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Minutes of the Commission Meeting Held on March 9, 2006 In the Stone Building 33 New York Avenue, Oak Bluffs, MA

IN ATTENDANCE

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

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|---|--------------------------------------|
| - 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) |
| - Martin Crane (A – Governor Appointee) | P Linda Sibley (E – West Tisbury) |
| P Mimi Davisson (E – Oak Bluffs) | - Paul Strauss (County Comm. Rep.) |
| - Chris Murphy (A – Chilmark) | P Andrew Woodruff (E – West Tisbury) |
| P Katherine Newman (A –Aquinnah) | |

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Jo-Ann Taylor (Coastal Planner/DCPC Coordinator), Christine Flynn (Affordable Housing & Economic Planner)

1. EXECUTIVE DIRECTOR'S REPORT

Mark London gave the Executive Director's Report.

- Drawbridge: Steve McLaughlin, the state engineer in charge of the project and a representative of the engineers selected to design the permanent drawbridge will come to a meeting of the Drawbridge Committee on March 21st. One of the things to be explored is using the drawbridge project as a catalyst for creating and extending the bicycle paths and waterfront open space network in the adjacent area.
- Blinker Intersection: The Town of Oak Bluffs had asked the Commission to prepare a report on the blinker area. The report is almost complete and outlines a number of alternatives for the intersection, and addresses issues that have been raised.
- CPA: The MVC set up a workshop on ways the Community Preservation Act can be implemented with the Massachusetts Community Coalition on March 16, from 1:00 p.m. to 4:00 p.m.,
- High School Area Plan The committee that was set up to work on a plan for the area has reviewed the recommendations of five teams of the community planning workshop; they show a remarkable degree of consistency. The report on the planning session will be

made available and the committee will work on making recommendations based on the teams' work. The wastewater subcommittee, which will look at the possibility of a treatment plant for the area, has not met yet.

John Breckenridge has heard that the YMCA is moving ahead with its plans, including a denitrification system. He will talk with Michael Dutton of the YMCA about wastewater.

2. WORLD REVIVAL CHURCH:DRI NO. 587 – WRITTEN DECISION

Commissioners Present: J. Best, J. Breckenridge, C. Brown, C. Condon, K. Newman, N. Orleans, M. Ottens-Sargent, D. Pigeon, J. Powell, D. Sederholm, L. Sibley

The Commission reviewed the written decision and made the following changes.

2.1 Noise

John Breckenridge suggested that Line 99 be changed to read ". . . to reduce the noise impact on the bordering residential neighborhoods."

Megan Ottens-Sargent said the effect on abutters is described in Section A3. **Mark London** said Line 115 states that impacts have been mitigated through the project design but it isn't specific.

2.2 Landscape

There was a discussion of the width of the vegetative buffer:

- **John Breckenridge**, referencing Line 108, questioned whether there should be a numeric width associated with the no-cut zone.
- **Christina Brown** asked whether the depth of the no-cut zone is shown on the site plan. **Paul Foley** said it doesn't specifically say *no-cut zone* on the plan.
- **Christina Brown**, referencing Line 264, said the applicant offers the vegetative buffer.
- **John Breckenridge** said the staff notes of December 9th note the buffer will be 50 feet.
- **Christina Brown** said that it seems clear that the applicant is offering that the whole width between the parking area and Edgartown Vineyard Haven road is a no-cut zone. She suggested that LUPC work out the figures with the applicant when it approves the landscape plan.

Carlene Condon corrected Line 117 to read . . . the *proposed development would have no . . .*

Doug Sederholm corrected Line 159 to read . . . *section 14c . . .*

There was a discussion of the type of vegetation.

- **Christina Brown** suggested changing Line 108 to read "... planted with native trees, bushes and other native vegetation., rather than *compatible vegetation.*"
- **Megan Ottens-Sargent** said they'd discussed not limiting the landscaping to native.
- **Linda Sibley** said her recollection was that the vegetative buffer should be native but the type of vegetation wouldn't be limited around church.

- **Linda Sibley**, referencing Line 266, said the applicant's plan shows native vegetation so the Commission wouldn't be changing the applicant's offer if *compatible* were changed to *native*.
- **Linda Sibley** said in reference to Section 6.2, the Commission accepts the applicant's offers but landscaping is going back to LUPC.
- **Paul Foley** explained that the condition of submitting landscape plan to LUPC supercedes the applicant's offer.
- **Linda Sibley** suggested that a notation be included after 6.2 to reference 6.5.

John Breckenridge asked whether the Commission typically includes landscape completion timeframe. He said he'd hate to think that re-vegetation would take a couple of years.

Christina Brown said that LUPC, when reviewing the landscape plan, could include a schedule for completion.

2.3 Church Services

There was a discussion of special activities.

- **John Breckenridge**, referencing Section 2.2, questioned what constitutes a special activity.
- **Christina Brown** said that ultimately it would be the zoning officer in Oak Bluffs who has to interpret 'special activity'. She doesn't want the zoning officer shutting the Church down for smaller events and suggested the language . . . *special activities such as weddings . . .*
- **Jim Powell** suggested looking at Line 196 and understanding that a special activity would affect the neighborhood if noise and traffic were to become an issue.
- **Linda Sibley** said that she noticed that conditions are mixed in with offers. Perhaps language could be added at the end of Section 2.

Doug Sederholm moved, and it was duly seconded, to insert a Section 2.2.1 stating that a special activity shall not include any gathering of 25 or fewer people.

- **Doug Sederholm** said that noise and traffic are the two issues.
- **Kathy Newman** said she thinks there is a problem limiting it to a number.
- **Linda Sibley** noted that the applicant has already limited the Church in terms of services.
- **Christina Brown** suggested that 50 is a better number because the Commission's concerns are traffic and wastewater and 50 would be a tolerant reasonable for classes.
- **Jim Powell** said that 50 doesn't limit the applicant or alert the zoning officer if there is a problem.
- **Linda Sibley** said the Commission could be allowing 50 additional people in the building every day.
- **Megan Ottens-Sargent** suggested using the language . . . *special activities such as weddings . . .*
- **Mark London** suggested adding it as section 2.5, rather than creating 2.2.1.
- **Jim Powell** suggested that if a special activity is more than 25 people, then they couldn't have weddings. **Linda Sibley** said they have them once a month.

Doug Sederholm withdrew his motion.

Mark London noted that Section 2.2 states . . . *services will be held 3 times per week* . . . He suggested and the Commission agreed changing Line 194 to read . . . *services will be held no more than 3 times per week* . . .

John Breckenridge pointed out that Section 2.4 states that daycare will be offered in association with church services and one special activity per month. He suggested and Commissioners agreed, with one Commissioner in opposition, to change Line 198 to read . . . *only in association with church activities* . . .

2.4 Wastewater

Christina Brown asked for verification from staff that the written decision is Bill Wilcox's wastewater plan with applicant offers.

2.5 Traffic, Parking, and Access

John Breckenridge moved and Commissioners voted, with two abstentions, that Section 4.5 should be changed to read . . . *no vehicle parking is allowed on the bike path or on residential streets or on the shoulders of the Vineyard Haven Edgartown Road.*

2.6 Exterior Lighting.

Doug Sederholm asked whether the Commission would enforce 5.3 that any security lighting will be motion sensitive. **Linda Sibley** said that, for the record, the West Tisbury Planning Board has received numerous complaints about exterior lighting being on at the Kingdom Hall, which has responded that they've had problems with the timers.

2.7 Noise

Carlene Condon, referencing Line 285, questioned the language . . . *endeavor not to impose* . . . She said the implication is there will be excess noise. **Ned Orleans** said endeavor means they will try. **Carlene Condon** withdrew her comment.

2.8 Equipment and Kitchen

Carlene Condon asked for clarification of *commercial food products*, meaning the kitchen can't be used for a commercial food business. **John Breckenridge**, referencing Line 292-293, suggested further clarification that the applicant will not produce food for carryout or resale. Commissioners agreed that further clarification wasn't necessary.

Megan Ottens-Sargent recommended that language be included regarding the use of EnergyStar or energy efficient appliances.

Christina Brown moved, and Commissioners voted, to add standard language regarding energy efficient appliances.

Megan Ottens-Sargent asked if would have been reasonable to suggest that the applicant should build a residence for the pastor; this might be a suggestion for future projects.

Doug Sederholm moved, and it was duly seconded, to approve the written decision as corrected. A roll call vote was taken. In favor: J. Best, J. Breckenridge, C. Brown, C. Condon, K. Newman, N. Orleans, M. Ottens-Sargent,

D. Pigeon, J. Powell, D. Sederholm, L. Sibley. Opposed: None. Abstentions: None. The motion passed.

3. OPEN SPACE POLICY

Linda Sibley explained that the committee is looking for input from Commissioners on content. Editing and organization can be handled later.

John Breckenridge said that page 3 refers to projects on 3 or more acres of land whereas the DRI Checklist thresholds for referral to the Commission are much higher. **Linda Sibley** said the intention of the policy guidelines is to deal only with those projects referred to the Commission according to the checklist.

John Breckenridge pointed out, referencing page 4, that under Chapter 831 the Commission is not charged with protecting social and recreational values and wondered whether this should be part of the guidelines. **Jim Athearn** said the Commission is charged with protecting cultural values, which include neighborhood interaction, which is a valid benefit of clustering.

Christina Brown suggested that the last bullet under *in addition* should be under *the following objectives*, because the Commission is directly charged with protecting natural resources and that should be listed under objectives.

There was a discussion of how precise and firm the policy should be.

- **Mark London** said the Cape Cod Commission uses numeric minimum criteria that are a prerequisite for having a project even considered. The proposal here is to set out policy guidelines, which give guidance to the applicant but flexibility to Commission.
- **Andrew Woodruff** asked whether the Commission should set minimum threshold criteria.
- **Ned Orleans** said it depends on how much of a straitjacket the Commission should be bound by.
- **Jim Athearn** said the subcommittee has come up with guidelines based on the past practice of MVC project review.

Megan Ottens-Sargent said Commissioners have been talking about subdivisions. She asked about other types of developments like golf courses and marinas.

Kathy Newman suggested that the guidelines be as concise and straightforward as possible.

Doug Sederholm said that if an applicant follows the methodology section, he/she would know what the Commission is after. **Christina Brown** agreed that the guidelines are dense, but a careful reading makes it clear.

There was a discussion of the section on public access.

- **Carlene Condon** said she could see some serious public resistance to public access to private open space.
- **Mark London** clarified that the guidelines suggest, but do not require, public access to open space. The guidelines also suggest that the percent of open space might be reduced if public access were voluntarily part of the proposal.

- **Linda Sibley** said her problem is that that the guidelines make no distinction between large and small lots. Public access might apply in the case of a large property. She feels that the public access section needs clarification.

There was a discussion of agricultural soils and lands (page 7).

- **John Breckenridge** sees a conflict inherent in identifying prime agricultural soil. He wondered if the guidelines should only reference existing agricultural fields or other open fields.
- **Jim Athearn** said the key word is *identify*. The guidelines don't necessarily call for preserving these lands.
- **Linda Sibley** said the key idea is to identify everything, and then Commissioners can decide what to honor the most.
- **Jim Athearn** proposed that all projects have some kind of analysis of the land's potential value is as a farm, for example in terms of soil and grades.
- **Linda Sibley** said an aspect of the Island's agricultural history was sheep-raising so soil isn't the only agricultural aspect that's valuable.

Linda Sibley said that page 6 refers to *no barriers*. Barriers from wildlife may be appropriate with some permitted uses.

Jim Athearn would like to see specific criteria requiring buffers next to public conservation land.

Kathy Newman asked about a hypothetical situation with 100 acres of which 85% would be kept as open land; how many houses could be built? **Mark London** said that it would depend on town zoning; the guidelines deal with the preservation of part of the land as open space, not the total number of houses on a property. However, other issues in the DRI review, such as wetlands, nitrogen loading, traffic, scenic values, could limit the number of houses.

Megan Ottens-Sargent asked if each town has a cluster by-law, because they could alter how development is planned. An environmental impact report can alter the location of a development.

Christina Brown suggested adding maps and pictures.

There was a discussion of large lot subdivisions that would be exempt from the clustering provisions. **Jim Athearn** said 3-acre lots just suburbanize an area in a classy way. Jim Athearn suggested 6 acres. There was a consensus to increase the size.

Kathy Newman pointed out that the way a large lot is subdivided can determine its suburban or rural feel.

4. CORRESPONDENCE

4.1 Pennywise Path

Christine Flynn said the Commission had received a letter from Alan Gowell regarding the Pennywise Path condition dealing with the Town's attempt to find additional access. They were required to come back to the Commission if they came up with an alternate access. They plan to

bring 10th Street to Arbutus Parkway so both 10th and 12th will come to the access road and will distribute the traffic a little bit more, and wonder whether that constitutes a new access that would require Commission review. **Doug Sederholm** said Commissioners were focused on Metcalf and wanted to review it if they were creating a through access on Metcalf.

4.2 Red Gate Farm

Linda Sibley said it isn't clear whether the applicant's agents will be available for the March 13th LUPC meeting and asked Commissioners to check the schedule. Also, the March 16th Commission meeting may be cancelled for the same reason.

The meeting adjourned at 10:00 p.m.

Linda B Sibley
Chairman

Dec 14, 2006
Date

W. Means
Clerk-Treasurer

Dec. 14, 2006
Date