good. With better internet service they could participate in more activities.
- Energy conservation is a concern and solar is being developed. Utilities are all underground.
- An Island historical survey needs to be completed.
- TA Connect is a state wide clearing house for assistance and they have pledged to go to the meetings in Spring, Summer and Fall and they would also like to attend MVC meetings.

**Joan Malkin** asked Adam Turner who he visited with in Cuttyhunk. **Adam Turner** said the Board of Selectmen and Stewart Young.

### Meetings

**Adam Turner** said he will attend the Governor's conference on Community Compact on November 12, 2015. The Island wide Planning Board met last night (11/4/2015) to discuss Senate bill 122 Zoning Improvement Act. The act is sponsored by Senator Wolf and the towns agreed to write letters in support for amending the Zoning Enabling Act.

**Leonard Jason** and **Christina Brown** asked if the information could be emailed to the Commissioners.

## **3. DEBETTENCOURT HIGH POINT LANE GARAGE – TISBURY DRI 656 CONTINUED PUBLIC HEARING**

*Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, E. Thomas, J. Verduyssen.*

*Doug Sederholm and Abe Seiman recused themselves from the meeting as they had missed the first portion of the public hearing.*

*For the Applicant: Joe DeBettencourt, John Folino*

**John Breckenridge**, Public Hearing Officer, opened the Continued Public Hearing at 7:20 p.m. and asked the applicant to introduce himself.

**Joe DeBettencourt** said he is looking to expand his business and build a better and safer facility. It is becoming harder to find land for industrial use on the Island and the location being reviewed was what was available.

### 3.1 Staff Report

Paul Foley presented the following:

- The proposal is to construct a 5,166 gsf (4,500 sf footprint) vehicle repair garage with three repair bays able to accommodate trucks, a vehicle inspection station, offices, waiting area and storage. The proposal involves major topographical alteration to prepare the site to be regraded and supported with retaining walls.
- A public hearing was held on October 15, 2015 and continued to November 5, 2015.
- A Special Permit is needed from the ZBA not the Planning Board.
- The applicant proposes to use abutting Town land to accomplish landscaping options. A letter from the Tisbury Board of Selectmen gave a general okay to do work on Town land but wasn't clear on the specifics of this. The Board of Selectmen issued a letter indicating they had no problem with the proposed work on town property pending input from the Building Inspector, Planning Board and MVC. Details of the Memorandum of Understanding among the town parties have not yet been developed.
- Some Key issues include extensive retaining walls varying from 4 to 12 feet high on all four sides which run along the property line on three sides. Is it appropriate and permissible to use public land to optimize private land?
- The site plan showed 22 parking spaces on the site with ample room for more cars. When informed that for 20 spaces or more zoning would require a five foot vegetated buffer along the perimeter (within the lot) and a tree every eight spaces, today the applicant revised the site plan to only show 19 parking spaces with minimal decrease in lot coverage. Is this too much intensity of use for this property?
- The island of Martha's Vineyard has a limited supply of land for industrial uses and appears to have a growing demand for it. Where will future industrial uses go?
- A lighting plan has not been submitted.
- The roof would be pitched toward the southeast and the applicant intends to eventually install solar panels.
- Wastewater.
  - The allowable nitrogen load for this parcel in the Tashmoo watershed is 3.25 kg/yr.
  - According to Massachusetts Sewage Design flow (310CMR) the load for a garage with four bays would use 187,800 gallons a year with a load of 14.93 kg/yr with a Title 5 and 8.10 kg/yr with an I/A system, both of which exceed the maximum allowable load.
  - Examination of actual water use records for three similar operations in the Town of Tisbury (Precision, Island Tire, Willoughby) showed significantly lower water use. The nine year average waster use was 24,259 gallons per year, but the last four year average use is up to 28,000 gallons per year. Two of the operations used 33,000 gallons in the latest year.
  - The nitrogen load for 28,000 gals/yr would be 3.71 kg/yr with a Title 5 system – over the allowable load – and 3.14 kg/yr with an I/A system including roof and stormwater runoff which is within the allowable load.
- The MVC traffic planner recommends that one shared access point from High Point Lane be used for Lots 1, 2 and 3 as shown on the original lot division plan. One curb cut from High Point Lane for all remaining lots is recommended to reduce curb cuts along High Point Lane.
- It has been noted that it may be difficult to have a single access. It is in town zoning to separate road access points by at least 300 feet.
  - **Joe DeBettencourt** noted that it would be difficult getting a tow truck in with one curb cut due to the incline. You do not want to change the grade too much and have a steep hill or a hill and that would also be a safety factor when pushing cars.

- The proposal requires 14 parking spaces by zoning according to the Building Inspector. The site plan showed 22 parking spaces on the site with ample room for more cars. A revised site plan (received November 5, 2015) shows 19 parking spaces with minimal decrease in lot coverage.
- The revised site plan was reviewed and a comparison of the original plan to the revised plan.
- The perspective drawing was reviewed as well as the change in grade, the wall sections and the floor plans.
  - **John Breckenridge** asked what is on top of the retaining wall. **Joe DeBettencourt** said it will be a six foot wire fence.
  - **Katherine Newman** asked if the retaining wall is on the property line. **Paul Foley** said it is along the easement line and you cannot have a permanent structure in the right of way.

### 3.2 Applicants' Presentation

**John Folino** said the changes in parking were made because more capacity is needed to get the trucks inside the bay for service not to get around the landscaping section. The spaces were made larger to accommodate the trucks.

**Joe DeBettencourt** said 60 feet of swing is needed to get the trucks into the building. He wants to be able to work inside and no longer do the work outside. It is also a safety issue and he wants to be safe.

### 3.3 Commissioners' Questions

**John Breckenridge** asked how the reduction in the number of parking spaces will enable the truck swing as the depth isn't changing. **Joe DeBettencourt** said if needed, he can move cars to help move the trucks but the maximum number of spaces used in the summer is 17 cars.

**John Breckenridge** asked if there are any other changes to the plans. **John Folino** said the shared access has been changed because High Point Lane is so steep. The elevation of the site ranges from 113 to 130, which is a 17 foot rise.

**Joan Malkin** asked if the applicant will be keeping his current business location. **Joe DeBettencourt** said no, that will continue to be Buddy's (his father's business). He is moving his business to the new location to make a state of the art facility to accommodate newer vehicles.

There was a discussion about green space.

- **Katherine Newman** said she is concerned about taking away trees and creating a hardscape industrial area. Isn't there a way to be safer and also create some green spaces? **Joe DeBettencourt** said he doesn't know what will happen with the lower retaining wall if the other adjacent property is sold. If the wall moves forward ten feet he will definitely put more landscaping in. He reviewed the site plan and said he will hide the wall the best that he can. He wants to put some trees back between the car and truck spots.
- **John Breckenridge** noted that the landscape plan is often done after the As Built.
- **Leonard Jason** said let's remember where this location is. There will be more green space than what is already in the immediate area.
- **Danny Rogers**, excavator for the project, said the landscape plan will include catch basins for spill and runoff.

### 3.4 Testimony from Public Officials

**Dan Seidman**, Chairman of the Tisbury Planning Board, said the original parking plan would require a five foot buffer along the boundaries. There is no need for the five foot buffer since the parking has been reduced and the applicant is no longer using town land. The Planning Board does want to approve the final landscape plan and wants to ensure it is better than what is currently there and is concerned

about the vegetative buffer along High Point Lane as well as the actual area allotted to parking. The only plan currently registered for the property is from 2012 and shows the ten foot easement. There is another plan and if it is registered it will supersede the current one. The Planning Board would like to see a landscape plan for the buffer on High Point Lane from Tom Pachico. There is a concern about the whole property being paved. The building would be impermeable and for the rest of the area perhaps a rap to help with the permeability and the rain water.

- **John Breckenridge** asked if the Planning Board has had a final meeting. **Dan Seidman** said yes and there is an understanding amongst the Planning Board.
- **John Breckenridge** asked for the Planning Board to submit a letter with the information presented to the MVC so it is part of the written record. **Dan Seidman** said that could be done within a week.

### **3.6 Public Testimony**

**Tom Pachico** said he talked with Pat Harris, Assistant to the Planning Board, and was told that the Planning Board is not be issuing a letter to the MVC as they were asked by the Board of Selectmen to submit a letter to them and noted that a Memorandum of Understanding is in the process. **Dan Seidman** confirmed that the Planning Board would submit a letter to the Board of Selectmen and the MVC.

**Mary Gosselin** is an abutter and asked if there is one curb cut as she is trying to understand the access and easement for all of the lots. She noted that she has a plan that shows the easement differently from what the MVC has shown.

- **Joe DeBettencourt** said there is one curb cut for his property and the easement is for the utilities and will stay green.
- **Fred Hancock** said the applicant presented to the MVC that it is a utility easement.
- **Tom Pachico** said Lot 1 has a curb cut and there is a curb cut on the lot for Joe DeBettencourt.
- **Adam Turner** noted that what is before the MVC is one curb cut for the property that is being reviewed.
- **Dan Seidman** said the 2012 plan shows the easement as noted on the plan.
- **Paul Foley** showed the 2012 plan.
- **Dan Seidman** said what the MVC looked at in 2012 is different from what was actually registered. The access goes all the way through.
- **Tom Pachico** said the plan was changed in 2012 so there was utility access to all four lots and the Planning Board did not send it back to the MVC.
- **Christina Brown** asked Mary Gosselin what her concern is. **Mary Gosselin** said it doesn't seem that the plan on the MVC website matched the one that is recorded. **Christina Brown** asked if she has concerns about how the recorded plan will affect her property. **Mary Gosselin** said she did not.
- **Adam Turner** asked if she was concerned that the access easement was being used for something else. **Mary Gosselin** said the confusion is about the structural drawings and how the easement is being used. **Adam Turner** noted that it was resolved with the applicant and there is an access easement that is not being used for the project. The access easement is proposed to be used for utilities.
- **John Folino** said the grade is so different from lots 1 to 4 and he wants to put to bed the issue about a single access.
- **Dan Seidman** reiterated that there is another plan that was not recorded.
- **Adam Turner** said the MVC staff will work with the Planning Board and obtain the correct registered plan.

### **3.7 Commissioners' Concerns**

**John Breckenridge**, Public Hearing Officer, noted that the public hearing will be continued and the goal is that the oral testimony be concluded this evening and the written testimony submitted by November 19, 2015. He asked the Commissioners to state their concerns so the applicant can be prepared for post public hearing LUPC.

**Ernie Thomas** reiterated that the property is a commercial zoned area and respects the idea to have green space but doesn't expect to see many trees on the property due to the industrial use.

**Joan Malkin** is concerned about High Point Lane and safety. She understands there is a stockade fence there but is still concerned about the set back and screening. She has a concern about the curb cut but is sympathetic. She would like to see more green space and permeable surface and asked if the applicant would object to obtaining a variance which would give more space and allow pushing back the retaining wall and would accommodate more green space and screening.

**Fred Hancock** said he would like to see a little more thought about buffering the project from High Point Lane. Given the nature of the business perhaps a little more buffering from High Point Lane would be in order.

**James Vercruysse** is concerned about what the town's opinion is on the potential two access points on High Point Lane. Stormwater control is challenging for this project. Usually it is stipulated that it is contained on the property. This property is an engineering challenge. He is also concerned about spillage containment.

**Katherine Newman** said she is glad to hear about planting and permeability as this is also her concern.

**Christina Brown** is looking forward to looking at the plantings in detail as well as the drainage plan. She is concerned about big trucks going from State Road through the mini golf property and it should be stated that they won't be. She believes it was noted that Lots 1 through 4 could use the mini golf access so it would be good to state for future development that this project would not be. **Joe DeBettencourt** clarified that the mini golf access would not be used for his project as it is not possible. The property can only be accessed by High Point Lane.

**Robert Doyle** wants to see how the applicant will handle spill containment especially since the project is located in an impaired watershed. **Joe DeBettencourt** noted that he has never had a gas or oil spill and has the means to control that. He wants his facility to be nice and not a junk yard.

There was a discussion about wastewater mitigation.

- **Joan Malkin** asked whether the MVC has a way to calculate the wastewater mitigation fee. **Sheri Caseau** said not yet but the MVC can develop it. If the applicant goes over the limit they would come back to the MVC and hopefully we would have the mitigation fee in place by then.
- **James Joyce** wondered how the Mass Sewage numbers can be so off from actual water usage. Are their numbers always that off and if so how can the MVC use actual water use numbers. **Sheri Caseau** said it is the Septic Design flow and it builds in a big cushion. **Joe DeBettencourt** said there are a lot of fluids that leave in a vehicle and not down the drain and that is why the usage numbers are so low.

### **3.8 Applicants' Closing Statement**

**Joe DeBettencourt** said he will be glad to work with the MVC staff and the MVC to work out the concerns. He walked the property with Chris Morley and he did a great job assessing the property's vegetation.

**Joan Malkin** noted that at the site visit it was talked about a facing for the retaining wall and it would be great if the applicant could have a visual of what exactly it will be.

**John Breckenridge**, Public Hearing Officer, closed the public hearing to oral testimony and kept the written record open until 5:00 p.m. on November 17, 2015. The public hearing will be continued on November 19, 2015 with post public hearing LUPC on November 23, 2015.

**Fred Hancock**, Chairman recessed the meeting at 8:45 p.m. and reconvened at 9:50 p.m.

*Doug Sederholm and Abe Seimen rejoined the meeting.*

#### **4. ISLAND HOUSING TRUST WATER STREET APARTMENTS-TISBURY DRI 647-M MODIFICATION REVIEW**

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

*James Vercruysse recused himself as his brother-in-law now works for the Island Housing Trust.*

*For the Applicant: Philippe Jordi*

##### **4.1 Staff Report**

**Paul Foley** presented the following.

- The applicant came to LUPC on Monday October 19, 2015 but was asked to come back with some changes and clarifications.
- The applicant presented their final landscape plan which was accepted at LUPC. This proposed building amendment has some minor modifications to the site and building plans. The changes to the approved plan are:
  - They will be using fireproof Hardieboard on the exterior of the building due to fire code requirements rather than the originally proposed cedar shingles.
  - The building will be 18” wider than the originally approved structure due to allowances needed for handicap accessibility, thus raising the overall ridge height of the roof by 12”.
  - There will be no change in elevation of the floors.
  - The building will not be built on pilings but flood waters will still be able to drain under the building through gates.
- The revised site plan was reviewed.
- The applicant submitted the following clarifications about the parking and drainage.
  - Parking does not change from what the MVC previously approved: Only short term parking will be allowed for pick-up or drop-off, with signage indicating how to do it. There will be no backing out into Water Street and no right turns into the property from Water Street. IHT and the onsite manager will monitor the use of the parking spot.
  - Drainage: there will be 6 storm water filtration units installed and walkways will be pitched toward these units or planting areas.
- LUPC unanimously voted to recommend to the full Commission that the amended plan regarding the type of foundation and the slight variation in building size does not rise to the level requiring a public hearing review as a DRI. LUPC also unanimously voted to recommend to the full Commission that the amended plans be approved as a minor modification. LUPC also unanimously approved the landscaping plan.

##### **4.2 Commissioners’ Questions**

**John Breckenridge** asked why Hardieboard is being used. **Leonard Jason** said to meet building code and noted it will look like clapboard.

**Philippe Jordi** said the trim will be white and the upper story color will be cobblestone and the first floor will be a brown. Samples of the materials and colors were shown.

**Doug Sederholm moved and it was duly seconded that the modification as presented does not rise to the level requiring a public hearing as a DRI. Voice vote. In favor: 11. Opposed: 0. Abstentions: 0. The motion passed.**

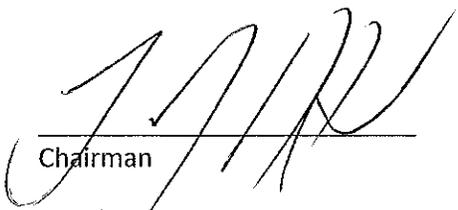
Leonard Jason asked where the flood plain is. Phillippe Jordi said the foundation will have openings for water flow and the building is still five feet above ground. It is more cost effective to build in this way than on pilings.

**Doug Sederholm moved and it was duly seconded to approve the modification as presented. Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, F. Hancock, L. Jason. J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, E. Thomas. Opposed: none. Abstentions: none. The motion passed.**

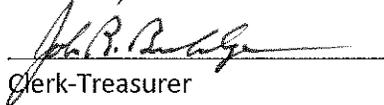
The meeting was adjourned at 9:15 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on September 10, 2015
- Minutes of the Commission Meeting – Draft, Held on October 15, 2015
- Adoption of Watershed Boundary Map, from Sheri Caseau (Water Resource Planner), November 5, 2015
- Martha’s Vineyard Land Use Planning Committee Notes of Meeting of November 2, 2015
- Martha’s Vineyard Commission DRI #656 DeBettencourt High Point Lane MVC Staff Report – 2015-10-14
- Memo from Priscilla Leclerc (MVC Senior Transportation Planner) to MV Commissioners Subject: Transportation-DRI #656 DeBettencourt High Point Lane, October 7, 2015
- Town of Tisbury Office of the Selectmen letter to the Martha’s Vineyard Commission, Re: Joseph de Bettencourt Proposed Development of Parcel #22-A-13.11 (Lots 2 and 3), October 15, 2015
- Floor Plans and Elevations, Joseph DeBettencourt High Point Lane, A-1.1, undated
- Preliminary Site Plan, Joseph DeBettencourt, June 26,2015
- Island Housing Trust Narrative for LUPC regarding Site Planning at 6 Water Street Apartments, October 30, 2015
- Island Housing Trust Site Plan, Water Street Apartments, Site Plan L2.0, October 26, 2015

  
Chairman

12-17-15  
Date

  
Clerk-Treasurer

12/17/15  
Date