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Minutes of the Commission Meeting Held on September 15, 2016 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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) | - Katherine Newman (A-Aquinnah) |
| P Christina Brown (E-Edgartown) | - Ned Orleans (A-Tisbury) |
| - Peter Connell (A-Governor; non-voting) | - 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) |
| - 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), Sheri Caseau (Water Resources Planner), Christine Flynn (Economic Development and Affordable Housing Planner).

Chairman James Vercruysse called the meeting to order at 7:05 p.m.

1. FEATHERSTONE ART BARN AND POTTERY STUDIO-OAK BLUFFS DRI 664 DELIBERATION AND DECISION

Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

1.1 Staff Report

Paul Foley noted that information and correspondence was received by the MVC while the written record was open. The applicant has submitted offers. The MVC staff has created Possible Conditions for Consideration and Draft Possible Benefits and Detriments. Also included are the Notes of the LUPC meeting on September 6, 2016.

1.2 Land Use Planning Committee Report

Linda Sibley, LUPC Chairman said eight Commissioners attended the LUPC meeting and based on the offers of the applicant and the possible conditions it was a unanimous recommendation that the project be approved.

John Breckenridge noted that Doug Sederholm participated at the LUPC meeting and had some additional thoughts regarding nitrogen and Joan Malkin may elaborate on them since Doug Sederholm was unable to attend tonight's meeting.

There was a discussion about the archaeological survey.

- **James Vercruysse** felt it is important to review the archaeological survey issue.
- **Paul Foley** noted that the letter from the Massachusetts Historical Commission is part of the packet of information.
- **Linda Sibley** noted that the Historical Commission encourages a survey in advance of any ground disturbance and it is clear that it is not being asked that an archaeological survey be done of the entire property.
- **James Vercruysse** said he wanted to review their letter to understand their concerns.
- **Joan Malkin** said there is no reason that the MVC could not restrict the survey to the disturbed area.
- **Christina Brown** said perhaps it could be noted as the project impact area.

1.3 Review of Offers

Bill Potter clarified that on the first offer for the denitrifying system, there is a typo, it does not include the Farmhouse. **Ann Smith** confirmed the denitrifying system is for the new buildings.

John Breckenridge said the O & M manual for the I/A system should be submitted on a calendar year basis.

Joan Malkin clarified the two water meters to be installed; One meter will service the Studio, The Children's Studio, The Pebble and the new Pottery Studio Buildings. The other meter will service the existing Art Barn and Pottery Studio. **Ann Smith** said the existing water meter will be used for the Farmhouse. **John Breckenridge** noted that the water use records should be submitted on a calendar year basis.

John Breckenridge said it was agreed at LUPC that the Porta-Potties would be used for any outdoor activities and that should be included in the offers.

John Breckenridge noted that at the LUPC meeting the offer regarding the Special Way during construction was revised as follows; "...to prevent intrusion by contractors and subcontractors and their equipment".

1.4 Review of Possible Conditions

Wastewater Nitrogen

Joan Malkin reiterated what Doug Sederholm was concerned about; there will be no increase in volume of use with the expansion of buildings so it is expected that the nitrogen will not increase. He wants to be sure that the nitrogen load does not exceed the current limits. The installation of the denitrification system reduces the nitrogen load by 25 % without any increase in usage but if there is increased usage they could be adding nitrogen and they should be held to the nitrogen load consistent with their existing usage.

Christina Brown asked if Doug Sederholm is saying you don't want to see the amount of nitrogen increased. Is the current usage under the MVC Policy limit? **Sheri Caseau** said it is about two thirds of the policy limit. **Christina Brown** reiterated that Doug Sederholm is proposing that the nitrogen load should not increase above this present limit. **Adam Turner** indicated that the applicant represented that the expansion would not cause an increase in nitrogen contribution.

Joan Malkin said the applicant is presently saying they will reduce the nitrogen load by 25% with the denitrifying system.

Christina Brown is concerned that the MVC is holding this group to a new and higher standard since they are at two thirds of the current MVC Policy.

Linda Sibley noted that Doug Sederholm has been saying that the MVC Policy is not adequate for the Lagoon and it should be reduced. So yes, in effect let's exceed our policy and use more current information.

Adam Turner said the testimony was that there was not going to be increased usage

Christina Brown said if the MVC says to reduce the nitrogen load as a condition on this project and Featherstone comes in with additional usages of the property the MVC could relook at it. **Adam Turner** agreed and said the applicant has been a model in how they have addressed this issue.

Joan Malkin said that Doug Sederholm was saying that the MVC took the applicant's word at face value that there would be no increased usage. But instead of preventing the applicant from having additional usage it is saying if you grow that is great but if your nitrogen load exceeds the current load you would have to install a denitrification system for the current septic.

There was a discussion about the measurement of the nitrogen load.

- **James Joyce** said we already have the number of gallons they use as a measurement and if they use more they have to go to a denitrification system as stated in the offers.
- **Adam Turner** said the MVC wants to give the applicant credit for using the number of gallons but link it to the new system that reduces the nitrogen load by 25%. With 120,000 gallons they do 16.45 kg but with the denitrifying system they will have less nitrogen but the gallons will be no higher. We should peg the actual nitrogen level.
- **John Breckenridge** said it is not the input it is the output that tells us the amount of nitrogen.
- **James Joyce** said if the applicant goes over their number of gallons they will put in the denitrification system.
- **Sheri Caseau** said the current use is 151,000 gallons.
- **Adam Turner** explained the calculations. With the I/A system the actual nitrogen load if there is no use increase, goes to 13 kg which is under what they currently use. The MVC wants to cap the applicant at 16.45 kg not the number of gallons. We want to give them credit for the I/A system.
- **Leonard Jason** said we don't know the number. You can drill and if it exceeds the nitrates you would know it. They could install groundwater monitoring.
- **Joan Malkin** said based on the water usage in the future we will make the same assumptions so it does not exceed the current nitrogen load.
- **Sheri Caseau** said the current usage of 151,000 gallons is to meet the MVC policy limit.
- **Linda Sibley** said it is critical that the applicant does not exceed their current nitrogen load. We seem to be struggling over how to determine. Essentially we are saying they can grow but not so they produce more nitrogen than they do today. If the present load is based on water usage then water usage is a usable measurement as it is the best that we have. We really want to protect the Lagoon and the applicant does too. If anything comes up they can come back to the MVC. She thinks the "experts" have to figure out how to monitor the nitrogen.
- **James Vercruyse** said the MVC cannot rewrite their nitrogen policy tonight so it is more complicated.

Joan Malkin moved and it was duly seconded that in lieu of the offers by the applicant that the MVC has a condition; if the total estimated nitrogen load (based on metered water usage) exceeds the current nitrogen load of 16.36 kg/yr the applicant will install denitrification on the existing septic system and it will be monitored on a calendar year basis.

- **Linda Sibley** felt the MVC is holding the applicant to a higher level.
- **Joan Malkin** said it is holding the applicant to existing usage.
- **Leonard Jason** asked if this is for the Farmhouse.

- **Joan Malkin** said it is for the Farmhouse and the existing buildings.
- **Leonard Jason** asked where the “new” denitrification system is to be installed.
- **Joan Malkin** said on the existing buildings.
- **Abe Seiman** said Leonard Jason’s suggestion makes the most sense. We should measure directly what we are trying to measure rather than measure water usage. Measuring groundwater makes the most sense to me.
- **Joan Malkin** said we are not currently measuring groundwater so we don’t have a baseline. We are trying to pick apples to apples. What we have now are assumed numbers based on water usage.
- **Linda Sibley** said the fact that the applicant’s plan actually lowers nitrogen by a substantial amount the motion most likely would not be a problem for them. If the science changes the applicant can come back for a modification of the condition. In spite of their expectations if they become a much busier place it would be reasonable that they come back to the MVC.
- **James Joyce** said there is not a gallon number to the motion.
- **Joan Malkin** said the current meter reading is known and if the MVC reviews that and the new meter reading then Sheri Caseau can determine the nitrogen calculation.
- **Christina Brown** said she wants to make it clear if the MVC passes this we are assuming the calculations will be done by the MVC Staff and it would be good to have the numbers in the written decision.
- **Joan Malkin** said that is correct and noted that Sheri Caseau does it all the time.
- **Sheri Caseau** said calculating by water usage is done and used by the engineers all the time.

Voice vote. In favor: 7. Opposed: 3. Abstentions: 0. The motion passed.

James Joyce asked if the motion takes out the offer. **Joan Malkin** said the condition supersedes the offers.

Joan Malkin said a possible condition to follow the O & M Manual is to add that a denitrifying system be installed and maintained per applicable regulations. **Linda Sibley** said that is redundant.

Landscaping

Joan Malkin questioned the handicap parking spaces and asked if they are the existing spaces or new spaces. **Leonard Jason** said they are required by law. **Ann Smith** said for clarification the other two spaces are not paved and showed the spaces on the site plan.

John Breckenridge moved and it was duly seconded to approve the Landscape condition. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Lighting

Linda Sibley moved and it was duly seconded to approve the Lighting condition as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Affordable Housing

John Breckenridge moved and it was duly seconded to approve the Affordable Housing condition as written.

- **Christina Brown** noted that the mitigation fee is not a requirement for this application, it is a recommendation and the applicant agreed that they would.

Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Archaeology

Linda Sibley does not think the MVC should require the applicant to do a survey. We should have them write a letter to the Tribe and invite them to observe when the ground work is being done. You do not have to go to the expense of a survey, if something is found during excavation you stop.

Christina Brown said her background with a survey is that they drill test holes and look at smaller things that might not be observed with larger digging.

Linda Sibley said she does not think that is appropriate or needed for this project.

John Breckenridge said in the past the MVC has required this for obvious disturbed areas. The Island was inhabited by the Indians and there could be artifacts everywhere on the Island.

James Vercruysse asked if there is a Town By-law requiring someone to be present during the excavation. **John Breckenridge** said we have done it as a courtesy to the Tribe.

Linda Sibley moved and it was duly seconded to not require an intensive archaeological survey.

- **Leonard Jason** said it should be a requirement that the Tribe be invited during excavation.

Linda Sibley amended her motion and it was duly seconded adding that the Tribe should be invited to observe during excavation.

- **Christina Brown** asked what the actual decision will say.

Linda Sibley clarified her motion and it was duly seconded to not require an intensive archaeological survey and the MVC will invite the Tribe to observe and a seven day notice will be given. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Construction and Modular Delivery Plan

Christina Brown asked why this condition is necessary as the trees are going to be protected per the testimony at the Public Hearing.

Adam Turner said it was talked about what the modular panels look like and how they will bring them down. Rather than micromanage it, leave it to the applicant.

Leonard Jason said it becomes a better project if everyone knows how it is to be done and also talking with the crane operator.

John Breckenridge questioned why the plan would be submitted to LUPC rather than MVC Staff. The project has a good contractor and he uses subcontractors and Staff could be notified.

John Breckenridge moved and it was duly seconded to approve the condition as amended to change submission of the final plan from LUPC to MVC Staff.

- **Linda Sibley** said procedurally what happens if Staff doesn't like the plan. Where LUPC is a body that can approve.

John Breckenridge amended his motion and it was duly seconded to approve the condition as written. Voice vote. In favor: 9. Opposed: 0. Abstentions: 1. The motion passed.

Vehicular Access on Special Way

James Vercruysse noted that there was testimony addressing the condition.

John Breckenridge moved and it was duly seconded to approve the condition as written. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Demolition of the Caretakers Cottage

John Breckenridge said LUPC discussed the trees and the Special Way where this is one area where demolition may happen across the Special Way. The following language needs to be added; "... disturbance to the trees and the Special Way..."

Joan Malkin moved and it was duly seconded to approve the condition as amended. Voice vote. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley moved and it was duly seconded to approve the project as discussed.

1.5 Benefits and Detriments

Wastewater and Groundwater

- The offers, conditions, protocols aim to a no net impact to the Lagoon.
- For the potential long run the nitrogen load will not exceed the current wastewater limit.

Open Space and Habitat

- The new buildings will be placed in relatively the same locations as the current buildings that are to be demolished and minimizes disruption to open space.
- Most trees and other landscaping will be maintained and after completion the property should exhibit the same natural character.
- There is already less than one acre of development on this property and the project retains at least five acres of open space.
- Some trees will be removed.

Night Lighting/Noise

- There are no new uses planned and the property is already used for concerts and other receptions.
- The applicant testified that they would no longer hold weddings and that should reduce noise.
- There is no proposed change to the natural buffer and the expansion should have a minimal impact on neighboring properties.

Traffic and Transportation

- Traffic is not expected to be an issue.

Scenic Values

- The grounds are maintained beautifully.
- The new buildings will be an improvement.
- The applicant is respecting the Special Way.

Character and Identity

- The character and identity will not change with the proposed plan.
- The property will function much in the same way as it does now and the conditions will improve.
- The design of the new building is compatible with the character.
- The project is appropriate in view of the alternatives.
- It is a very special campus.
- It is a public asset and a benefit to the community
- The proposed project is appropriate on the existing campus.

Impact on Abutters

- The property has large natural buffers and the proposed uses mirror the existing uses.
- Lighting will not impact abutters.

Affordable Housing

- Ordinarily the MVC says a non-profit that meets policy and conditions should state the affordable housing contribution before the Certificate of Occupancy is issued.
- The applicant will meet the MVC Affordable Housing Policy.

Impact on Services and Burden on Taxpayers

- Art based tourism is a critical component of the Islands economic character and the proposal will provide an economic benefit to the Island.
- The project is not an additional burden on taxpayers.
- It will be a major and significant attraction for the Island.

Consistency with and Ability to Achieve Town, Regional and State Plan Objectives

- The project is consistent with and forwards the Island's regional plan objectives of promoting arts and cultural economic development.

Conforms to Zoning

- The project is an educational use located in a Residential Zone and proposes to replace two existing buildings with a similar use.

Conforms to DCPC Regulations

- The project conforms to DCPC regulations.

Roll call vote. In favor: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse. Opposed: none. Abstentions: none. The motion passed.

2. NEW BUSINESS

Commissioners Present: J. Breckenridge, C. Brown, R. Doyle, L. Jason, J. Joyce, J. Malkin, A. Seiman, L. Sibley, E. Thomas, J. Vercruysse.

2.1 Reports from Chairman, Committees and/or Staff

Housing Workshops

Christina Brown reminded the Commissioners that there is a series of workshops on how to get more affordable housing in your community. There is a good Op Ed piece in the Martha's Vineyard Times and there was an inset in the paper. She encourages everyone to attend and to contribute their ideas. What is appropriate and what is in character in your town will be discussed. We need citizens to do brain storming at the workshops.

Adam Turner added that the information is also on the MVC web site. Each Town will have a separate process. The MVC applied for a grant and made funding available to do this with all of the Planning Boards.

Christina Brown said we hope this will end up with each Town developing a Housing Production Plan.

Planning Workshop

Bill Veno said there is a workshop on September 17, 2016 that the MVC is hosting on how to prepare Master Plans and community support. The workshop will be held at Howes House from 8:30 a.m. – 11:30 a.m. The instructor is the same person that wrote the workshops for Citizen Planning and is also working on the housing workshops.


The meeting was adjourned at 8:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of September 6, 2016
- Memorandum of Offers from Sean E. Murphy, Dated September 2, 2016, for the Featherstone Center for the Arts, Inc.
- DRI 663 Featherstone Expansion Possible Conditions for Consideration
- Email from Susan Desmarais, Dated September 2, 2016, Subject: Featherstone
- Letter Dated August 29, 2016 from Massachusetts Historical Commission, RE; Featherstone Center for the Arts, 30 Featherstone Lane, Oak Bluffs, MA. MHC # RC.60802. MVC DRI # 664
- DRI 664 – Featherstone Expansion – Draft Possible Benefits & Detriment

- 573 • Martha's Vineyard Commission DRI #645-M2 Barn Bowl & Bistro Conditions Change MVC Staff
- 574 Report 2016-05-19
- 575 • DRI 645-M2 Bowling Alley Conditions Change Correspondence List
- 576 • Bowl and Bistro Modifications Staff Recommendations
- 577 • Draft Decision Martha's Vineyard Commission FRI 653-M Dias Mixed Use High Point Lane
- 578 • Martha's Vineyard Commission DRI Checklist Review

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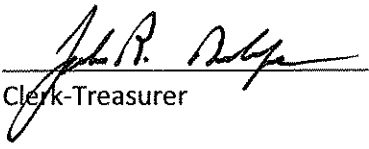


Chairman

10-6-16

Date

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Clerk-Treasurer

10/13/16

Date