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Minutes of the Commission Meeting Held on June 16, 2005 In the Olde Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Best (E – Tisbury)	P Megan Ottens-Sargent (E – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	P Deborah Pigeon (E – Oak Bluffs)
P Christina Brown (E - Edgartown)	P Jim Powell (A – West Tisbury)
P Carlene Condon (A – Edgartown)	P Doug Sederholm (E – Chilmark)
P Mimi Davisson (E – Oak Bluffs)	P Linda Sibley (E – West Tisbury)
P Chris Murphy (A – Chilmark)	P Paul Strauss (A – Dukes County)
P Katherine Newman (A – Aquinnah)	P Andrew Woodruff (E – West Tisbury)

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Bill Wilcox (Water Resources Planner), Paul Foley (DRI Coordinator), Christine Flynn (Affordable Housing and Economic Planner), Srinivas Sattoor (Transportation Planner)

1. VINEYARD HOUSE INC: DRI NO. 582 – PUBLIC HEARING

Present for the Applicant: Brian Mackey (Executive Director), Sandy Broyard (Board Member), Bob Zeltzer (Board Member), Heikki Soikkeli (Soikkeli and Company, project designer), Peter Wells (Vineyard Land Surveying, surveyor); Andy Grant (traffic analyst).

Christina Brown opened the public hearing and read the hearing notice. Vineyard House would like to consolidate and expand their housing facilities by building a new housing complex of three buildings (13,000 sq. ft.) with 40 beds.

1.1 Applicants' Presentation

Brian Mackey, Executive Director of Vineyard House, thanked the Commission, LUPC, and the staff for helping the planners and designers. The original plan was revised so the campus is now 4 acres to meet the nitrogen loading needs. The original parking plan was changed to add 14-15 parking spaces at the back of the building. Dukes County Saving Bank will also make spots available after their business hours. The natural character of the site will be maintained.

Sandy Broyard explained that Vineyard House offers Island housing for people who need a safe place and support as they are entering the early stages of drug or alcohol recovery. She gave short history and some details of the program.

- In October 1997, Vineyard House opened its doors after a generous donation.
- Leading up to 1997, there had been 20 drug/alcohol related deaths on the Island and there was no transition housing on the Island for people who had gone through off-Island detox.
- Since 1997, 200 men and women have gone through the program. Vineyard House is committed to serving Islanders and because Vineyard House uses no public funding, it can restrict residents to Island people.
- They have 24 beds; there is almost always have a waiting list of 7 - 10 people, with a month-long wait.
- The proposal is for 39 resident beds: 14 for women, 25 for men, including 2 double rooms for women and their children.
- Some guidelines of the program are: Residents must be 18 years or older; must abide by house rules; must attend a 12-step program; must be employed or doing community work; must contribute to the house community; and must submit to random drug tests.
- The benefits of the program include a reduction of hospital detox visits, and a return of residents to families and jobs. The graduates often give back to the community.
- Vineyard House pledges to become responsible stewards of the land and they are committed to energy efficiency.
- The most important benefit of the program is the awareness that a life has been turned around. The Island community has been very supportive with time, funds, and services.

Heikki Soikkeli outlined the project:

- The location is off State Road and Holmes Hole Road behind the SBS building and across from the proposed Dukes County Savings Bank Building. The lot was part of Goodale's pit and in front of the old dump. The property is zoned B-2 Business District.
- The men's residence has beds for 25 and a manager, and is 7500 sq. ft. The women's has beds for 14 or 12 women and 2 children, plus a manager, and is 5200 sq. ft.
- The architectural style is Vineyard vernacular with cedar sidewall, stained trim, and dark asphalt roof.
- The two buildings will each include one section 3 stories high, a 1-story connector, administrative/meeting space and a manager's residence.
- The height minimizes the footprint and therefore the impact of the buildings on the lot. The design builds the buildings into the slope and keeps buildings away from the pit, while including an area in the rear for privacy/backyard. The design works around a large beech tree on the lot.
- Most of the property is covered in oak trees; ground cover is huckleberry. Diseased and broken trees will be removed; the cleared area will be brush cut on a regular basis and native grasses will be allowed to grow.
- With respect to parking:
 - 60 to 70% of residents have had vehicles and that percentage is increasing.
 - A third parking area was added; 41 people will be using the facility; there's parking for 36 vehicles.

- The parking area will be covered with hardener and gravel, and will have low post lights. Parking areas will drain to the interior of the lot, away from the roadway.
- With respect to other site improvements:
 - The road in front of the site is being widened to 20 feet wide and re-graded.
 - There is a plan to put a catchment area at the bottom of the roadway.
 - Since the buildings have gutters, there is no anticipated erosion.
 - The landscape plan has been submitted to the Commission. Some retainage work will be done around the men's parking area using boulders and plantings such as bayberry and inkberry and some clump maples. The women's parking area will be shielded by shrubs such as inkberry, holly and clump maples.
 - Some split rail fence will be placed along abutter Colin White's property and along Goodale's and SBS.
 - They will build a path from the men's house to Holmes Hole Road and the bus stop and perhaps at a later date a path will be built to the Park and Ride.

Andrew Grant, of Sourati Engineering, prepared the traffic impact and access study.

- The trip generation rate was collected from two existing Vineyard House residences during peak hours. A trip rate per resident was calculated to apply to the new facility.
- The study area was Short Hill Road, Holmes Hole Road, and State Road. He used data used from the Dukes County Savings Bank's 2004 study.
- The calculated trip rates are: 25-40 new one way trips during peak hours; 240 one way trips during weekdays; 160 during weekends.
- When he applied the figures to the existing road network, a left hand turn from Holmes Hole Road onto State will have an additional delay of 3-5 seconds.
- He noted that a majority of the trips wouldn't be new to the Island, but new to the specific site. He calculated actual new trips at 12-20.
- He suggested using the organizational set-up of Vineyard House to promote carpooling. He recommended a bicycling program with a bicycle rack or shared community bicycles. He encouraged managers to educate residents about public transportation.

Peter Wells explained that the lot was originally 2.4 acres and was increased by 2 acres because of the area required for nitrogen loading and Tashmoo watershed. The nitrogen removal system will be part of septic and the leeching system will be underneath one of the parking lots.

1.2 Staff Report:

Paul Foley pointed out various documents (site maps; map of connector road system; staff report; traffic tables, and a letter from Robert Wheeler, Dukes County Savings Bank, supporting the project). He summarized the staff report:

- Vineyard House was established in 1997 to provide safe and sober housing. Now they have 3 separate houses and would like to consolidate to provide more housing and reduce expenses.
- There were several triggers leading to referral to the Commission. The Commission has already had two site visits and a meeting with LUPC.
- The main issues are:

- Can the site handle the wastewater?
- Traffic wise is there room?
- Can the project fit with the Connector Road system proposal?
- Vineyard House has met with the Tisbury Planning Board, which is supportive of the project. Vineyard House is siting the building so it won't be conflict with the Connector Road system.
- The project will be on town water.
- The project is in a nitrogen sensitive area near public supply well zone 2 and in Tashmoo watershed. Vineyard House has already worked hard with the town and Commission to meet nitrogen-loading requirements. To meet these limits, Vineyard House plans to install an amphidrome denitrification system; they also purchased 2.3 additional acres, which allows them to meet nitrogen loading limits producing 11 kg. to 12.9 kgs per year, within the Commission's limits. Bill Wilcox has suggested additional steps including slow release fertilizer and runoff management.
- The site is on a private road about 375 feet from State Road.
- The traffic increase is about 28%. The State Road / Holmes Hole Road intersection currently operates at Level of Service D (waiting time 25 to 35 seconds) during peak hour and Level E (waiting time 35-50 seconds) on Saturdays. After the nearby Dukes County Bank is built, the intersection will operate at Level D & F on weekdays and E & F on Saturday mid-day peak hour with a left-hand turn delay of 120 seconds.
- The intersection of Holmes Hole Road and Short Hill Road has sight distance deficiencies, which can be improved by reducing the speed limit to 15 mph.
- Applicants have offered to build a safe walking path and have been given traffic mitigation suggestions.
- Vineyard House currently has 4 employees and would continue with 4 at the new site. Tenants are required to work, which is an economic benefit.
- The proposal is consistent with the Commission's Affordable Housing policy.
- The project has generated one letter of support from Bob Wheeler, applauding Vineyard House's mission and proposal.

Christina Brown asked for an explanation of the town permits required. **Paul Foley** will check whether the project will need Board of Health permits.

Bill Wilcox further explained water-related issues:

- Only a portion of the lot is within the town well zone of contribution. The entire lot, however, is in the Tashmoo Watershed, a nitrogen-sensitive area.
- He understood that an amphidrome system will be used but there are many alternatives to meet the nitrogen-loading target.
- At 1950 gallons per day, the project is below Tashmoo nitrogen limit; 2300 gallons is right at the limit.
- Various suggestions he made earlier have been included in the plans.
- In response to a question from Paul Strauss, he described the amphidrome system. Wastewater is aerated to nitrify it. Then it is upwelled through an anaerobic gravel bed, which denitrifies it. The system is approved by the State (either provisional or general) and its performance is quite good. The Aquinnah Housing Project uses the amphidrome system. An operation and maintenance plan is part of the requirements for the system.

- In response to a question from Jim Powell about locating the leaching field under the parking lot, he said it shouldn't be an issue because the leaching facility can be built to withstand the weight of cars.
- In response to a question from Jim Athearn about the catchment system, he recommended a pre-filtration system to remove silt.
- In response to a question from Doug Sederholm noting that the proposal meets Tashmoo watershed target of 12.9 kg per acre per year for good quality, but not the target of 4.3 kg per acre per year for pristine water, he said Tashmoo has between 9,000 and 12,000 kgs total annual load. 12.9 kg per acre per year would produce something like 27,000 kgs. Open space in the watershed produces no nitrogen so there is a margin of safety to work with.
- In response to a question from Megan Ottens-Sargent about the Aquinnah system as well as the Dukes County Savings Bank's nitrogen load numbers, he noted that the DCSB had more acreage which helped to reduce their rate. They are using a recirculating sand filter so that will be below 12.9 but not as low as 4.
- In response to Doug Sederholm's question about the need for the Commission to require and review the operation and maintenance (O & M) plan of the amphidrome system, he said that each company has its O&M plan, that the Commission could require that Vineyard House enter into an agreement to do O&M, but that he did not feel that the Commission needed to review the O & M.
- In response to Doug Sederholm's question as to whether Bill would recommend that the water usage be metered, he said that he didn't think this was necessary. The amphidrome person he spoke with based his numbers on a similar treatment facility in the Plymouth area, and the projection seems reasonable, maybe slightly conservative.
- Roof and parking lot run-off should go through a grassy area so the nitrogen will be absorbed into the vegetation and not leach into the soil. **Heikki Soikkeli** explained the grade of the parking area to deal with run-off. **Doug Sederholm** questioned whether it was planned that run-off go directly into the soil.

Srinivas Sattoor discussed traffic and transportation.

- The trip generation rate in the traffic study was reasonable.
- There will be a 28% increase of traffic on Holmes Hole Road.
- The Holmes Hole Road/State Road Intersection will operate with LOS D and F during a weekday AM and PM peak hours respectively.
- The intersection will operate with LOS E and LOS F (delay > 120) during weekday AM and PM peak hours respectively and LOS F during Saturday midday peak hour due to the additional traffic from this project.
- In theory, one should not add any trips to an intersection that is already operating at LOS F. However, this has to be balanced against the other benefits and detriments of the project and the community's general desire to accommodate some development while not modifying the road network.
- Little analysis was done on the safety of pedestrians but the applicant will establish a safe walking path

Jim Athearn asked about future development of 2 vacant lots on Holmes Hole Road and a huge lot owned by the Town of Oaks Bluff. Paul Foley confirmed that they could be developed.

Doug Sederholm asked whether that land would be more developable if the proposed connector road system was in place. **Tony Peake**, Tisbury Planning Board, said the Oak Bluffs property is quite a long way along Holmes Hole Road and would require considerable infrastructure improvements. **Tristan Israel** said there is a plan in the very conceptual stage for an easement for a possible affordable housing development for teachers. **Christina Brown** asked staff to research how much land could be developed up Holmes Hole Road and the general traffic impact.

Doug Sederholm asked how realistic it is to reduce the speed limit to 15 mph and would that really increase safety. **Srinivas Sattoor** said design speed limit is determined by the geometry of the road; drivers are likely to travel at 25 mph. **Andrew Grant** said the safe speed on that road is 20 mph; it's not posted at all; the posted speed will be determined by horizontal curves.

Linda Sibley asked for a drawing of the proposed connector road. **Mark London** said that the main road is proposed along Holmes Hole Road and Short Hill Road to connect to the Edgartown – Vineyard Haven Road. There could be a secondary road parallel to State Road along the edge of the landfill.

Tony Peake, Chairman of the Tisbury Planning Board, further explained the connector road.

- The layout is constrained by the capped landfill.
- Town meeting authorized carrying out survey work to see where the road can actually go, or not go.
- It will need to go along Short Hill Road and then curve sharply because of the prohibitive cost of removing or changing the elevation of the capped landfill.
- Holmes Hole Road isn't the only possibility for a connector road, but seems the most likely.

Christina Brown said the Commission needs more information on the connector road.

1.4 Town Boards

Tristan Israel, Tisbury Selectman, spoke in favor of the project.

- He is always concerned about traffic issues; incrementally it's only going to get worse.
- If this were a commercial business with the number of rooms, he'd have different feelings about the project; but this is a community-grown organization that helps keep Vineyarders on the Island.
- Having a place like this where you can get help here on the Vineyard is a valuable asset.
- The organization has a proven track record and helps the Island. They don't take a lot from the community but give a lot back.
- He hopes the Commission will impose the standards that can make this project the best that it can be; he can't think of any project more worthy.

Ken Barwick, Tisbury Building Inspector, said several town boards would review the project: the Planning Board for special permit consideration for the number of dwelling units; the Board of Health; the Planning Board will also look at the portion of the property within the Manter Well Site.

Tony Peake, Tisbury Planning Board, said the Planning Board finds this project to be a very worthwhile one and very low impact considering it is in the B-1 district; the applicant has shown a great willingness to cooperate with the town. The Planning Board is very much in support of the project.

1.5 Public Comment

Theresa Schwab from Oak Bluffs thinks the project should be approved. It interests her that so much time is being spent on traffic. This is a very good project and certainly better than any business.

Rob Doyle, Vineyard House board member, commented that getting traffic off of the dangerous curves at the hospital is a benefit.

1.6 Commissioners' Questions

John Breckenridge asked Brian Mackey if Vineyard House would be willing to limit the number of cars versus increasing the number of parking spaces. What if there were 20 spaces for residents and 4 for staff?

Kathy Newman asked for the height of the 3 stories. **Heikki Soikkeli** said that the men's building is 38 feet high.

Kathy Newman asked whether residents pay to stay in Vineyard House. **Brian Mackey** said that they pay \$460 a month, with some exceptions.

Paul Strauss said Sandy Broyard referred to energy concerns; he would like specifics on energy saving measures.

Linda Sibley would like more landscaping information. Will the amount of proposed parking be mitigated in any way by plantings?

Jim Athearn asked for more information on several items.

- What is the need for the 3rd parking lot? It might be included as a future expansion area.
- How does the Dukes County Savings Bank parking area fit into the plan.
- What will the energy program be?
- Will there be a conservation restriction on the additional 2 acres to restrict future mining or use of groundwater?

Doug Sederholm asked whether additional land would be available from Goodale to spread out the nitrogen load to a larger area. Can Vineyard House get more land or nitrogen rights from Goodale?

Bob Zeltzer responded to some of the questions.

- Vineyard House is a tin cup operation; they raise every penny that is spent.
- Jerry Goodale has been extremely good to Vineyard House, responding when they brought the question of buying the nitrogen rights to 2 acres. However, Goodale doesn't want to further burden his property.
- Goodale sold the 2 acres at an extremely favorable price and Vineyard House is using the nitrogen load of those two acres. No one else can develop those 2 acres because Vineyard House is already using the nitrogen allowance.

- The amphidrome people used High Point in Plymouth which is a residential almost nursing home type residence, generating the average figure of 2300 gpd. The proposed facility requires that residents go out into the community, suggesting that wastewater will be less.

Doug Sederholm suggested that:

- The O&M manual and standard agreement for the amphidrome system be submitted as part of the written record.
- Parking and roof run-off should go through a vegetated buffer; he would like to see a plan explored for parking run-off to do that.
- The split rail fence may not be a safety feature and more information should be provided about fencing and safety, particularly in terms of the pit and the pit wall.

Megan Ottens-Sargent asked whether the cost of the denitrification system is burdensome. She asked for more information on the cost of this system versus the initial application; she asked whether, considering the amount of dedicated open space, there is room for more discussion.

Brian Mackey spoke about parking and whether Vineyard House would be willing to limit the number of vehicles.

- On average 55 or 60% of residents have had cars; recently 90% of the men have had cars.
- The original plan was to meet minimal parking requirements for a facility this size, but planners believe it's more reasonable to accommodate the needs of residents versus limiting the number of cars.
- Meeting attendees would park at the Dukes County lot.
- It is prudent to have the ability to provide parking for residents.

John Breckenridge asked specifically if Vineyard House would be willing to limit the number of cars at the site. **Brian Mackey** said it would be difficult to limit people. Many of the vehicles are work-related; many of the residents have families. How can we deprive people of their ability to make a living?

Brian Mackey responded to the Commissioner's questions.

- The men's parking lot will be graded so that run-off will run down a slope into natural vegetation.
- With respect to the amphidrome system.
 - He met and discussed maintenance with Jenny Greene and looked at Aquinnah's system that is 10 times larger than Vineyard House's.
 - He has the names of people who are qualified to maintain the amphidrome system.
 - Vineyard House wants to maintain the system so it doesn't incur additional cost. Amphidrome isn't sure yet of weekly maintenance requirements; Aquinnah's system requires 3 hours per week. .
 - The cost of the system is \$45,000. It is Vineyard House's intention to meet the MVC's nitrogen loading requirements.
- \$460 a month makes up 25-30% of Vineyard House's total revenue.
- They will look at the split rail fence. They will soften the stockade fence with landscaping and will develop a plan.

- The idea of solar energy has been introduced but no plan has been developed. The designers haven't yet had an energy assessment made. To the extent they can use grants to produce benefits, they will. **Sandy Broyard** said they would want to work with Cape Light Compact and use Island information resources to conserve energy; considering the age and condition of the existing houses; it makes sense to build new and create efficiencies. **Linda Sibley** recommended that the designers talk to Kate Warner; the buildings can't be re-oriented because of grade issues, but solar might work on the roofs.

Heikki Soikkeli said because the project hasn't been finally approved, many architectural details are under consideration but need to be worked out. A motivating factoring in the design is the cost of maintaining and operating the building.

Megan Ottens-Sargent asked about visitor parking. **Brian Mackey** explained that during the weekdays there aren't visitors; visitors typically come in on the weekends; the only concentration of outside people is on Monday and Wednesday nights for meetings. **Sandy Broyard** said that after 90 days, residents can take 2 nights out a week which opens up parking on the weekends for visitors.

Christina Brown closed the public hearing, leaving the written record open until noon on June 27th for receipt of a more detailed landscape plan, information about the amphidrome system, and additional information or comments from the applicant or members of the public.

Commissioners took a 5-minute recess.

2. MARTHA'S VINEYARD HOTEL & RACQUET CLUB: DRI NO. 586 – PUBLIC HEARING

For the applicant: Jack and Claudette Robinson

Christina Brown reopened the public hearing recessed from June 2.

2.1 Commissioners' Questions and Comments

Christina Brown reminded Commissioners that they were looking for clarification of the 'chicken coop' building which the applicants consider to be two bedrooms rented separately from the bed and breakfast. Ultimately, they are part of the overall campus affecting landscaping and parking.

John Best said that, to the best of his knowledge, the bedrooms in the 'chicken coop' were not part of the Commission's 1991 DRI approval. In 1991, that building was considered a pro shop and not considered bedrooms. It was part of the original plan because the whole site was a DRI.

Paul Foley reported that in the original application the 'chicken coop' was considered a two-room structure.

Doug Sederholm said that in 1991, the Commission was only addressing the Tennis Club.

- Because the B&B application was for only 5 bedrooms, Oak Bluffs dealt with the B&B application, not the Commission.
- He asked how the 'chicken coop' could be considered a separate structure because there is no egress except through the B&B.

Christina Brown said that she understands that the Robinsons consider the 'chicken coop' a two-bedroom residential structure attached to the B&B, with two rooms that are available for rent.

Megan Ottens-Sargent asked for clarification of the number of bedrooms on the lot. **Paul Foley** replied that there is a total of 11 bedrooms on the property: 2 in the chicken coop, 5 in the B&B, and 4 in the separate residence. The application is asking for 8 more guest rooms and 2 employee rooms. The total number of rooms should be considered for analyzing traffic generation.

2.2 Public Comment

Terry Schwab has been a member of the community for 20 years and lives down the street from Mr. Robinson. He said the Robinson's property is well-maintained. The addition is a good idea. It is one of only three tennis properties on the Island that has clay courts. Issues concerning excess traffic don't exist. The 'chicken coop' is a private residence.

2.3 Commissioners' Questions & Comments - continued

Chris Murphy has heard the property referred to as a B&B, an inn and a hotel. He would like to know the specific legal status of the building and what Oak Bluffs would like to see in the future. **Paul Foley** said it is a hotel because of the number of rooms. He hasn't connected up with the building inspector. The project will go through the Planning Board for a site plan review as well as special permit. **Mr. Robinson** confirmed that he currently has a special permit for the existing operation.

Kathy Newman commented that there are 21 bedrooms on the site. Are there water system and Title 5 issues? **Bill Wilcox** said his recollection is that there is a Title 5 system with a 100% reserve area sited under one of the tennis courts. **Jack Robinson** said he has a letter from an engineer and plan for taking care of a project twice this size.

Bill Wilcox said the current design is for 16 bedrooms at 1,760 gallons per day. The existing 4-bedroom house has its own system. The design could be expanded to 17 rooms.

Jim Powell asked whether Mr. Robinson has any record of the way his guests arrive and whether they use cars. **Jack Robinson** explained that 80% of the customers visit for an average of 2 days; most of the guests bring bicycles or use public transportation, and there is very little automobile use.

John Best said that he understands that this is a preliminary plan but has some architectural questions:

- What is the plan for the basement bulkhead? Some plans show windows in the basement rooms but others show that the basement is completely underground and there doesn't seem to be room for window wells.

- What's the legal egress for the basement bedrooms?
- What is the plan for the 2nd floor roof of the addition meeting the original building?

He would be concerned about the Commission approve the plan in concept. Some of the architectural issues need to be worked out prior to approval so the Commission doesn't have to require modifications to the plan at a later date.

Christina Brown said that Mr. Robinson testified that the shape and form are accurate.

Mimi Davisson asked if the Commission could approve the project with conditions speaking to safety, etc.

Linda Sibley said that a major regional issue is whether the building looks reasonable. If the Commission does approve the project as a whole, but doesn't like the final architectural plan, then the project won't be acceptable.

Mark London said, that having reviewed the plans, there were several things that do not appear to work architecturally; however, the problem areas all seem to be in the back of the building.

Christina Brown said Mr. Robinson would have to submit plans to the building inspector and those could come before the Commission; if the Commission saw differences from what it had approved, the plans could be altered.

Chris Murphy would like to see finished plans; if this morphs into a more substantial hotel, this has a regional impact on a residential area.

Jack Robinson said:

- The final decision with respect to fire egress will be made by the building inspector and fire inspector.
- Regarding final architectural plans, with his DRI proposal last year, there were 6 meetings with the MVC, each of which required him to revisit the architecture, costing over \$40,000 in fees.
- Once the Commission says what it wants him to do, he'll do it. He doesn't want to spend \$5,000 to be told to make more changes.

Megan Ottens-Sargent said there is a site plan review with the town; is there an architectural review with the building inspector? Will the style be reviewed by the planning board? **Jack Robinson** said that the Oak Bluffs Master Plan calls for Victorian style architecture.

Paul Strauss recalled that in the previous application, he submitted documents related to the Oak Bluffs Master Plan; Victorian architecture is encouraged in the downtown area. He clarified that the Master Plan favors limiting commercial growth in residential areas.

Christina Brown suggested that Paul Strauss submit the Oak Bluffs Master Plan to the written record.

John Best said he is reluctant to close the public hearing because there isn't sufficient information to make a decision. He suggested that Mr. Robinson meet with the building inspector.

- He wants to know if exits from the 2nd floor and basement are necessary.
- He wants to see elevations and floor plans relating to the addition and windows.

- He is concerned with details related to the siting of the building and appearance from the streetscape.

Jack Robinson said he would like some specific questions. He has outlined rudimentary architectural details. Ultimately the building inspector and fire inspector make the final decision.

Christina Brown said the Commission's issue is what the building will look like from the street and whether meeting code will affect the way the building looks.

Jack Robinson is prepared to clarify some of the egress issues and the way the architecture would accommodate those concerns.

There was further discussion of the level of architectural detail that would be required.

- **Kathy Newman** said the dilemma is whether there is a process for defining enough in the approval to meet Commission's needs.
- **Paul Foley** said John Bradford, chairman of the Oak Bluffs Planning Board, had previously explained in great detail to the Commission that the Planning Board's site plan review process reviews architectural plans.
- **Linda Sibley** understands John Best's concern about having sufficient information. But the Commission can say yes that the concept works, and if the final architectural plan isn't acceptable, the Commission can have the courage to say so.
- **Mimi Davisson** asked whether the Commission could ask Mr. Robinson to use a red pencil on the architectural drawings to show elevations. Could he draw an internal schematic so the issue of the windows on the second floor and on the basement could be resolved?
- **Jim Powell** said perhaps the applicant could write a letter outlining how he will deal with the issues.
- **Doug Sederholm** said that he wants more detail because it affects the aesthetics. He said Mr. Robinson might not have liked the results of the last process but he believed it was the right result.
- **Mark London** pointed out that with the Dukes County Savings Bank, additional plans have been submitted recently to finalize lighting and landscaping.
- **Paul Strauss** would like more information; hand-done would be fine.
- **Bill Veno** said that other applicants have been given the leeway and flexibility in the approval to accommodate final details.
- **Mark London** said that in addition to resolving egress issues, there is a desire to see the final architectural plans from a design point of view. If the project is approved by the Commission, it would be desirable to have the final plans come back to LUPC or the full Commission. Counsel has advised that the Commission's approval of the final plans could be recorded in the Registry of Deeds, along with the overall decision.
- **Jack Robinson** said that it is presumptuous to assume that he wouldn't provide an architectural plan; he will.
- **Andrew Woodruff** said that he believes that the Commission needs to have a policy regarding applications so that it doesn't have to go through these discussions.

John Best said that he hasn't seen a clear parking plan. **Christina Brown** said that parking is shown on the lot itself. **Mark London** said the parking plan is not clear; if parking continues

on Chickawaukee, it would appear that there could be two rows of parking head-to-head. **Mr. Robinson** said that the proposal is what the zoning board has ordered him to do.

Christina Brown closed the public hearing, keeping the written record open until noon, June 27th.

3. 457 STATE ROAD – CONCURRENCE REVIEW

Commissioners Present: J. Athearn, J. Best, C. Brown, C. Condon, M. Davisson, C. Murphy, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley, P. Strauss, A. Woodruff

For the applicant: Chris Cottrell, owner; Doug Hoehn, Schofield, Barbini & Hoehn, Inc.

Paul Foley outlined the proposal:

- The project was referred to the Commission by the Tisbury Building Inspector.
- The project is a new/renovated building on the same 2,500 sq. ft. footprint with additional space of a basement and attic.
- Square footage remains the same for the commercial space; new space is an apartment upstairs less than 1,000 sq. ft. so as to not trigger a Commission referral.
- The project has a variance from the Zoning Board of Appeals. The septic has a Title 5 approved plan.
- The site is in the Tashmoo watershed in which the acceptable nitrogen limit is 12.9 kgs per acre per year. The project would create 16.8 kgs per acre per year.
- The plan includes 16 to 21 parking spaces with same level of traffic as previous uses.
- Siding will be the same as on The Mansion House.
- The question before the Commission is whether this should be reviewed as a Development of Regional Impact.

Ned Orleans moved and it was duly seconded to suspend the rules and continue the meeting to 11:15 p.m. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Chris Cottrell clarified that the previous structure had no 2nd story. The apartment was in the back left corner. There is a proposed 500-square foot storage area on the ground floor, created so there would be no increase in commercial floor area. The expansion is the basement and the apartment above.

Linda Sibley clarified that the storage on the first floor is considered commercial. Even if from the Board of Health viewpoint, there is not an increase in commercial space, by the Commission definition, there is an increase of 500 square feet.

Jim Athearn moved and it was duly seconded to not concur with the referral.

Doug Sederholm said the Commission should concur to ensure that the project respects the nitrogen-loading limits in the Tashmoo watershed, which is a regional impact. The nitrogen load

is significantly above the acceptable standard. **Doug Hoehn** said the difference is that from the Board of Health viewpoint this is an upgrade of an existing substandard system. **Doug Sederholm** stated that may be true but doesn't mitigate the nitrogen contribution of the new system.

Megan Ottens-Sargent asked what businesses had been in the building. **Chris Cottrell** listed Jim's Small Engines and Ferro's Art Shop. Vince Ferro owned the building and had an art space.

Ned Orleans said his LUPC notes indicate Bioclere wastewater treatment system would be used. **Chris Cottrell** said he does not intend to use Bioclere unless the project grows, but has designed space for the system.

Kathy Newman asked whether the apartment is affordable. **Chris Cottrell** said that the apartment is for his employees and he hopes to rent to them at an affordable rate.

Linda Sibley said the project may be a checklist item as the demolition of a building of 2,000 or more. **Chris Cottrell** said that the walls have been stacked to the side and they will be 'flaked' into the building as much as possible.

Ken Barwick, Tisbury Building Inspector, explained that he referred the project so Chris Cottrell could explain the process. He views the process as an expansion of a pre-existing structure. When the building was being reconstructed, it might be considered that, technically, the building was demolished in an attempt to maintain the renovation of the existing structure.

Christina Brown moved and it was duly seconded that the Commission move to suspend the rules and continue the meeting until 11:20 pm. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown asked whether the special permit the ZBA gave relies on the fact that this is renovation or demolition; the Town has said that this is a renovation and the building inspector has not quite said it is a demolition.

John Best said that different towns have different definitions of demolition and renovation. There's a hole in a ground and the project has tripped the expansion trigger.

Jim Athearn said he would have liked the nitrogen contribution be lower. He supports not concurring with the referral.

Doug Sederholm said the reality is that the building is demolished; the reality is also that Mr. Cottrell's probably on a tight construction schedule. However, the project triggers the Checklist because of square footage and water quality.

John Best moved and it was duly seconded to suspend the rules for five minutes. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Linda Sibley said that if this triggers the checklist, the project could not be waived. Mandatory DRI triggers are demolition of a building of 2,000 sq. ft. or more and new construction of 2,000 sq. ft. or more.

Mark London said the key question is whether this is a demolition. If the project is not a demolition, then it is an addition of 500 sq. ft., and therefore not a trigger. He asked Ken Barwick to clarify whether, according to the Town's definition, it was a demolition or not.

Doug Hoehn explained that Chris's property was, until 3 or 4 weeks ago, part of the Woodland complex. 90% of the Woodland complex, which was served by cesspools, is now under advanced septic treatment. **Chris Cottrell** couldn't tie into the Woodland system, but he does have a new Title 5 system.

Andrew Woodruff argued that the project is a demolition.

John Best moved and it was duly seconded to suspend the rules for five minutes. A voice vote was taken. In favor: 15. Opposed: 0. Abstentions: 0. The motion passed.

Megan Ottens-Sargent said that it is not a demolition because town boards would not be able to handle it the way they did. The only new construction is the 500 sq. ft.

A voice vote was taken on the motion to not concur with the referral. The motion passed.

John Best moved and it was duly seconded that this development be considered a mandatory referral under section 3.402 of the DRI Checklist as demolition of an existing structure of 2000 sq. ft. or more.

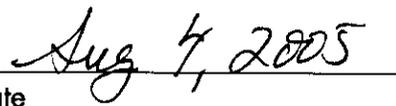
- **Doug Hoehn** said the project received a special permit for renovating a pre-existing non-conforming structure.
- **Linda Sibley** said she understood that the building inspector did not expect under that permit that the building would be torn down.
- **Doug Sederholm** pointed out that local board definitions don't establish the Commission's definitions.

Jim Powell moved and it was duly seconded to suspend the rules for five minutes. A voice vote was taken. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

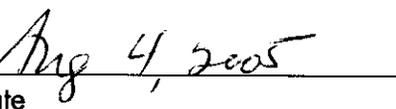
A vote was taken on the motion that the project is a mandatory referral. In favor: 6. Opposed: 8. The motion did not pass.

The meeting adjourned at 11:35 p.m.


Chairman


Date


Clerk-Treasurer


Date