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**Minutes of the Commission Meeting  
Held on November 19, 2015  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

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**IN ATTENDANCE**

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

P 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)
- Christina Brown (E-Edgartown)	P Doug Sederholm (E-West Tisbury)
P Robert Doyle (E-Chilmark)	P Abe Seiman (E-Oak Bluffs)
- Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Fred Hancock (E-Oak Bluffs)	P Ernie Thomas (A-West Tisbury)
P Leonard Jason (A-County)	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.

**Fred Hancock**, Chairman noted that the Commission has received notice from Harold Chapdelaine that he is resigning from the MVC. He also informed commissioners that Dan Greenbaum had passed away.

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**1. DEBETTENCOURT HIGH POINT LANE GARAGE-TISBURY DRI 656 CLOSE OF PUBLIC HEARING**

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

**Fred Hancock**, Chairman stated that the public hearing was closed at the last MVC meeting, November 5, 2015 but with the written record to receive clarifying information remained open until November 17, 2015. The materials have been made available for commissioners. The Post Public Hearing LUPC review has been scheduled for November 23, 2015 and Deliberation and Decision for December 3, 2015.

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**2. WESTON AVENUE DEMOLITION-OAK BLUFFS C.R. 6-2015 CONCURRENCE REVIEW**

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

*Fred Hancock was present but recused himself as he is a direct abutter.*

**James Vercruysse**, Acting Chairman asked Paul Foley to present a staff report.

## **2.1 Staff Report**

**Paul Foley** presented the following.

- The location and the site were reviewed.
- The packet of information contains an email with an explanation of the project, the Oak Bluffs Zoning Board of Appeals (ZBA) decision, the Oak Bluffs Historic Commission decision and LUPC meeting notes from November 9, 2015.
- The proposal is to demolish an existing one story, 1,553 sf bungalow built in 1880 and replace it with a two story, 4,332 sf gambrel single family house.
- The applicant went before the Oak Bluffs ZBA in August 2015 and was approved for a Special Permit upon finding that the project was not substantially more detrimental to the surrounding neighborhood.
- The applicant appeared before the Oak Bluffs Historic Commission in September 2015 and it found that the building was not of any historic value and approved the demolition.
- The project was referred to the MVC when it was brought to the Building Inspector's attention that it should have been referred as a DRI.
- The project is a Concurrence Review under 8.2ii based on the building being more than 100 years old. The Oak Bluffs Historic Commission voted that it was not historically significant, therefore it does not trigger 8.2i which is a mandatory review.
- It was found that the bungalow had 2-3% asbestos in the drywall joint compound so the applicant had to abate that and send it to Ohio. The applicant has spent upwards of \$50,000 already in demolition and abatement costs. They had planned to do the demolition of the building when someone emailed the Building Inspector that the project should have been referred to the MVC for DRI Concurrence Review.
- The area is eclectic with cottages, Victorian houses and recent modern houses and additions.
- Interior and exterior photos of the bungalow were reviewed. There appears to be two or three "bump outs" and the structure must have been raised at some time as the foundation is now cinder block.
- The proposed elevations were reviewed.

## **2.2 Land Use Planning Committee Report**

**Linda Sibley**, LUPC Chairman, said LUPC recommends to the full Commission that the MVC not concur. The project is not historically significant.

***Doug Sederholm moved and it was duly seconded to not concur with the referral as the building is not historically significant. Roll call vote. In favor: T. Barnes, J. Breckenridge, R. Doyle, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, L. Sibley, E. Thomas, J. Verduyze. Opposed: none. Abstentions: none. The motion passed.***

*Fred Hancock rejoined the meeting.*

## **3. APPOINTMENT OF NOMINATING COMMITTEE**

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

**Fred Hancock**, Chairman, noted that it is time for the election of MVC officers for 2016. He appointed the following Commissioners to the Nominating Committee; John Breckenridge, Linda Sibley, Robert Doyle, James Vercruysse, Joan Malkin. The committee will meet on December 3, 2015 at 6:30 p.m.

#### **4. ADOPTION OF WATERSHED BOUNDARY MAP**

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

**Adam Turner** said the MVC has for a number of years been using the Watershed Boundary Map but it has never been adopted. The map's boundaries reflect the hydrological drainage path of surface and ground water. The boundaries are based on topography and long term water table measurements across the Island. The watershed boundaries have been used and relied upon in MVC policies and DRI decisions. By adopting the map, there will be a consistent planning tool for continued use by the MVC and the towns.

**Fred Hancock** said the reason the MVC needs to adopt the map is because it can become the basis for any water quality remediation attempts by the towns.

**Joan Malkin moved and it was duly seconded to adopt the Watershed Boundary Map dated November 13, 2015 as compiled by Chris Seidel and presented on November 19, 2015. Voice vote. In Favor: 13. Opposed: 0. Abstentions: 0. The motion passed.**

**Joan Malkin** noted that the FAQs that Sheri Caseau compiled were very helpful.

**Adam Turner** complimented Chris Seidel's efforts in creating the map.

**Leonard Jason** asked what criteria/data was used to create the map. **Adam Turner** said the data and topography from the UMass Dartmouth School of Marine Science was used to model the map.

#### **5. NEW BUSINESS**

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

##### **5.1 Executive Director's Report**

###### **All Island Planning Board Letter in Support of SB 122**

**Adam Turner** said over the last several months he has attended the All Island Planning Board meetings where he has discussed SB 122, an Act Promoting the Planning and Development of Sustainable Communities. Over the past several years, the state legislature has considered various bills to reform Massachusetts' zoning enabling legislation. This bill has been introduced by Senator Daniel Wolf. The Planning Boards will be submitting a letter in support of which a copy is available tonight as a point of information for the commissioners. He presented the letter tonight so the commissioners know what the towns are doing regarding this bill.

**James Joyce** asked why the bill has been turned down over the last several years. **Adam Turner** said he can only speculate that it was most likely due to the home builders and pro-development interests.

**Leonard Jason** asked if the 5,000 sf exemption was still in the law for grandfathered lots. **Adam Turner** said it has been taken out. **Leonard Jason** noted that the cities did not want that out of the bill so that is probably why it has been defeated.

**Joan Malkin** asked what happens next. **Adam Turner** said the draft letter goes to the Chairs of the Planning Boards and they in turn will bring it to their boards for review. The idea was for all Marthas Vineyard towns to sign one letter.

**Leonard Jason** asked if the ANR plans will be gone with the bill. **Adam Turner** said when you get to your sixth lot. **Joan Malkin** noted it would be like a modified subdivision process.

**Adam Turner** noted that if the Commissioners would like more information he would be glad to provide it.

**Linda Sibley** asked if the Planning Boards have decided to sign the letter. **Adam Turner** said the Planning Boards decided to sign a letter and what the Commissioners have tonight is the draft letter. **Joan Malkin** added that it was thought to be more compelling if the Planning Boards signed a letter enmasse.

**Adam Turner** noted that the bill provides zoning powers for municipalities.

**Linda Sibley** noted that this bill could change the DRI Checklist. So if the Planning Boards are signing a letter does the MVC want to or should the MVC do so? If so perhaps the Commission should have a presentation to better understand the bill. **Adam Turner** said he will put a presentation on a future agenda.

#### North Bluff Wall and Boardwalk Project

**Adam Turner** said the North Bluff Wall and Boardwalk project has been referred to the MVC by the Oak Bluffs Planning Board as a discretionary review. LUPC will be on Monday November 23, 2015.

**Fred Hancock** noted that means that the MVC has to hold a public hearing to determine if the MVC accepts the project as a DRI.

**Adam Turner** said the town would like to hold the discretionary public hearing on December 10, 2015 which is not a normal MVC meeting date and asked the Commissioners if they would be available.

**James Joyce** asked why this isn't a concurrence to accept. **Fred Hancock** said it is an in-town referral.

**Adam Turner** noted that the LUPC process will start on November 23, 2015 and the project may not be done and ready for a December 10, 2015 MVC meeting. There was a consensus that there would be enough Commissioners available to attend on December 10, 2015.

**Linda Sibley** said that the LUPC process may not be that intense for the first round as we will be deciding if it is a regional impact. The Oak Bluffs Planning Board has been attending the MVC Checklist review and there are concerns by people in Oak Bluffs about the aesthetics of the project as it is located at one of the gateways to the Island.

### Legal Update

**Adam Turner** said King vs. MVC was dismissed at the State level. Joanna Schneider, the MVC new counsel will be at the MVC December 17, 2015 meeting to talk about decision making. Counsel Brian Hurley will also be at the meeting.

### DRI Checklist Review

**Adam Turner** said the DRI Checklist review has been finished. It will take him several weeks to compile the review information. The process will be the provision, decision on how to use, metrics will be developed, a description of the comments, and recommendations.

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

### Southern Woodlands DRI Modification

**Paul Foley** presented the following.

- The project will be before LUPC on November 30, 2015.
- The applicant is going with the plan approved by the Oak Bluffs Planning Board.
- They will have to make a few adjustments to Special Ways and the buffers.
- The equestrian part of the development is being removed.
- The applicant went before the Oak Bluffs Planning Board and increased the affordable housing contribution to \$700,000 and MVC staff has calculated that is equivalent to about 30 years of contributions through the Commission's DRI decision requirements.
- Even though nitrogen loading is far below the Commission's policy threshold, calculations have been made and the applicant wants to meet the MVC policy. The town was concerned so the applicant offered to put in denitrification for all houses.

**Adam Turner** asked if the Oak Bluffs Planning Board approved the recommended changes. **Paul Foley** said the prior discussions were not an official review, so they are asking for a modification. The project has not yet been referred to the MVC.

**Fred Hancock** said over the years, the development has gotten into fractional ownership, so the applicant was told that everyone has to be on board.

### Citizen Planner Training Collaborative Workshop

**Bill Veno** said there will be a Citizen Planner Workshop on Saturday November 21, 2015 from 8:30 – 10:30 am. The CPTC provides training for volunteer planners in the towns. There was already one session on site planning and this one is an introduction to the zoning act. Bob Richie is the presenter and has many decades of experience with town planning. He has been instrumental in the drafting of the SB 122 legislation.

### Stop and Shop

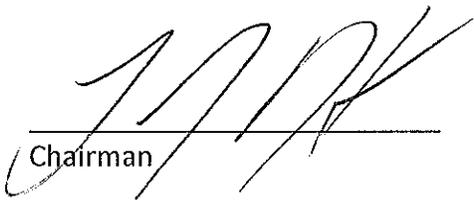
**Fred Hancock** noted that Stop and Shop has a proposal for an Edgartown store that will be coming to the MVC in 2016 and they have had a MVC staff/applicant meeting.

**Katherine Newman** asked if there will also be a project for Vineyard Haven. **Fred Hancock** said the MVC indicated strongly to do the projects separately and Stop and Shop was in agreement.

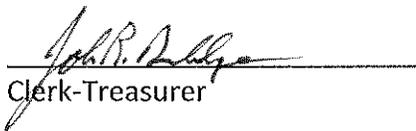
The meeting was adjourned at 7:45 p.m.

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

- DRI # 656 – DeBettencourt Garage High Point Lane – Applicant Offers Dated November 15, 2015
- Planning Board Town of Tisbury, Letter to the Board of Selectmen Town of Tisbury, dated November 6, 2015
- Concrete Block Description for the DeBettencourt High Point Lane Garage Project
- Preliminary Site Plan Joseph DeBettencourt, Dated June 26, 2015
- Email from Woody Mitchell to Paul Foley, Dated November 6, 2015, Subject: Patterson 3 Weston Ave OB Map 2 Lot 49
- Town of Oak Bluffs Office of the Zoning Board of Appeals Notice of Decision, RE Patterson Project, Dated September 23, 2015
- Oak Bluffs Historic Commission Minutes September 16, 2015, Decision for 3 Weston Avenue via email from Woody Mitchell , Dated November 5, 2015
- Martha’s Vineyard Commission Land Use Planning Committee Notes of the Meeting of November 9, 2015
- Adoption of the Watershed Boundary Map – Overview
- Map of the Major Watersheds of Martha’s Vineyard, Dated November 13, 2015
- Draft letter from the All Island Planning Boards Re: Support of SB 122 An Act Promoting the Planning and Development of Sustainable Communities

  
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 Chairman

12.17.15  
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 Date

  
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 Clerk-Treasurer

12/17/15  
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 Date