



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

**Minutes of the Commission Meeting  
Held on January 26, 2012  
In the Stone Building  
33 New York Avenue, Oak Bluffs, MA**

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**IN ATTENDANCE**

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

- Bill Bennett (A-Chilmark)
- P John Breckenridge (E-Oak Bluffs)
- P Christina Brown (E-Edgartown)
- P Peter Cabana (E-Tisbury)
  - Martin Crane (A-Governor)
- Erik Hammarlund (E-West Tisbury)
- P Fred Hancock (A-Oak Bluffs)
  - Leonard Jason (A-County)
  - James Joyce (A-Edgartown)
- Chris Murphy (E-Chilmark)
- P Katherine Newman (E-Aquinnah)
- P Ned Orleans (A-Tisbury)
  - Camille Rose (A-Aquinnah)
- P Doug Sederholm (E-Chilmark)
- P Linda Sibley (E-West Tisbury)
- P Brian Smith (A-West Tisbury)
  - Holly Stephenson (E-Tisbury)

Staff: Bill Veno (Senior Planner), Paul Foley (DRI Planner), Sheri Caseau (Water Resources Planner), Christine Flynn (Economic Development & Affordable Housing Planner)

Acting Chairman Fred Hancock called the meeting to order at 7:00 p.m.

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**1. MEETING MINUTES**

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

**Minutes of January 19, 2012**

**John Breckenridge moved and it was duly seconded to approve the minutes of January 19, 2012 with corrections as noted. Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.**

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**2. MVTV NEW BUILDING – O.B. (DRI-635) DELIBERATION AND DECISION**

Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.

For the Applicant: Steve Warriner (MVTV Executive Director), Anne Lemenager (Chairman, MVTV Board of Directors)

**2.1 Land Use Planning Committee Report**

**Doug Sederholm**, Chairman of the Land Use Planning Committee (LUPC) gave the committee's report:

- There was a thorough discussion of the offers that were submitted during the Post-Public Hearing Review.
- It was recommended unanimously to approve the project with the offers as clarified.
- It was the LUPC's understanding that all test results of the de-nitrification system will be submitted to the MVC Water Resources Planner and the Town of Oak Bluffs Board of Health.
- The landscape plan is to be submitted for approval prior to the Certificate of Occupancy.

## **2.2 Commissioners Discussion**

There was a discussion of the possible affordable housing mitigation.

- **Doug Sederholm** mentioned that clarification was needed on affordable housing as it applies to municipal entities.
- **Fred Hancock** noted that the Commission recognizes that there may be special circumstances when adjustments may need to be made to the policy and noted that the policies are guidelines.

***Doug Sederholm moved and it was duly seconded that MVTV meets the spirit and intent of a municipal entity based on the following reasons and the affordable housing contribution be waived.***

- ***The MVTV Board Membership has a representative from each town appointed by the Board of Selectmen in addition to one member appointed by the Martha's Vineyard Superintendent of Schools while additional members are elected by MVTV members (MVTV Board Membership must not be less than 7 but not more than 13).***
- ***MVTV's funding contract involves all six towns and Comcast.***
- ***MVTV is required to provide educational opportunities and public access for community based television, including government meetings.***

***Voice vote. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.***

**Linda Sibley** questioned the tax issue. **Fred Hancock** clarified that if the MVC agrees that MVTV be treated as a municipal entity with regards to its Affordable Housing Policy, then to be consistent, staff would not recommend a payment in lieu of property taxes.

**Doug Sederholm** asked if anyone knows if the YMCA or the Boys and Girls Club make payments in lieu of taxes. **Christine Flynn** noted that during the Development of Regional Impact (DRI) Review for the YMCA, that question was brought up and it was not conditioned.

**Linda Sibley** stated since the MVC has never had it as a condition, it does not feel comfortable to institute it now. As a sense of community it does not make sense. She also noted that in the Boston area, universities do make payment in lieu of taxes.

There was a discussion of the access via the church property.

- **Ned Orleans** asked if the offer on access should include timing.
- **Fred Hancock** thought it could be added to the decision.
- **Brian Smith** asked what was the result of the meeting with the church.

- **Anne Lemenager** said a meeting is scheduled to be held on Friday, January 27, 2012 and it appears that they are more than willing to accommodate the MVTV. They are excited that MVTV will be their neighbors.
- **Ned Orleans** feels the MVC should have it included in the Decision with a sense of timing.
- **Doug Sederholm** suggested that it could state that prior to the issuance of a building permit MVTV shall submit the access easement to the MVC Executive Director for review.
- **John Breckenridge** asked if the MVC should ask MVTV to clarify their offer to include that wording.
- **Steve Warriner** noted that it prevents them from getting the ball rolling.
- **Fred Hancock** noted that they may not be able to get a building permit without it.
- **Bill Veno** asked why does a time limit need to be added, as the plan says that MVTV has to have access via the church.
- **Doug Sederholm** felt that the MVC should have a written and recorded agreement between the two neighbors.
- **Fred Hancock** noted that this would not affect the process with the MVC.
- **Anne Lemenager** noted that an access agreement is not needed for the building permit.
- **Doug Sederholm** suggested that it be changed to submit the access agreement with the Certificate of Occupancy.

***Doug Sederholm moved and it was duly seconded to approve this application and the suggested offers with the following clarifications:***

- ***Septic –all test results to be submitted to the MVC and the Oak Bluffs Board of Health.***
- ***Access –an easement agreement between MVTV and the World Revival Church to be submitted for review and approval by the MVC Executive Director prior to the issuance of the Certificate of Occupancy.***
- ***The hours of operation to be from 9:00 a.m. to 9:00 p.m. Monday to Saturday.***

There was a discussion about the hours of operation.

- **Kathy Newman** asked whether the neighbors were contacted.
- **Steve Warriner** stated that they were contacted.
- **Doug Sederholm** noted that it is included as part of their offers.
- **Steve Warriner** said that the businesses next to them have longer hours than MVTV.
- **Linda Sibley** noted that perhaps there are no excessive activities early in the morning and questioned the impact it would have in the evening.
- **Brian Smith** suggested that MVTV not limit the hours to 7:00 p.m. in case later hours may be needed in the future.
- **John Breckenridge** asked if we may be changing things that were not noted during the Public Hearing.
- **Linda Sibley** and **Kathy Newman** noted that there may be exceptions past 7:00 p.m. and that the MVC is trying to find a definition that works for compliance.
- **Anne Lemenager** stated that it would be an occasional usage after 7:00 p.m. and agreed to make the hours of operation Monday to Friday from 9:00 a.m. to 9:00 p.m.

**Paul Foley** noted that in the written decision standard language should be added regarding lighting, herbicides, pesticides and fungicides and for any alteration, MVTV will return to the MVC for approval.

## **2.3 Benefits and Detriments**

### Benefits

**Fred Hancock** noted:

- MVTV is incorporating a de-nitrifying system to meet the limits.
- Open space is being left untouched and the impact from the road is much less than other developments in the same area.
- MVTV has been very supportive with regards to the impact on abutters and neighbors and has had open communication and addressed their concerns.
- It conforms to zoning.

**Peter Cabana** noted that the building was moved back offering a buffer from the road and MVTV has been very proactive with respect to the impact on the neighbors.

**Doug Sederholm** and **John Breckenridge** stated the building is very sound proof which provides a minimal noise factor.

**John Breckenridge** noted that the building is typical to other buildings in that area for municipal and industrial applications.

**Linda Sibley** said a broad public objective is served by this project and it is an appropriate location as compared to alternative locations.

**Peter Cabana** said it allows people to create and it is a venue to dispense knowledge.

**Linda Sibley** noted that this is something that has virtually no detriments and the benefits are huge in bringing to the people of the Island, who subscribe to Comcast, the workings of their local government and other social and cultural programming. It is a huge benefit.

### Detriments

**Doug Sederholm** noted that there may be an impact on town services and the MVTV will not be paying property taxes.

## **2.4 Decision**

**Roll call vote on Doug Sederholm's motion to approve the application. In favor: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed:none. Abstentions: none. The motion passed.**

*Fred Hancock recessed the meeting at 7:50 p.m. and reconvened at 8:00 p.m.*

### **3. MVTV NEW BUILDING – O.B. (DRI-635) WRITTEN DECISION**

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The draft written decision was reviewed with corrections to the following:

- The dates are to be consistent in the Referral (2.1) and Other Exhibits (2.4).
- Under the Plan (2.3) the offers will be included.
- The memo from Christine Flynn regarding the MVC Affordable Housing Policy will be added to Other Exhibits (2.4).
- The Project Description (3.1) should be consistent with the offers regarding the composition of the structure.
- Benefits and Detriments:
  - A1; the first sentence is to be corrected as follows: “The Commission finds this is an appropriate location for an island institution. Although the area is zoned residential, the Application is allowed as an educational organization.”
  - A2; add the building will be sound proofed.
  - A3; add the Applicant will add plantings as necessary to provide screening from headlights.
  - A5; note that the burden on taxpayers is a detriment and add “local and Island-wide board meetings.”
- Conditions:
  - Septic 1.2; add all test results will be submitted to the MVC Water Resource Planner and the Oak Bluffs Board of Health.
  - Delete 3 Building Design.
  - Screening/Landscaping add the “boiler plate” for herbicides, fungicides and pesticides.
  - Access; add the access plan will be submitted to the MVC Executive Director prior to issuance of the the Certificate of Occupancy.
  - Hours of Operation are revised to 9:00 a.m. to 9:00 p.m.

***Doug Sederholm moved and it was duly seconded to approve the written decision as discussed. Roll call vote. In favor: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith. Opposed: none. Abstentions: none. The motion passed.***

### **4. NEW BUSINESS**

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*Commissioners Present: J. Breckenridge, C. Brown, P. Cabana, F. Hancock, K. Newman, N. Orleans, D. Sederholm, L. Sibley, B. Smith.*

#### **4.1 Committee Reports**

**Fred Hancock** said the Drawbridge Committee has arranged that MassDOT’s draft landscaping plans for the bridge were on display in the MVC meeting room for review.

**Christina Brown** asked if a time table was offered yet. **Fred Hancock** said it is projected to be out to bid by September 30, 2012.

#### **4.2 Solar Rays Project**

**Peter Cabana** said he has been in contact with Senator Wolf and Representative Madden about utilizing the State Forest for Solar Rays. A meeting is being held in Boston to discuss the possibility to make 300 plus acres available from the State Forest and define specific areas available for renewal energy.

**Bill Veno** asked if the Fire Lanes are still being considered and **Peter Cabana** confirmed it is and it appears that the State is open to discussion.

**Doug Sederholm** asked if the airport is amiable to the use of their open space. **Peter Cabana** said he has met with the Airport Commission and solar rays is supported by the Federal Aviation Administration (FAA).

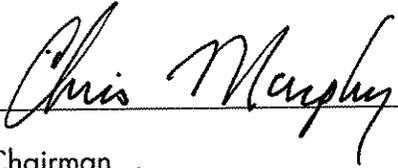
**Brian Smith** asked if this has been allowed anywhere else in the State. **Peter Cabana** said there is only one renewable fuel that will work for Martha's Vineyard and that is solar and the only acreage available on Martha's Vineyard is the State Forest and the airport. The East / West Fire Lanes are already cleared. The FAA has approved a project at an airport on the Cape.

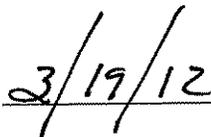
**Linda Sibley** asked who would need to give permission for the cutting of the forest. The people responsible for the forest do not want to see the forest cut unless for environmental purposes. She noted that there may be push back locally.

The meeting was adjourned at 8:30 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Minutes of the Commission Meeting-Draft; January 19, 2012
- Martha's Vineyard Commission – Land Use Planning Committee- Notes of the Meeting of January 23, 2012
- DRI #635 MVTV – Two Points of Clarification: MVC's AH Policy and Payment in lieu of taxes
- Decision of the Martha's Vineyard Commission DRI 635 – MVTV Building Decision - Draft

  
Chairman

  
Date

  
Clerk-Treasurer

  
Date