



PO BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Minutes of the Commission Meeting Held on February 4, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

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)
- Peter Connell (A-Governor; non-voting)	P Abe Seiman (E-Oak Bluffs)
P Robert Doyle (E-Chilmark)	- Linda Sibley (E-West Tisbury)
P 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), Paul Foley (DRI Planner), Priscilla Leclerc (Transportation Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

Chairman James Vercruysse called the meeting to order at 7:00 p.m.

1. OAK BLUFFS WATER DISTRICT SOLAR FARM C.R. 1-2016 CONCURRENCE REVIEW

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

For the Applicant: Sean Murphy, George Sourati

James Vercruysse, Chairman noted the Concurrence Review is to determine if this is a project of an intensity to warrant a public hearing as a DRI.

1.1 Staff Report

Paul Foley presented the following.

- The correspondence received by the MVC was noted.
- The site plan and the protected open space were reviewed.
- The property is owned by the Oak Bluffs Water District.
- The proposal is to construct a 3.09 +/- MV Solar Farm with 4.17 acres of solar panels covering 8-10 acres of land with cleared area of 20.54 acres on Oak Bluffs Water District Property containing wells 3, 4 and 5 in the Lagoon Pond Watershed Zone 1 and 2 Areas of Contribution.
- The referral is a Concurrence Review. The question before the MVC at this time is whether or not this proposal is likely to have a regional impact that requires a public hearing as a DRI.
- The applicants are Wankinco River LLC (a wholly owned subsidiary of Blue Wave Capital) and SunEdison ("SunEd") who were selected by the Oak Bluffs Water District (land owner) through an RFP.

- The project requires a Special Permit from the ZBA under the Town of Oak Bluffs by-law and the ZBA shall consider the following: effects on habitat and endangered species, character of the surrounding neighborhood, existing natural screening, remedies to meet any deficiencies, erosion, drainage and stormwater runoff, solar access and clearing.
- Other permits needed are a Building Permit, Site Plan Review and Mass DEP.
- The Town of Oak Bluffs does not have the power or authorities such as those vested in the Martha's Vineyard Commission through Chapter 831 to condition or deny this proposal. From Chapter 40a S3: "No zoning ordinance or by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitates the collection of solar energy, except where necessary to protect the public health, safety or welfare."
- The proposal appears to be in violation of O.B. Zoning by-law 12.6.2A which states that "The portion of open space dedicated to a Solar Energy System shall not exceed twenty five (25) percent of the contiguous open space parcel which it occupies". The total lot area is 45.5 acres, the project area which includes the solar modules and the area to be cleared in order to maximize solar exposure is 20.54 acres which is 45% of the total lot area.
- The District has a total of five wells and four pumping stations. Three of the five wells are located on this property including Wells 3, 4 and 5.
- Well 3 (the State Forest Well) consists of a single gravel packed well in operation since 1987 capable of pumping 1,000 gallons per minute (GPM). Well 4 (the Madison Alwardt Sr. Well) consists of a single gravel packed well in operation since 2003 capable of pumping 1,000 GPM. Well 5 (the John H. Randolph Jr. Well) is capable of pumping 600 GPM.
- According to the Oak Bluffs Water District website "the water system is interconnected with the Edgartown water system. In the event of a water emergency, the Oak Bluffs water system can be fed by the Edgartown system".
- Water is tested and treated at the pump stations where Fluoride is added, Iron and Manganese are sequestered, chemical treatments are performed to reduce the levels of lead and copper, and PH and Alkalinity are adjusted to be less corrosive to plumbing.
- The Massachusetts DEP issued a boil water order for Oak Bluffs Water District users in 2009 and 2013 due to bacterial contamination.
- The proposal includes clearing and construction of a Solar Energy System (SES) also known as a Solar Farm in both the Zone 1 and the Zone 2 Areas of Contribution. Half of the proposal is in the Zone 1 wellhead water supply protection areas and the other half is in Zone 2.
- The applicant was chosen by the Water District through an RFP. A portion of the solar credits will go to the Oak Bluffs Water District to cover its electricity costs, another portion will be offered to the Town for purchase and the rest will go through Community Solar to residents in the Utility Load Zone.
- Key Issues include.
 - The property abuts the State Forest in Edgartown.
 - The property abuts the Groundwater Protection DCPC District in Tisbury.
 - The property abuts the Greenlands Water Resource Protection DCPC District in West Tisbury.
 - How will the project impact the protection of the drinking water wells?
 - These wells in the Oak Bluffs water system are interconnected with the Edgartown water system.
 - The property is designated as NHESP Habitat. How will this protect Habitat? The applicant has been working with NHESP and NHESP was more concerned with the western side of the property.

- The clearing of 20.5 acres of the site comes within 10-15 feet of the bike path and 80 feet from Airport (Barnes) Road. The corner of the 6 foot high fence surrounding the solar farm is 115-120 feet from the bike path and 179 feet from Airport (Barnes) road. The cleared area and the fence surrounding the project (including the tops of the panels) will be clearly visible from Airport (Barnes) road and the bike path.
 - The proposal introduces industrial use (Energy Protection) to a wooded, water resource protection area with three public drinking wells. Does deforesting water resource protection and habitat land really constitute an environmentally sound proposal?
- Based on a preliminary review of the most recent site plans NHESP does not anticipate that the project would rise to the level of a Take of state-listed species or require a Conservation and Management Permit to proceed. They will not make an official determination pursuant to the MESA until they have received a formal filing and all required materials for review.
- A six foot high fence is proposed around the two large solar fields. The 20.5 acre cleared area will be seeded with “Solar Farm Seed Mix” low growing, low maintenance fescues.
- The property is listed on MVC GIC mapping as permanently protected open space. Due to the sensitive nature of the well head protection area access was limited.
- No lighting is proposed.
- According to a Source Water Assessment and Protection (SWAP) Report done by the Mass DEP for the Oak Bluffs Water District in 2003 “The wells are located in an EPA designated Sole Source Aquifer, which is defined as the sole or principal source of drinking water for a given aquifer area which is needed to supply 50% or more drinking water for that area and for which there are no reasonably available alternative sources should the aquifer become contaminated. Therefore, Oak Bluffs ground water sources are in an aquifer with a high vulnerability to contamination due to its sole source status and the absence of hydro-geologic barrier (i.e. clay) that can prevent contamination migration”.
- The DEP recommends for Zone 1 “to the extent possible to remove all non-water supply activities...and keep any new non water supply activities out of Zone 1”.
- Mass Drinking Water Regulations, 310 CMR 22.22(1) and 22.21(3)(B) “requires activities in the Zone 1 to limited to those directly related to the provision of public drinking water or that will have no significant adverse impact...”.
- The soil type for most of the property is Carver loamy coarse sand (CeA). This type of soil is “excessively drained” with permeability that is “very rapid”. Parts of the site are also Riverhead Sandy Loam (RvA & RvB) which is “well drained”.
- The site is in the Lagoon Pond Watershed and the status of the watershed is impaired.
- Transportation.
 - The site is accessed from an existing road off of Airport (Barnes) Road. The access to the Little Pond subdivision runs along the edge of this property.
 - An emergency access road is proposed to connect the existing road to the wells and the Little Pond access road at the back of the proposal site for emergency access.
 - The bike path (aka Shared Use Path – SUP) that runs along Airport (Barnes) Road and through the State Forest abuts the property and the project site on two sides.
 - The project will be visible from the bike path.
- Economic Impact; the project would cover some of the electricity costs of the Oak Bluffs Water District and the Town of Oak Bluffs will be offered some of the remaining credits for purchase.
- The solar panels will be mounted on a racking system elevated 3 to 7.5 feet above the ground. A six foot high fence is proposed around the entire perimeter of the project.

- Abutters from the Little Pond Subdivision have expressed concern for their view as well as their access to their neighborhood. Users of the bike path will be exposed to the cleared site for a 1,000 to 2,000 foot stretch of the bike path.
- The Oak Bluffs Planning Board has submitted an email that “on Thursday January 28th the Oak Bluffs Planning Board voted 4-0 to recommend to the Martha’s Vineyard Commission that the Oak Bluffs Water District Solar Array project not be considered a Development of Regional Impact. The Board feels that the current solar zoning bylaws in place in Oak Bluffs are sufficient for reviewing this project”.
- Rodney and Daryl Alexander have written asking the MVC to “drop the solar project...alternatively...create another access road for Little Pond residents”.

James Joyce asked how close is the closest house to this project as solar fields have mechanical things that make noise and similar projects have had these issues. **George Sourati** said the closest house is 1,500 feet away.

Katherine Newman felt there might be a mixed message as the Oak Bluffs Water District sent the RFP but did the Board of Selectmen ask them to do it? **Fred Hancock** clarified that the Oak Bluffs Water District is independent of the Board of Selectmen. There seems to be a contradiction of Oak Bluffs saying not to concur. **Paul Foley** noted that the MVC has more jurisdiction than the Town concerning this project.

John Breckenridge said if the project progresses and goes back to the Town it will go to a Site Plan Review.

Fred Hancock said LUPC met on this project a couple of weeks ago and the members decided there was not enough information to make a recommendation to the Commission. One concern was what the zoning bylaw in Oak Bluffs entails. Therefore, LUPC does not have a recommendation on the project.

1.2 Applicants’ Presentation

Sean Murphy presented the following.

- The owner of the property is the Oak Bluffs Water District which is an independent municipal elected committee.
- Blue Wave Capital was chosen to develop the project.
- The project is on Water District property.
- The Town of Oak Bluffs is well suited to handle the project. There is a comprehensive zoning bylaw in place specifically for solar energy systems and he reiterated what that bylaw entails.
- The project also requires a Site Plan Review as well as the Oak Bluffs Planning Board site plan review. The project also has to go to DEP for approval since it is located in the Zone 1 well.
- The project is a passive use and will not endanger the drinking water.
- The bylaw applies flexible zoning in a subdivision and does not apply to this project.
- The project is not an adversarial application with the Town.
- The surrounding land use is industrial.
- The applicant must get written approval from the DEP and they have a special protocol for this type of project.
- Solar panels are a passive use and once installed will be monitored off-site electronically.
- A formal application has not yet been submitted to NHESP but they have reviewed the plans. Based on preliminary review of the site plans, it appears to not be in a protected area.

Leonard Jason asked for information regarding the road to the Little Pond subdivision. **Sean Murphy** said it is an easement that runs to the side of the Goodale pit. The people who live in Little Pond have the right to use it.

John Breckenridge asked if the road is on Oak Bluffs Water District property. **Sean Murphy** confirmed that it is.

George Sourati presented the following.

- He reviewed the plan for the array and noted that originally it was to be located closer to Barnes Road.
- The applicant has been to the first site plan review for the Planning Board and has been to the Zoning Board twice. Everyone is in favor but wants to minimize the views from public ways and the abutters.
- The entrance from Barnes Road and the bike path was reviewed.
- It is being proposed to relocate a portion of the road to do planting so there would no longer be a straight view from Barnes Road into the array.
- The array is surrounded by a chain link fence for safety reasons.
- Trees will be cut but the stumps and undergrowth will remain.
- The Fire Chief wants to be able to turn the trucks around for emergencies so a turnaround has been incorporated in the plan.
- Audible noise from the transformers is a 150 foot radius and placed strategically outside Zone1 and from the abutters.
- There is not a landscape plan at this time. The applicant wants to first hear from the Site Plan Review of the Zoning Board and the Planning Board.
- There will be additional fencing in different areas.
- Once the project receives local approval it has to go to the Mass Department of Environmental Protection.

Sean Murphy noted that the referral is from the Oak Bluffs Building Inspector. The project is passive use so there is no impact on the wells. The property is owned by the Water District and they would not allow a use that would impact the safety of the drinking water. The project also requires DEP review. The applicant hopes the MVC does not accept the referral so they can move forward with the project.

1.3 Commissioner's Discussion

Trip Barnes asked if the turnaround road for the fire trucks is dirt. **George Sourati** said it is part paved and part dirt.

There was a discussion about the transformers.

- **Doug Sederholm** asked if there was any protection for leakage from the transformers and is that still an issue.
- **George Sourati** said that was not his specialty and did not have that information.
- **Sean Murphy** said he had been told it is no longer an issue. They are actually inverters and are self-contained, they no longer have oil.
- **Leonard Jason** said the inverters have fans to cool, which is what makes the noise.

There was a discussion about the regional impact of the project.

- **Doug Sederholm** said it seems clear there is a potential impact as a regional issue. The MVC is hearing from the Water District to trust them. The project is on a sole source aquifer. Doesn't the MVC have an obligation to review something that has an impact on the Island and on drinking water?
- **Katherine Newman** said do we want every town on the Island to have a project like this. Is it a disadvantage that this is the first one to come before the MVC?
- **James Joyce** said the project has regional impact for water but also from a visual aspect, you will see it from Barnes Road. The obvious regional impact is as Doug Sederholm has noted but this is

for the sole use of Oak Bluffs residents so it doesn't convince him that the project has regional impact but yet due to its size it does.

- **John Breckenridge** noted that Chapter 831 gives the MVC the teeth to review the project as a regional impact. Also the deforesting of 20.5 acres is a concern. The MVC can take steps to make sure the project moves ahead with the best interests of the Island. It is not just an Oak Bluffs project. The Oak Bluffs bylaw does not make scenic value a mandatory aspect.
- **Fred Hancock** agrees the visual impact is a major concern and the project also impacts three towns as abutters and a large recreational area, the State Forest. The MVC has the ability to condition the project that could not be done if it is sent back to the Town. It is a very large project. It is a large area and four times the size of the MVC allowance for solar arrays. It is important to let the people of the Island know what is going on within.

John Breckenridge moved and it was duly seconded to concur with the referral.

- **Josh Goldstein** agreed with John Breckenridge and Fred Hancock.
- **Leonard Jason** said it seems the fate of the project lies with the DEP. They are the agency in charge of the protection of the drinking water and he put his faith in that agency.
- **Joan Malkin** noted that the MVC is trying to protect more than the water. The project touches on three impacts and the MVC has an obligation to look at it. It is not that the MVC does not trust the Town.
- **Trip Barnes** noted that he had said at LUPC that he did not understand what is left to look at other than the view. DEP will look at the water issues and the Town will also look at it.
- **Abe Seiman** said the project is precedent setting for any other town who may want to do it.
- **Josh Goldstein** said there is regional impact to what happens to that area in that so many Islanders drive by it and will walk by it regularly.
- **James Joyce** said it is the visual aspect that is most concerning and the MVC can't condition that and send it back with conditions. We need to protect our views.
- **James Vercruyse** said the MVC needs to protect the people of the Island and owe it to the abutting towns, to protect the views and give the public a chance to be heard.
- **Ernie Thomas** asked if Oak Bluffs will have their own public hearing. **Fred Hancock** said they will.
- **James Joyce** asked if the town can condition a landscape plan. **Sean Murphy** said the applicant agreed with the town to screen the project.
- **Trip Barnes** noted that the MVC only received one piece of correspondence from an abutter and from that it does not appear to be an issue. **Fred Hancock** said that most people on the Island don't even know this is happening. **Leonard Jason** said silence doesn't mean consent.
- **Katherine Newman** asked if there is an array in Edgartown. **James Joyce** said there are two and bushes were put in so you don't see it.
- **Katherine Newman** asked if it came before the MVC. **Leonard Jason** noted it was done before it was on the DRI Checklist.

Roll call vote. In favor: J. Breckenridge, R. Doyle, F. Hancock, J. Goldstein, J. Joyce, J. Malkin, K. Newman, D. Sederholm, A. Seiman, J. Vercruyse. Opposed: T. Barnes, L. Jason, E. Thomas. Abstentions: none. The motion passed.

Doug Sederholm excused himself from the meeting.

2. M.V. REFUSE & RESOURCE RECOVERY DISTRICT DRI 391-M2 CONTINUED PUBLIC HEARING

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, E. Thomas, J. Vercruyse.

For the Applicant: Don Hatch (Manager MVRDD), Mark White (Project Manager, Environmental Partners)

Fred Hancock, Public Hearing Officer opened the Continued Public Hearing.

2.1 Staff Report

Paul Foley presented the following.

- New correspondence has been received from Paul Hannigan, Elizabeth Harrington and Kevin Selby and JoAnn Hathaway.
- The site plan has been slightly revised.
 - Exit from residential drop-off area has been relocated to run south of the office.
 - The proposed berm on the south side has been expanded.
 - Traffic exiting the recyclables area will be separated from the solid waste.
- The photos submitted by Betsy Harrington were reviewed.
- Key issues include.
 - Is this expansion necessary?
 - Can the few days a year that experience heavy congestion be fixed through better design, circulation and/or a bigger building?
 - Is the proposed stormwater runoff proposal satisfactory to contain and treat this type of stormwater runoff?
 - NHESP filing was made recently but the project has not yet been reviewed.
 - What measures are being taken to control vermin?
- Transportation.
 - The site is accessed from one entrance and exit driveway to Edgartown-West Tisbury Road. The site driveway is approximately 1,000 feet westerly from the Edgartown-West Tisbury Road intersection with Barnes Road.
 - Sight Lines; Edgartown-West Tisbury Road is fairly level and straight at the site driveway and the driveway site lines are more than adequate.
 - Trip Generation:
 - According to the 2011 Consolidation Study the facility has over 250 vehicles visit the site a day on busier days, which equal a vehicle every two minutes. The Study continued that at peak hours the rate would be 2 to 3 times that amount.
 - ITE does not have a trip generation rate for a transfer station use. Existing traffic is based on information provided by the applicant.
 - The applicant was asked to provide information on existing site usage and responded with the following information.
 - Daily cars in and out: 300.
 - Daily Trucks in and out: 250.
 - Peak usage is in July and August where 20 vehicles may be delayed up to 40 minutes. There is a question as to how often this may happen.
 - 1,500 stickers are sold to Edgartown residents.
 - 6,000 tons of trash is sent to SEMASS Resource Recovery Facility in Rochester, MA.
 - 1,000 tons of recyclables is sent to the New England Recycling Facility in Taunton, MA.
 - Turning movement counts were manually recorded for one hour on Thursday, September 3, 2015 at the site driveway and at the Barnes Road intersection of Edgartown-West Tisbury Road. In that one hour, 2:00 – 3:00 p.m., 32 vehicles turned into the site driveway from Edgartown-West Tisbury Road and 35 exited

from the site. This traffic entering and exiting was 67 vehicles or 8% of the total intersection and roadway through-traffic.

- Circulation:
 - One of the stated reasons for the project is to improve circulation to reduce delays for residents dropping off trash and recyclables.
 - The proposed plan adds a separate access road for vehicles with residential trash and recycling to be outside of the truck operations area.
 - The residential section will now be on the perimeter of the active use area of the transfer station site and the residential traffic will exit around the site and merge with the existing truck traffic just before the existing office back to the main driveway to exit. This is expected to be beneficial and reduce queueing traffic at the site driveway entrance.
 - It appears that on the site plan a resident who has both trash and recycling to drop off would drop off trash and then need to cross the recycling traffic exit path to take a left and return to the recycling entry area and drop off recycling. For site circulation, a design improvement would allow residential vehicles to drop off trash and then drop off recycling without looping back around across the recycling drop off exit path.
- Crash Data:
 - The proposed separation of residential and commercial traffic will improve operations and safety.
 - A review of the MassDOT Crash Data in the online system for the Edgartown-West Tisbury Road section near the facility and Barnes Road intersection for the years 2009-2012 includes four crashes, all at the intersection with Barnes Road.
- New public correspondence has been received.
 - Paul Hannigan has written with several concerns and asks that when the Commissioners visit the site they walk down Watcha Path and visit the homes of the people in the neighborhood to experience the existing situation. After reviewing the revised plan he has noted that the doubling of the District footprint will adversely affect the users of Watcha Path and visual screening needs to be much better. When the site visit is scheduled it should be done on a busy day and the Commissioners should visit Watcha Path and have the area staked.
 - Elizabeth Harrington has written with a number of concerns including increased traffic, noise, habitat, water impacts, rodents, screening, maintenance, lack of NHESP review so far, excessive size of the proposal and lack of the need for such.
 - JoAnn Hathaway and Kevin Selby oppose the expansion and question the need for so large an expansion and note that none of the suggestions neighbors made to the District in June 2015 were incorporated into their plan. They note that they go to the facility often throughout the year and it is empty 99% of the time.

2.2 Applicants' Presentation

Don Hatch said we are trying to work with the neighbors and are listening to their concerns as well as to make it a better facility overall. We have provided 15 years of water testing to the MVC and there is no change to the current wells and it is tested bi-annually.

Mark White presented the following.

- What prompted this project was to alleviate congestion around the residential refuse building as well as make it safer for the users and the staff.

- With regards to the size of the facility, the number of bays as well as the number of containers is always changing.
- A facility is designed to have as much flexibility as possible going into the future.
- The southerly berm was changed to overlap the existing wooden fence and provide better screening to the abutters.
- The berm is approximately 10 feet high and will include plantings such as rhododendrons or something similar to what is currently there now.
- There is a 200 foot buffer zone where the drop-off areas are located.
- Drainage has been looked at and it can be handled by vegetative swales and will have catch basins and leaching pits.

2.3 Public Testimony

Elizabeth Harrington is an abutter and resides at 31 Watcha Path. She showed a picture of the current fence and showed the location of the wall and fence. She was told that the area next to it would be clear cut. NHESP has just received the information for review on Monday which is the same time that the abutters received the amended information. We feel we are being bulldozed because we have not had time to review the information. The amount that is being clear cut appears to be over the NHESP regulations and is far more than 4.2 acres of change.

- **Joan Malkin** asked for clarification as the areas on the plan do not indicate being clear cut.
- **Don Hatch** confirmed that the area next to the wall is not being cut.

Elizabeth Harrington said the project keeps being based on the Yarmouth facility which has 75,000 tons of waste and we have 33,500 tons. She reviewed the photos she had submitted to the MVC. The applicant has already started to grade and have found enough to build the berm. It appears the project is being done before being approved. She was there for 35 minutes and did not see one person come in or see one employee. In the 16 years she has been at Watcha Path she has never seen a backup at the facility but yet we need this monster.

Don Harrington is an abutter at 31 Watcha Path. Regarding traffic backing up to West Tisbury Road, there was one Sunday in 2014 that it occurred. The berm that the applicant is talking about is 10 feet yet in 2001 it was noted as 12 feet so why can't it be the 12 feet to provide better screening. He asked if trees or a berm block more noise. **Paul Foley** noted that berms block more noise than trees. Based on that information, **Don Harrington** continued, why can't we have the higher berm. If we are modeling this facility after Yarmouth's facility, they have 16 containers and so do we, they have a year round population of 23,512 people and Dukes County's population is 17,500, so why are we building as large as the Yarmouth facility when we are smaller and if you take out Oak Bluffs and Tisbury the use is easily half of Yarmouth so why build the project this big.

JoAnn Hathaway resides at 27 Watcha Path with her husband Kevin Sibley and opposes the plan. We think it is too grandiose. They have been to Bourne and the Falmouth refuse facilities and they have lots more people to use the facility and the facility is smaller than ours. She is a house cleaner and has taken her clients cars as well as her own car to the facility and there is nobody around. The only time she has seen a problem was the Fourth of July and around August but there were not 40 cars. The facility is not well kept. Our property gets a lot of crows, mice and rats and we knew it was a possibility when we built but with expansion she can't imagine what they will be dealing with as compared to now. She thanked the MVC for listening and said she is opposed to the project.

Linda Dewitt resides at 77 Watcha Path and is deeply concerned about how the project is being developed. She has attended the refuse meetings. She wants the applicant to be better neighbors. As an example, her first encounter with rubbish on an Island was in Saint Barts in 1978. They burned garbage

and the winds blew and it was not a good situation, but now it is inspiring on how that island has dealt with the issue. There are better ways to deal with this and how other Islands are dealing with it.

Don Harrington said West Tisbury is talking about getting rid of the Dumptique and bringing it to this facility. There has also been talk about grinders at the facility and, if so, would that come back to the MVC. **Fred Hancock** said it would come back to the MVC, the applicant cannot add to the project. If they want to change they would have to come back to the MVC for a modification.

2.4 Commissioners' Questions

There was a discussion about the traffic patterns for the various types of refuse.

- **Joan Malkin** noted that the traffic study indicates some confusion and concern for the proposed project and asked what the traffic pattern is for a residential user with trash and recyclables. **Don Hatch** showed the traffic circulation on the site plan and how the residential user approaches the recycling first and then continues onto the trash.
- **Joan Malkin** asked who will use the current entry way. **Don Hatch** said commercial users that need to use the scales and they would go into the building as they do now. The real demand is for large trucks and dump trucks. It would be like the other towns on the Island. The containers are in-ground approximately at waist height.
- **James Joyce** asked where the metal refuse is located. **Don Hatch** showed where the metal will be relocated onto the pads and also showed other traffic patterns if a resident also has bulk waste.

James Joyce asked if the facility is expanding any more towards West Tisbury Road. **Don Hatch** showed where the facility will be expanding on the site plan. From Barnes Road it is minimal.

James Joyce asked if the visual will be similar to what it is now from West Tisbury Road. **Don Hatch** confirmed that it would be.

Joan Malkin asked how high the receptacles are for bulk waste such as tires and leaves. **Don Hatch** said the containers are recessed into the ground below grade, so approximately four feet will be seen.

Robert Doyle asked to see where the berm area is. **Don Hatch** indicated the location on the site plan. The original plan in 1999-2000 was 15 feet high but if we can get enough material we will make it 10 feet high. The higher you go up the wider it has to be. **Mark White** added that for every foot the berm goes up, it has to widen 6 feet.

There was a discussion about relocating the road.

- **John Breckenridge** asked from a pure traffic standpoint why can't the road be relocated near the commercial area and indicated his suggestion on the site plan. **Don Hatch** said there is a conflict in that area with tractor trailers coming in and the commercial vehicles.
- **John Breckenridge** indicated a possible location on the site plan for the road that avoided that conflict.
- **Leonard Jason** said if the neighbors asked for the road to be moved and it is not in conflict with your operation, why not move the road? **Don Hatch** said the location is the safest area for the road.
- **John Breckenridge** showed on the site plan a location and said if there is no conflict for that area and the road is relocated it would give the neighbors another 150 feet of buffer.
- **Josh Goldstein** noted the road is where it is for future expansion.

Trip Barnes asked how far is the Harrington house and the abutters from the berm. **Paul Foley** said it is 150 feet to the berm and showed it on the site plan.

Joan Malkin asked how much of the project is designed for customer safety and how much is to accommodate additional waste. **Don Hatch** said it is a huge amount, 100% safety and there is a 0% increase in waste capacity.

Joan Malkin asked if the applicant has built a facility greater than the capacity need. **Mark White** said the facility is being redesigned to get the residential traffic away from the commercial traffic. It can handle more volume. Yarmouth is about the same size and handles more waste. Most of the facilities are designed for flexibility in the future and have approximately the same number of bays. Taking care of the immediate needs of the facility today is driving the project.

Leonard Jason asked what the trash capacity of the facility is. **Don Hatch** said 7,000 – 8,000 tons and up to 12,000 tons (in a 3 year span from 2010 – 2012).

John Breckenridge asked if the applicant put up a 4 foot fence on the 8 foot berm does it accomplish the same acoustical need. **Don Hatch** said you need to consider the winds and the density of the fence to be effective for noise. **Leonard Jason** added to build the berm you have to go below the frost line and tamp it down. It could be done but there are other ways to deal with it such as plantings.

There was a discussion about the site visit.

- **Fred Hancock**, Public Hearing Officer, said because the MVC has not yet had a site visit he is inclined to not close the public hearing.
- **Joan Malkin** said someone suggested that Thursday is not the best time for the site visit as it may not be the busiest time for the facility.
- **Fred Hancock** said it is winter so probably it is not busy on any day.
- **Leonard Jason** suggested Monday as the facility is closed and there would be no conflict.
- **Fred Hancock** surveyed the Commissioners and it was decided that the site visit would be Thursday February 11, 2016 at 9:00 a.m.

James Joyce asked if the District is thinking about composting facilities. **Don Hatch** said no but there is a feasibility study going on Island wide. We can't do anything with food waste outside due to attracting birds.

Fred Hancock, Public Hearing Officer, continued the Public Hearing until February 18, 2016.

James Vercruyse, Chairman, noted that the Southern Woodlands Subdivision Written Modification Decision would be done at the next MVC meeting.

3. MINUTES

Commissioners Present: T. Barnes, J. Breckenridge, R. Doyle, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, A. Seiman, E. Thomas, J. Vercruyse.

Fred Hancock moved and it was duly seconded to approve the minutes of December 3, 2015 as written. Voice vote. In favor: 11. Opposed: 0. Abstentions: 1. The motion passed.

Fred Hancock moved and it was duly seconded to approve the minutes of December 10, 2015 as written. Voice vote. In favor: 9. Opposed: 0. Abstentions: 2. The motion passed.

Fred Hancock moved and it was duly seconded to approve the minutes of December 17, 2015 with the correction as noted by Leonard Jason on line 109 it should be Brian Hurley. Voice vote. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

4. NEW BUSINESS

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

4.1 Executive Director Report

Adam Turner presented the following.

- The MVC received a \$60,000 DOT Grant to buy capital from DOT.
- The MVC did submit a grant to EPA for \$750,000 for a permeable barrier test project in Oak Bluffs. We think we have a good shot but it is very competitive. We did a lot of ground work and have statistics and we just need to be more active in finding funding for the project.
- The DRI report should be completed by the next meeting.
- The Commissioners have been asking for standard conditions for projects under review and he handed out a draft report for the Commissioners to review. Perhaps the standards can be voted on at the next meeting if the MVC thinks they are worthy. The standards are for such issues as landscaping and lighting.
- Staff was also asked to provide a process for demolition and he completed standard process for that as well. The process for a concurrence standpoint is proposed to be streamlined to offer evidence of whether the property is significant enough to rise to a level requiring a public hearing. If it is deemed to be a DRI there is also a more detailed identification of issues and ranking table.
- He asked the Commissioners to review the ranking tables and standards and the ones that are not worthy can be gotten rid of and those that are worthy the MVC would be accountable for.

Leonard Jason asked if what an alteration is has been defined. **Adam Turner** said he will also define that as well. **Fred Hancock** said he thought the DRI Checklist was just demolition. **Leonard Jason** said it was changed to include alteration.

Katherine Newman asked if the MVC should consider standards for solar as more projects will be happening. **Adam Turner** said he will try to incorporate that as well.

Adam Turner noted that the MVC should really do site visits for all projects and the MVC has gotten away from them so we need to start to incorporate them again.

Fred Hancock noted that the site visit for Dias High Point is scheduled for February 18, 2016 at 8:30 a.m.

James Joyce asked about the two projects from Edgartown, Stop & Shop and Meetinghouse Way Subdivision. **Adam Turner** said Stop & Shop would be at Edgartown in mid-April so the MVC will probably see it in May. For Meetinghouse Way the applicant is still working on the plans and it will be ready soon.

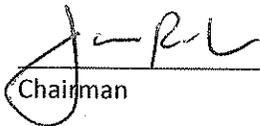
Adam Turner noted that Squibnocket project is also being worked on.

The meeting was adjourned at 9:10 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting – Draft, Held on December 3, 2015
- Minutes of the Commission Meeting – Draft, Held on December 10, 2015
- Minutes of the Commission Meeting – Draft, Held on December 17, 2015
- Martha's Vineyard Commission C.R. #1-2016 O.B. Water District Solar Farm MVC Staff Report - 2016-02-04

- Oak Bluffs Water District Project Summary from Sourati Engineering Group, Dated January 14, 2016
- Oak Bluffs Water District Solar Energy System Project Site Plan Review Submittal Zoning Board of Appeals from Sourati Engineering Group, Dated January 14, 2016
- Email from Oak Bluffs Planning Board to MVC, Oak Bluffs Water District Solar Array – Planning Board Recommends Against DRI, Dated February 1, 2016
- Letter to the MVC from Rodney and Daryl Alexander regarding the Oak Bluffs Water District Solar Energy Project, Dated January 24, 2016
- DEP memo and CMR on Wind and Solar Energy Projects on Public Water Supply Land
- Oak Bluffs Water District Project Site Plan Dated January 21, 2016
- Narrative from Blue Wave to the Martha's Vineyard Commission Re: 4 Alwardt Way, Oak Bluffs, MA Proposed 3.09 MWDC Photovoltaic Solar Project, Dated February 1, 2016
- Martha's Vineyard Commission DRI # 391-M3 M.V.R. & R.R.D. Expansion MVC Staff Report – 2016-02-04
- Correspondence from Paul Hannigan, Subject: DRI 391 Refuse District Expansion, Dated February 4, 2016
- Correspondence from Elizabeth Harrington regarding: MVRRD, Dated February 4, 2016
- Correspondence from Kevin Selby and JoAnn Hathaway regarding the Refuse Expansion Received by the MVC on February 4, 2016
- Correspondence from Environmental Partners, Mark White Project Manager, Re: MVRRD Facility Upgrades Program, Martha's Vineyard Commission DRI Permitting DRI #391-M3, Dated February 1, 2016
- Correspondence from Wright-Pierce, Subject: Evaluation of Environmental Groundwater Monitoring Program at the Central Facility Transfer Station for the Martha's Vineyard Refuse Disposal and resource recovery District, Edgartown, Massachusetts, Dated January 29, 2016



 Chairman

3/24/16

 Date



 Clerk-Treasurer

3/27/16

 Date