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**Minutes of the Commission Meeting
Held on November 18, 2004
In the Stone Building,
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

Commissioners: James Athearn (Elected – Edgartown), John Best (Elected – Tisbury), John Breckenridge (Appointed – Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane Greene (Appointed – Chilmark), Katherine Newman ((Appointed – Aquinnah), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected – Aquinnah), Robert Schwartz (Appointed – West Tisbury), Doug Sederholm (Elected – Chilmark), Linda Sibley (Elected - West Tisbury)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Jo-Ann Taylor (DRI Coordinator), Srinivas Sattoor (Traffic Planner)

There being a quorum present, James Athearn, Chair, called the meeting to order at 7:40 p.m.

1. SURVEY RESULTS & DRAWING FOR GIFT CERTIFICATES

Mark London said 1200 people responded to the transportation surveys last year, of whom 600 wanted to be included in the gift certificate drawing. Two names were drawn for Island gift certificates: Tim Toothman of Tucson Arizona and Andre Carter of Camp Springs Maryland. Staff is compiling preliminary results; a large percentage of respondents are local. For the second survey, distributed through newspapers for residents and visitors, three names were drawn: Lois DeBettencourt of Oak Bluffs, Fausta Edey of West Tisbury, and Alice Von Deusen of Concord. He thanked people for participating. He said the preliminary results are quite interesting and he hopes to have the final results by the end of the year.

2. PACIFIC COTTON: DRI NO. 579 – MODIFICATION

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley

For the Applicant: Carol Hutker, architect

Paul Foley summarized the project and modification:

- The Applicant demolished the building on the site and will rebuild a slightly larger building.
- During demolition, it was discovered that the neighboring building does not have a full basement as was thought. This presents structural problems with the approved plan.

- The Applicant is modifying his plans from a full basement, and Ken Barwick, Tisbury Building Inspector, recommended extending the foundation by 2.5 feet.

Christina Brown said that LUPC recommends that the Commission view this as a minor modification consistent with the original application.

Ned Orleans moved and it was duly seconded that this is not a substantial modification and does not require a public hearing.

- **Carol Hutker** said the builders discovered the adjacent building had a false wall rather than a full foundation; the builder, in order not to undermine the adjacent building, wants to pour a slab foundation which requires some reconfiguration, adding about 2.5 feet. The setback requirement will be met. The porch will be smaller so the foundation can be bigger and more stable without changing the footprint.
- **Mark London** commented that the Commission does not have a procedure for dealing with minor modifications other than that the modification is reviewed by LUPC and then by the full Commission.
- **Linda DeWitt** said the Applicant did a great job demolishing the building and taking away debris with little impact on Main Street.

A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

Ned Orleans moved and it was duly seconded to accept the modification of the plan. A roll call vote was taken. In favor: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley. Opposed: None. Abstentions: None. The motion passed.

3. 4 CAUSEWAY ROAD: DRI NO. 574-2 – PUBLIC HEARING CONTINUED

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley

For the Applicant: Gerald Sullivan (owner), Moira Fitzgerald (architect), Andy Grant (traffic consultant)

Christina Brown opened the continued public hearing.

3.1 Modifications

Moira Fitzgerald explained the latest modifications:

- The existing building will revert to a 3-bedroom house.
- The elevator will be inside the office building.
- A small stairway is now inside.
- The overall length of the building has been shortened by 4.5 feet.
- The net rental area of offices on all three floors has been reduced.
- The proposed uses of the buildings are ten units of office space and the existing building as a 3-bedroom house.

- If, in the future, there is a greater need for residential space, the second floors of the buildings will become four 1-bedroom year-round rentals with no short-term rentals.
- The ground floors would remain as office use, no retail.
- The parking lot at the back corner will be raised up and filled in to adjust for the drop-off, drainage and septic systems
- The first finished floor of the new building will be raised to the floor level of the existing building; the height will be 2 feet higher than the previous proposal but within the height limits.

James Athearn asked for clarification of the basement level of the corner building, which will be one level below the parking lot. **Moira Fitzgerald** pointed out the placement of additional retaining walls and the grade of the plan.

Moira Fitzgerald explained the septic and landscaping plans:

- The septic is completely within the parking lot including trenches, septic tanks, and catch basins. The last plan was maximized; this plan is reduced to the usage of the possible four 1-bedroom apartments. Expected flow is 1322 gallons per day.
- The landscaping plan includes planting pines along the Potter property, Japanese maples in the parking lot and a mixture of decorative grasses.

Jane Greene asked if the applicant would offer that the landscaper work with Rebecca Potter to determine the kind of trees that would be appropriate for the property line. **Moira Fitzgerald** agreed.

Linda Sibley asked that the Applicant would offer to consult with an arborist to work toward the survival of the trees along the back lot line. **Moira Fitzgerald** agreed She said she hoped that the Applicant would agree to commit to planting replacement trees for screening, particularly evergreens to soften the view year-round.

Moira Fitzgerald described other aspects of the plan:

- The proposed walkways will most likely be a stamped concrete that looks like brick. The parking lot will be crushed stone rip rap except for the handicapped space, which will be paved.
- Exterior lighting will be low-wattage bulbs; a 5-inch diameter light, 20-watt low-voltage halogens in the stonewall and on walls of the building. Each exterior door will have a motion detector light.
- The trim will be white to match the majority of the buildings in the district. The corner boards, eaves, window trims, sashes, and railings will be white. **James Athearn** wondered whether it would be possible to have the natural cedar on the south side so the building isn't so noticeable from the park.
- Responding to the concerns about archaeological artifacts, the owner has agreed to have Cultural Resource Monitor for the Wampaoag Tribe monitor the site during the excavation.
- Responding to the concern about delivery traffic, she indicated that Fedex delivers only once a day; sometimes it will come in the afternoon for a pick-up.

Linda Sibley said she supported the idea of using decorative grasses.

James Athearn asked about the stone walls in the plan. **Moira Fitzgerald** explained that most already exist; a few additions/extensions are planned.

Jane Greene said she had asked about the location of air conditioners because of the noise impact on neighbors. **Moira Fitzgerald** pointed out the locations of the air conditioners but couldn't speak to the noise impact.

Linda DeWitt had asked about the energy use of the elevator. **Moira Fitzgerald** said they would find the most energy efficient possible.

3.2 Staff Report

Jo-Ann Taylor summarized the staff report:

- Staff reported, in response to the question about setbacks, that different setbacks apply in the B-1 district if a building is for solely residential use. Which the proposal would not meet. If the residential units are over a first floor business, B-1 setbacks apply. Townhouses would require residential setbacks, which triggered the removal of the townhouse option. She noted that for most projects, including this one, the Commission cannot approve a project that doesn't meet zoning requirements.
- The Commission's traffic consultant recommended that, based on the figures in the December 2003 Traffic Impact Analysis, an extensive traffic study be waved. The question had been raised with the more recent proposal as to whether a more extensive traffic study was needed.
- For archaeological impacts on the site, Randy Jardin, Cultural Resource Monitor, has offered to monitor excavation. The applicant has agreed.
- The site should have hay-baled erosion control during construction.
- The latest square footages should be corrected to read that Unit #9 basement is 659 square feet. Staff and architect agree on the square footage of the existing building.
- The plan calls for town water, on-site septic, drainage, and erosion control.

3.3 Traffic

Srinivas Sattoor reported on the traffic study. The applicant used a trip generation rate of 28 trips per day based on rentable space; the Commission used 20.8 trips based on the recently approved Dukes County Savings Bank traffic study. He and Andy Grant, the Applicant's traffic consultant, estimated that traffic would increase 14% from the previous proposal.

Andy Grant said he had previously used gross square footage but thought that net rentable square footage was the more appropriate number to use, especially with new configurations that created more stairways and hallways. The use of the building would in actuality drive the trip generation rate. The smaller offices would seem to generate a lower number of trips. He agreed that 20.6 trips per 1000 gross square feet was a reasonable number with a 14% increase in traffic.

Mark London explained that the trip generation rate was based on the traffic study that was done on the outskirts of the commercial district so it might be reasonable to assume that a

vehicular trip generation for the Causeway site would be a bit lower since some trips would be on foot.

Andy Grant explained that calculations strictly based on the numbers project 45 new trips at the p.m. peak hour. Common sense based on analysis of parking lot size and site location would suggest that the number would probably be more like 25. The question is how much traffic is going to be generated and can the road system handle it.

Srinivas Sattoor said 151 new trips per day would be generated. Delay time is measured as time it takes to turn onto State Road. 15 to 20 seconds is the delay at present. The scope of the traffic study didn't encompass the impact on other roads.

Christina Brown said that LUPC has approved the scope of the traffic study, recognizing that if the projected increase were 20% or more, a full traffic study would be called for.

Doug Sederholm asked about the new trip generation rate that was recently projected for the office building on Beach Road. **Andy Grant** said that the office was roughly twice the size and was displacing a car rental business so it was not necessarily comparable.

Linda Sibley asked whether any assumptions had been made about turning left onto Causeway. **Andy Grant** said he used existing conditions and got a bogus level of service for State Road, so it didn't make sense to continue with the methodology. He said he used basically a 70-30 split of traffic going to State Road and Causeway.

Doug Sederholm said he's not sure how the calculation works for the Skiff Ave. – Vineyard Haven Road approach. **Andy Grant** said the additional traffic keeps it within level of service D, which would be if the building were built today. **Andy Grant** explained that a 45-second average delay is considered "F" condition. The congestion at the intersection on State and Vineyard Haven Road may meter out the traffic, creating gaps and allowing less than 45-second average delays. Theoretical calculations can only look at one intersection but the reality is that intersections impact each other.

3.4 Public Comment

xxx Coogan, the current tenant, said he likes the project. He said that the Applicant has been a life-long friend of his family. He is not a developer. He's trying to do something for his family and have a decent project.

Gerald Sullivan said he has nothing more to add and that he likes the plan.

Katherine Newman said it was nice to work on a project in which there was a lot of give and take.

Christina Brown closed the hearing and explained that closing the hearing means the Commission has all the information it's going to get. On Monday, November 29th, LUPC will look at all of the information, discuss the benefits and detriments of the project, and make a recommendation to the full Commission.

4. ANNOUNCEMENTS

4.1 Cape Wind

Mark London said the Commission had received the Army Corps of Engineers Draft Environmental Impact Report, analyzing the proposed Wind Farm. There is a 60-day comment period and a public hearing to receive comments on December 6th.

4.2 Wastewater

Mark London reported that eleven people had traveled to Otis Air Force Base to look at innovative alternative on-site septic systems that had been put in service and analyzed.

Mark London reported that on November 17, the Commission had hosted a presentation by Mike Giggey of Wright-Pierce. He summarized the results of an extensive project he helped coordinate on Cape Cod that identified tools for effective wastewater management. The year-long process involved fifteen people representing the Cape Cod Commission, a wide variety of town boards of health, planning boards, and other citizens, to prepare a kit of tools for towns to improve handling wastewater. The committee worked through the pros and cons of various possible methods and came up with a list of short-term solutions for improvement, prior to the results of the Mass Estuary Project that will only be available in several years. The committee recommended that any project larger than 2000 gallons per day would be required to at least study putting in a cluster treatment, which can be economic and effective. Both meetings will be on MVTV when they are edited.

4.4 MVC Anniversary Celebration

James Athearn thanked Kathy Newman for taking charge of the 30th Anniversary Dinner, and thanked everyone for helping and for making attendees feel welcome.

5. NOMINATING COMMITTEE

Commissioners Present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, K. Newman, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley

James Athearn explained that the Commission is late in getting together the Nominating Committee, which should include a Commissioner from each town. After discussion, it was agreed that the committee would be made up of: Christina Brown, Richard Toole, Katherine Newman, Doug Sederholm, Andrew Woodruff, and John Best. The Nominating Committee needs to come up with a slate of officers for the coming year.

Jane Greene said by-laws require that the floor be opened for nominations for those positions at the regular November meeting.

Christina Brown moved and it was duly seconded that this meeting be continued and the next meeting of the Commission be considered a continuation of this

meeting with respect to the nomination procedure. A voice vote was taken. In favor: 12. Opposed: 0. Abstentions: 0. The motion passed.

The Nominating Committee will bring a slate of nominations and the floor will be opened to nominations at that time.

6. PLANNING PROCESS

Mark London said he is working on the proposal about the continuation of the planning process and he hoped to have a draft document for discussion at the next meeting.

7. MVC BUDGET

Jane Greene received a quarterly financial statement budget for the period from July 1 to September 30th indicating that the Commission is \$32,190 over budget and she is concerned about this. The receipt of some unanticipated funds may offset some of this overage. **Christina Brown** said she had questions about the budget and suggested the Finance Committee and Jane Greene sit down with Jeff Wooden to clarify. **Jane Greene** stated that staff needs to be careful about spending money.

Jane Greene pointed out that the Commission must adopt its budget in January. This is towns' budget preparation time and towns will want to see the Commission's budget. She said that Chilmark has asked its departments to avoid increases.

Mark London explained that members of the Executive Committee received the quarterly financial statement under a new procedure that he has set up whereby Jeff Wooden would prepare and send this out to allow the Executive Director and the Executive Committee to better monitor the Commission's finances. Jeff indicated that the overage in the last quarter was as a result of the timing of certain expenses and there are adequate funds for the year's projected expenses. However, there aren't extra funds available for additional projects such as the comprehensive planning exercise. At the December meeting, he will have a draft proposal for planning including the budget implications.

Jeff Wooden will create a basic FY2006 budget for discussion. Mark London is working on a salary policy and is analyzing comparable salaries of other agencies on the Island and in Massachusetts. He would like to develop a plan to move salaries in line with other agencies. Staff is aware that some towns are financially strapped and that it might take several years to get the salaries in line.

Kathy Newman said she has been trying to get a group together to pay \$60 a month for access to an on-line grant searching process to identify grant possibilities.

4.8 Wind Farm

Linda Sibley asked whether the Commission should be involved in the Wind Farm issue. She feels Commissioners should go to the upcoming hearing and be informed. She said it would be

odd if the MVC had nothing to say and felt, as a group, the Commission should examine the issue.

Kathy Newman said she agreed that the Commission could develop a "product" helpful to the public such as summarizing the pros and cons.

Ned Orleans said that it is really a Development of Regional Impact. The Commission has an opportunity to take a look at the Wind Farm from an Island-wide perspective. The Commission has enough time to include a written statement while the record is still open.

Megan Ottens-Sargent said that the Cape Cod Commission is not commenting about it since they will play a part in the formal review. She wondered whether staff would have the time to deal with this complex issue.

Mark London explained that millions of dollars have gone into analyzing and evaluating the Wind Farm project. He said that he's not sure that Commission staff has the time to do more in-depth analysis. He felt that the technical issues have largely been addressed and, at this point, it appears to be more of a political issue. If there is a clear consensus of support of or opposition to the project on the Vineyard, the All-Island Selectmen might be the best forum for expressing the Vineyard's position.

Christina Brown suggested that people read the Army Corps Executive Summary.

The meeting adjourned at 9:50 p.m.

Linda B. Sibley

Chairman

Nathaniel J. Means

Clerk-Treasurer

March 10, 2005

Date

March 10, 2005

Date