The Martha's Vineyard Commission held a Special Meeting on Thursday, August 5, 1999, at 7:30 p.m. at Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Mass.

At 7:39 p.m., a quorum being present, Richard J. Toole, Chairman of the Commission and the Selectmen's Appointee from Oak Bluffs, opened the Special Meeting.

Concurrence Hearing: Monument to Population Awareness, Kenneth M. Jones.

Mr. Toole announced that there had been a change in the Agenda for the evening. Then he invited a representative from the Town Board that had referred the Monument to Population Awareness proposal to the Commission to make a statement. Eric Whitman of the West Tisbury Board of Appeals explained that his Board had sent up the project because of the square-footage of the building, the height of the building and the nature of the building.

Kenneth "Mal" Jones, the Applicant, had found Mr. Whitman at work that day to discuss a problem with the proposal. Mr. Whitman related how the place where Mr. Jones lived and wanted to build the monument was property owned by a family corporation in which Mr. Jones was a minority owner. The majority was "not particularly in favor of having this Monument to Population Growth built down there," said Mr. Whitman. "As of this morning, Mr. Jones has an idea and a plan, but no place to put it. So I assume it will be indefinitely postponed until he comes up with a piece of property that he owns where he could build it."

Lenny Jason, Jr., the representative from the County Commission, noted that the Applicant could withdraw the proposal without prejudice. Charles Clifford, Executive Director of the Commission agreed with this.
Mr. Jones, who was present in the audience, offered to tell the Commission more about the proposal. Linda Sibley, a Commission member at large from West Tisbury, then said, "I would only suggest that whether it has regional impact or not would depend on where it's located. So I think we should wait until he has a location."

Mr. Toole agreed to move on to the next item on the Agenda. Before that, though, he wished to announce that the Public Hearing for the Tisbury Wharf proposal (DRI #474) that had been scheduled for 8:30 that evening had been postponed until Thursday, August 26, at 8:00 p.m. at the Commission Offices. He added that there would be no formal discussion of the Island-wide District of Critical Planning Concern proposed in the "Call For Action" letter that evening. Most of the members of the audience then left the room.

Since it was not yet 8:00 p.m., the time of the second Public Hearing scheduled for that evening, Mr. Toole moved to Item #3 on the Agenda.

**Item #3: Approval of the Meeting Minutes of July 15, 1999.**

Michael Colaneri, a Commission member at large from West Tisbury, made a Motion to Approve, as Written, the Meeting Minutes of July 15, 1999. His Motion was seconded by Mr. Jason. A number of the Commission members had not read the Minutes, and Mr. Colaneri, as he had done in the past, suggested that the Commission return to their former procedure of reading the Minutes during the Meeting just before voting on them. There being no comments or corrections offered, the vote went as follows:

**AYES:** M. Colaneri; J. Early; L. Jason, Jr.; L. Sibley; R. Toole; R. Zeltzer.

**NAYS:** None.

**ABSTAINING:** J. Best; C. Brown; M. Cini; J. Greene; B. Hall, Jr.; T. Israel; M. Lazerow; M. Ottens-Sargent; J. Vercriusse; and A. Gallagher.

[Note: Mr. Donaroma had not yet arrived at the meeting.]

**Item #4: Reports.**

Mr. Toole provided the Chairman's Report, beginning with an account of the meeting of the All Island Selectman's Association the evening before. The participants had discussed an Island-wide building cap, and Mr. Clifford had put together and presented some ideas for how such a cap could be executed. "There was a lively discussion, to say the least," noted Mr. Toole. "I think what happened, what came out of that was the Selectmen voted to take the issue back to their individual Towns and put together some kind of Public Hearing before the first of September to get more input from their constituents and come
back and decide what to do next. So they weren't ready to jump on board yet." [Michael Donaroma, the Selectmen's Appointee from Edgartown, arrived at 7:49 p.m.]

Tristan Israel, the Selectmen's Appointee from Tisbury, recalled a full Commission Meeting during the spring when the members had discussed an Island-wide building cap. [That Meeting took place on April 22, 1999.] Mr. Israel said, "It seems to me that this is the body that should be taking the lead on this, and I'm just wondering, it's like now maybe we're not. ... I'm just wondering what we are doing. We said we were going to do something. And if we are going to do something, when are we going to do something?" Mr. Toole responded, "The Commission did do what they were asked to do. ... And the All Island Selectmen weren't ready to say, 'Go ahead.' So, I mean, I feel, and I think the other Commissioners feel, we can't impose this on the Towns unless the Selectmen are on board."

Mr. Israel expressed further concerns about the role the Commission should take regarding the building cap, noting that the Selectmen's hesitance was not a good sign. Mr. Jason assured him that "the numbers are not cut in stone. It was suggested that, rather than use the 17-year average, maybe we could work out what the actual buildup would be and plan accordingly. Some good ideas came out of [the All Island Selectman's Association meeting], and nobody's given anything up yet."

Ms. Sibley said, "Well, I think more to the point, rather than bogging down, that there was a commitment to move forward. The All Island Selectmen voted unanimously that as soon as there's a document coming from our counsel with a proposed legal wording for a possible building cap, and that when that was available, each Board of Selectmen would hold a public meeting at their next Selectmen's meeting after the arrival of that document on which the public could comment in their Towns, and they could then move forward, having had a dialogue with their citizens, which I think is appropriate. And possibly, if the cumulative public meetings add up to it, [the Selectmen will] in fact nominate a DCPC for purposes of growth, based on those individual Public Hearings. So that's where it's headed."

Mr. Toole then asked Mr. Clifford for a quick summary of the material he had presented at the All Island Selectman's Association meeting. Mr. Clifford explained how, based on the referenda last spring, the voters had directed the Commission to come up with some method of establishing a building cap of 240 permits. "The Commission cannot do it," stated Mr. Clifford. "They don't have the authority to issue building permits or to put a building cap on them. ... The only way the Commission can be involved is to establish an extremely limited DCPC for new single-family residential construction for a limited period of time until some guidelines are drafted up and the number for each Town ... is established. And that the Towns commit to doing some kind of true implementation of the planning that has been done for years."
Mr. Clifford continued that the cap could go on for as long as 10 years, but most important was the commitment on the part of the Towns to implement it. He noted that Tisbury and Aquinnah lacked even master plans.

Mr. Colaneri reminded Mr. Israel that it was the Commission that had voted to refer this matter to the All Island Selectman's Association. Mr. Israel replied that he now felt more informed.

Jane A. Greene, the Selectmen's Appointee from Chilmark, expressed a concern: "I hear the word 'single-family residence.' What happens if somebody wants to come along and put up a multiple-family residence?" Mr. Clifford replied, "If it's a single permit, it's a residential unit." He explained that he had used the term "single-family residence" to emphasis the residential nature of the permits affected.

Benjamin Hall, Jr., a Commission member at large from Edgartown, asked, "How about if a business wants to meet their affordable housing requirement by adding a residential unit?" "Read the document," suggested Mr. Clifford. "There are no exemptions except for elderly housing." He emphasized that what had been presented to the All Island Selectman's Association was "a very early-stage, potential mechanism which gives the Towns one third of their allotted permits, and the Town makes the decision." He added that a building cap could "be like Nantucket['s] and exempt everything on the face of the earth and have four times as many permits."

Governor's Appointee Anne Harney Gallagher asked Mr. Clifford for some clarification about the similarities and differences between the DCPC being discussed and the Town-wide DCPC in Aquinnah. Mr. Clifford went over once more exactly what kind of permits would be affected by the Island-wide DCPC.

John Early, the Selectmen's Appointee from West Tisbury and the Chair of the Planning and Economic Development Committee, noted that there had been a suggestion that residential subdivisions also be included in the cap. As for the numbers and the statistics, Mr. Early observed that things of this nature were by nature arbitrary. "The 240 number, it's not entirely clear where it came from. ... It appeared on the Town ballots. ... It may not be the right number, but we're stuck with it now. Chuck [Mr. Clifford] thinks we're more stuck with it than I do. That may change."

Mr. Early felt that another thing that had to be looked at closely was "the whole tear-down/rebuild scenario, because we're trying to control freight and that's part of this process. It's just as much a contributor as free-standing new structures." Ms. Sibley remarked that a number of communities had come up with definitions of what constituted a complete rebuild. These were related to a particular percentage of the structure that had to remain if it were to be considered a renovation, as well as keeping to a certain
percentage the area of any new additions to the older structure. "I think that almost certainly we would have to do that," she said. A discussion of this issue ensued.

Ms. Sibley also suggested that because the DCPC process was often confusing to most people, the Commission members should refer to the one under discussion as "a limited moratorium with a waiver process." "John [Early] used the right term," said Mr. Jason. "If it's nominated, permits are suspended." Ms. Sibley suggested as well that perhaps some Commission members should get together and do a "show-and-tell" to explain the DCPC process for Channel 8, the local public-access station.

Ms. Brown wanted to know how the allocation formula had been done. Mr. Clifford explained how he had taken the history from 1980 through 1996 and taken the average number of permits issued by each Town. Then, using the same percentage for each Town, he had broken down the 240 permits that would be allowed. He noted that some adjustments had been made where there had been anomalies, for instance, the year that Aquinnah had 34 building permits when usually there would have been from 10 to 12 annually. Mr. Clifford added that there were dozens of ways of doing the calculations and that he had tried to stick with the simplest approach. "And it looks great until you fold in '97 and '98," observed Mr. Early. "That's the reason we're doing this," said Marcia Cini, a Commission member at large from Tisbury.

Mr. Hall wanted to know when the Planning and Economic Development (PED) Committee would be getting to work on the building cap. "As soon as we get the document back from counsel," replied Mr. Early. Mr. Hall suggested that perhaps a different approach could be taken by simply changing a Town's bylaws or by doing it as a Board of Health regulation. In the case of the latter, the regulation could go into effect almost immediately, and a two-thirds vote in the Towns would not be necessary.

Mr. Colaneri thought that there would be a "real big push" to enact the building cap now and then sort it out later. Also, he said he assumed that some other Town in the State had done something similar. "Edgartown did it," said Mr. Jason. "Edgartown did it, and they never met their caps," responded Mr. Colaneri. There were some discussion of how the market had crashed after those caps had been established.

In addition, Mr. Colaneri thought that some analysis of the possible effects of such a building cap should be carried out. "The impacts of this may be something that we don't want," he said. "It may be so great an impact to a certain segment of our society that after we've done it, we might say, 'Gee, this wasn't such a great idea.' I think there's a big rush and a big push ... and I don't think enough thought is being put into it, at least at this stage."

Ms. Greene suggested that the Commission hold a full discussion of the process in the high school auditorium before any moratorium was put into effect, so that people would
understand what was happening. Wasn't that what Selectman Cynthia Mitchell was interested in doing on August 22? asked Ms. Cini. That idea had been scrapped, said Mr. Toole. Further discussion of this issue followed. "While we're sitting here deciding how to disseminate all this information," said Mr. Jason, "can we all agree that PED should come back with something a little more concrete and then discuss that?" There appeared to be general agreement with Mr. Jason.

"One thing that troubles that me a little bit when I first thought of this," observed Robert Zeltzer, a Commission member at large from Chilmark, "How in the hell is this going to be paid for? I mean, we don't have sufficient staff to handle something of this magnitude." "It had been suggested by the citizens [who had written "A Call For Action"] that they would pay for it," said Mr. Toole. "We may need help from the local Boards," said Mr. Jason. "It'll take everybody helping out, that's all." Ms. Greene added, "It may have to be, though, that the Towns have to be aware that there may be an additional assessment made to the Towns ..." There ensued a discussion about funding and staffing to handle an Island-wide DCPC.

Mr. Donaroma said that while he could see a need for a moratorium, he was not sure what would happen after it went into effect. "I guess theoretically this is going to slow it down so we can take a breath and have the time. But, you know, we've had time ... I know we have traffic, we have waste, we have septic, we have all these things, we've always had them, and I don't know. How is this really going to help?," asked Mr. Donaroma. "Aren't we talking about a sustainable growth rate?" asked Mr. Toole. "And a sustainable economy," added Mr. Jason. "There's no reason why two to three hundred people should come over here every day to come work," he said. "That's wrong ... This would stabilize it."

Mr. Colaneri wanted to know what indications there were that the building cap would accomplish that. Mr. Jason responded, "Do you believe we can continue to go at the same rate we're going today?" "I have no idea," said Mr. Colaneri. "You have no idea," continued Mr. Jason. "You're probably one of the few people that feel we can continue to go on. We have to do something. It's our responsibility." A further exchange between Messrs. Colaneri and Jason followed. Ms. Sibley pointed out that there was a process in place and that the Towns were going to discuss it. If they offered a nomination and the Commission accepted the nomination, there would be "a massive Public Hearing," she said. At that point, it would be the Commission's job to listen. "And then we can have this discussion," Ms. Sibley concluded.

Mr. Toole summarized the process to which Mr. Sibley had referred, then said he would allow just one more question. Mr. Zeltzer asked, "Is there a concept in here that if there is a moratorium, no matter how great, that the Towns will use this or the Island collectively will use this to create some new governing guidelines that would allow us to keep these
things from happening?" Discussion began to erupt, so Mr. Toole admonished the group to move on.

Public Hearing: Planet Vineyard Health and Fitness Club (DRI #501).

At 8:16 p.m. as the Hearing began, Ms. Cini left the room. Mr. Donaroma, the Chair of the Land Use Planning Committee and the Hearing Officer for that evening, read aloud the Notice of Public Hearing.

"The public is invited to a Hearing concerning the following Development of Regional Impact (DRI #501):

Applicant: Ann and James Schot
d/b/a Fitness Firm
Post Office Box 2401
Vineyard Haven, MA 02568

Location: Martha's Vineyard Airport Business Park, Lot 1

Proposal: To construct a health and fitness club.

Date and Time: Thursday, August 5, 1999, at 8:00 p.m.

Place: Martha's Vineyard Commission
Olde Stone Building
New York Avenue
Oak Bluffs, Massachusetts

The Application and Plan are available for public inspection at the Commission Offices. Written testimony may be submitted prior to or during the Hearing.

This Hearing is held in accordance with Section 14 of Chapter 831 of the Acts of the Commonwealth of 1977, as Amended, and Chapter 30A, Section 2, of the General Laws of the Commonwealth, as modified by said Chapter 831."

Applicant Presentation: Joan Lanza, Hughes Home Builders, Inc.

Joan Lanza of Hughes Home Builders, Inc. said that she would representing the Applicant, James and Ann Schot. Ms. Lanza explained how Ms. Schot wished to move her Fitness Firm health club to Lot 1 in the Airport Business Park. She then proceeded to walk through the site plan with the Commission members, pointing out the access road, Barnes Road and the neighboring Mobil Service Center. The facility would be "quite visible" from Barnes Road, Ms. Lanza noted.
The facility would be open year-round, continued Ms. Lanza, mostly based upon Island memberships; there would be some summer membership "to help pay the freight," she said. But overall, it would be based upon the kind of activities that Ms. Schot saw used by Islanders year-round. As such, it was a large-sized project -- about 9,300 square feet -- in order to deal with the variety of activities to be offered.

In searching for a design, said Ms. Lanza, the Applicant was looking for something that "was not terribly expensive," yet was very large. They had settled on a "more or less" metal building by Morton Builders, a company that had already produced 30 buildings on Nantucket, including several in the Historic District. Displaying an elevation of the building, Ms. Lanza described how the design was based on an equestrian barn with six-by-six pine trusses every 7.5 feet. It was attractive, with a high pitch, and was "super-insulated" as well.

The Applicant had chosen an L-shape, Ms. Lanza went on, in order to minimize the size and to allow it to fit comfortably on the lot. She then displayed the landscaping plan, as well as color depictions of what the building and landscaping would look like. In terms of colors, the building would have a dark, Indian-red roof and would have a gray-shingled and gray metal exterior. In addition, a stone finish would run along the lower three feet of the building.

Ms. Sibley noted that it seemed that the lower edge of the building would be very heavily vegetated. So she wondered why the stone finish was needed. Ms. Lanza replied that the stone finish would be in the front of the building; the vegetation would be on the side of the building facing the parking lot in the back. Also, the main entrance would be in the front of the building.

Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah, asked if Ms. Lanza could pass around the photographs she was holding; Ms. Lanza complied. Pointing to one of the views of the project, Mr. Donaroma asked if that was what one would see from Barnes Road. Ms. Lanza explained that the building would be set at an angle, since it was not certain when a road would be cut into the side of the lot. Therefore, she had wanted to view to be good from both Barnes Road and the proposed access road.

Ms. Lanza then showed Ms. Brown, who had asked, where the gray shingles would be: along the entire front of the building and down the side that would face the proposed access road. When Mr. Hall asked about the foundation, Ms. Lanza explained that it would be constructed of six-by-six pressurized poles driven into the ground about 6 feet below the frost line into concrete footings.

Philip Hughes, president of Hughes Home Builders, Inc., added that the builders would be putting the poles 7.5 feet apart in the ground and would then pour concrete
around them; that was why they would not need a 4-foot frost wall. When he had questioned the method, the Morton Homes representative had noted that they would be guaranteed for 99 years. Mr. Colaneri asked if it would meet the Massachusetts building code. "Sure," said Mr. Jason, the Building Inspector for the Towns of Edgartown and Chilmark.

Moving to a description of the interior, Ms. Lanza explained that the L-shaped building was essentially two structures that came together. She pointed out the main entrance and described the lobby area with its registration desk, "Smoothie Bar" with protein drinks (no meals would be served), and a resting and conversing area. Ann Schot, a co-owner of Fitness Firm and the future Planet Vineyard club, noted that health club memberships were now sold out in the open, in the midst of activity, and not in a closed office; hence, the design of the lobby.

Mr. Hall asked about a detail on the interior plan. Ms. Lanza explained that the item was a decorative canopy. She proceeded to point out where the 40 to 50 equipment stations would be. Ms. Schot remarked that they had added some entertainment, including televisions and headphones with receivers. Then both women showed the locations of the glassed-in manager's office; the Apex (nutrition) program office; another management office; a possible tanning area; a multi-function room for group exercise; changing rooms; rest rooms; a physical therapy area; and a massage room.

What would go on the top floor? asked Ms. Brown. Ms. Lanza replied that the Applicant planned to have a small photography studio up there for James Schot, a co-owner of the club, where he would do commercial portraits and advertising work. Ms. Lanza stressed that no developing or chemicals would be involved on this site. A "super-locked" storage room, where Mr. Schot would put some of his expensive equipment, would be nearby, and all the building mechanicals, with a separate access, would be in this area as well.

Ms. Gallagher asked if there would be classes going on all day and how big the exercise room would be. Ms. Lanza answered the second question first, stating that the room would be 36 feet by 28 feet, large enough for strenuous activity and dance classes. Ms. Schot noted that it was hard to know what the schedule would be; usually mornings and evenings were the prime time hours for such a facility.

Mr. Hall asked if zoning allowed a portraiture studio in the Airport Business Park. Yes, replied Ms. Lanza. "Can you give us an idea about water usage and wastewater?" asked Jim Vercruysse, a Commission member at large from Aquinnah. Ms. Lanza said that engineer Doug Dowling would be explaining that.

Mr. Donaroma asked if the drinks to be served in the "Smoothie Bar" would be retailed. "They will be for sell," replied Ms. Schot. "And the retail thing is okay?" asked Mr. Donaroma. "Yes," responded, Ms. Schot. "It's incidental to the primary use," noted Ms.
Sibley. It was agreed that the Edgartown Building Inspector would be looking into that matter.

Mr. Donaroma wanted to know about the expected hours of operation. "Probably about six a.m. or five-thirty in the morning 'til nine at night," replied Ms. Schot. "Year-round?" wondered Mr. Donaroma. Yes, said Ms. Schot, but maybe it would close at eight in the winter. In addition, the weekends would have shortened hours. Ms. Schot added that the "smoothies" were part of the industry standard, to refresh members who had been working out hard and were in danger of "crashing."

Ms. Greene asked if there would be showers and if the water would be going into the airport sewage system. Ms. Lanza said that Doug Dowling would explain that as soon as she, Ms. Lanza, had finished the next part of her presentation. She then described how the building would be "totally ADA accessible," including handicapped-accessible showers and bathrooms. Therefore, there would be two showers and two bathrooms because of the ADA requirement. There would also be a janitor's closet with a sink and a separate bathroom upstairs for Mr. Schot.

"How many memberships are you planning to sell?" wondered Ms. Greene. "I'm looking at the bathrooms and wondering about usage," she said. Ms. Lanza explained that the business plan was "predicated on 300"; that was the "comfort zone." "Obviously, if she gets a few more, it would be nice," said Ms. Lanza, although one would expect a number of short-term memberships during the summer.

"The word 'function room' always makes me nervous," observed Mr. Zeltzer. "Is there anything other than classes, stretching, resting that would take place in the function room? There are no other types of function in the social sense?" Ms. Lanza explained that "function room" was an industry term that refers to an area for activities like aerobics.

Ms. Ottens-Sargent wanted to know if any of the wooden trusses were going to be exposed inside. Ms. Lanza replied that they had not yet come to a final decision about that; it had to do with money, she added. Ms. Ottens-Sargent then asked if there would be columns in the portico area, as shown in one of the photographs that had been passed around. Ms. Lanza said they would be using the wooden trusses with the wooden poles.

Mr. Israel asked if the Applicant was planning to hold weddings or birthday parties at the facility. No, said Ms. Lanza, although they had had "a major tussle" over whether or not to provide child care.

How many employees would there be? asked Ms. Greene. Ms. Schot explained that there would be a core staff of four consisting of herself and her husband, a manager and a program director. In addition, there would be a nutrition person and a number of part-time trainers and instructors, plus a front-desk person. And what would be the total
number? wondered Mr. Colaneri. Ms. Schot said that it would be seasonal, say, 15 in the summer and eight in the winter. And would people like the physical therapist be contractual individuals? asked Mr. Colaneri. Yes, replied Ms. Schot, although most of them would be employees. Finally, asked Mr. Colaneri, would the Applicant be subleasing the multi-function room? No, said Ms. Schot.

Mr. Israel wanted to know how many people would be using the facility at peak time. Industry figures, said Ms. Schot, indicated that 20 percent, or 60, of the members would visit in the course of an average day.

Ms. Lanza then discussed water use. She noted that there were "no hard statistics" for water use in health facilities in Massachusetts. Also, the use on the Island would be a little different than in a city, for instance, because there people would often come during work hours and then shower before returning to work. So the Applicant did not have a definite number of how many people would shower, though they had been told to expect that of the 20 percent of the total membership (60 members) which would use the facility on any given day, 22 percent of those (12 or 13) would use the shower facilities daily.

Picking up the discussion on the water use at that point was Doug Dowling, a civil engineer with Smith & Dowling. He noted that they would have allocated to the lot between 1,000 and 1,500 gallons per day: 500 for the lot itself, 500 from Island Propane, which would be using no water; and 500 from five other establishments nearby that did not use anywhere near their allocations. Mr. Dowling was estimating about 15 gallons per day times 60 people, which was roughly 900 gallons. With a 1,500-gallon allocation, they could meet the peak and then some, he said. He added that they had already secured 1,000 gallons a day and hoped to get the other 500.

Mr. Vercruysse asked if the water would be metered. Yes, said Mr. Dowling. Ms. Lanza noted that she had been told there would be two meters, including an exterior meter just for the first phase of the landscaping. Ms. Sibley noted that the system used currently at the Airport Business Park was not the original system of simply allocating so many gallons to each lot, period, because some lots clearly needed more, and some less. In addition, there was a strict fine or surcharge if the business owner used more than the agreed-upon allocation.

Ms. Greene said she was concerned that there were a few businesses in the park that currently had no allocation which might return to the Airport Commission and ask for an allocation. "What happens if their allocation's been given to these guys?" she wondered. "Poor planning on their part," responded Ms. Sibley. She then explained the allocation system further. "Seems like a setup for disaster," commented Mr. Colaneri.

Mr. Dowling then went over the design of the two main drainage areas on the site, including dry wells for direct drainage from the gutters and discharge from the roof.
There would be four main drainage basins that would handle the flow for roughly 14,000 square feet of pavement.

Mr. Dowling asked the Commission not to require the Applicant to pave fully the areas he indicated on the site map. They intended, he said, to approach the Airport Commission and ask for permission to construct a central paved drive to the parking areas and then to leave the parking areas gravel or RAP to cut down on the amount of bituminous concrete on the project. If their proposal were accepted by the Airport Commission, they would then submit a revised drainage plan to the Martha’s Vineyard Commission.

Mr. Hall asked about exterior lighting and signage. They would have five pole lights, 12 feet high, shining onto the parking area and the entrance areas, replied Mr. Dowling. In addition, there would be two little pedestal lights at the one-way entrance, two lights at each building entrance and two emergency lights. The time was 8:58 p.m.

Ms. Lanza then explained how they would have to light each of the various entrances for safety. They would be using so-called luminaires, downward-focused lights which could be very carefully controlled. They would be on a timer and would go off at 9:00 p.m. Ms. Greene wanted to know what kind of light these devices would be putting out. Ms. Lanza replied that it would be incandescent.

Ms. Lanza then displayed a photograph of the lot as it was currently. She pointed out the existing trees on the lot and the 20-foot no-cut zone in front of the lot. The Applicant would try to keep existing vegetation, she said. There was a short discussion of the landscaping and the view from the road.

Mr. Colaneri asked how many parking spaces the Town of Edgartown required for this type of structure. David Wessling, a Commission member who had written the Staff Notes for the project, answered that there would be 27 spaces.

Mr. Early asked if there would be a fire sprinkler system. Yes, replied Ms. Lanza. And would it be air-conditioned? he asked. Yes, said Ms. Lanza, pointing out where the condensers would be located. Then Mr. Donaroma asked what the total square-footage for the facility was. Ninety-three hundred fifteen, replied Ms. Lanza; 998 of that would be the photography studio.

Staff Report.

David Wessling, the Commission Staff member who coordinates Developments of Regional Impact, noted that there was not much to add to the Applicant's presentation. One concern, he said, had been the traffic into the main entrance. He described a small turnaround designed for use by physically impaired clients. Ms. Lanza explained in some detail who would be using that turnaround. Mr. Wessling continued that Traffic Planner
Andrew Grant believed that the facility would not cause any significant impact in terms of traffic.

Mr. Wessling added that the Applicant would be making an affordable housing contribution of $9,000 and that there had been no letters received about the DRI from Town Boards or the operator of the wastewater treatment plant.

Mr. Colaneri pointed out that in LUPC they had discussed the need for some sort of documentation from the wastewater facility operator, the police department, the fire department and so forth.

Mr. Donaroma then asked for testimony from members of the public in favor of the proposal and in opposition to it; there was none. He asked for general comment; there was none. Nor were there any representatives from Town Boards there to speak about the project.

**Testimony from Town Boards.**

Then Linda Sibley, who is also a member of the Airport Commission, said she wished to make some comments as a member of that body. She said she wanted on the record some concerns that the Airport Commission had discussed, namely, the wastewater usage and the issue of the driveways. The type of driveway the Applicant wanted, she noted, was not allowed, except by Special Permit. Also, they had been concerned about a future road and the view that those driving by the facility would have. Perhaps more shingling of the exterior would be in order. Finally, there had been some discussion about some of the non-native vegetation proposed for the site, specifically, the shade trees.

Mr. Toole asked if there would be a place for those who cycled to the facility to leave their bikes. Yes, replied Ms. Lanza. Would there be a bus stop available? asked Ms. Greene. "Practically next store," said Ms. Sibley. "Does South Road exist?" wondered Ms. Ottens-Sargent. No, responded Ms. Lanza. "The beginning of it does," offered Mr. Colaneri.

"Has anybody made a site visit?" Mr. Colaneri then asked. Yes, replied three or four Commission members. And what is the height of the building? he asked. "It's 22 feet," replied Ms. Lanza.

Mr. Donaroma said that he wished to express his concern about the building's visibility from Barnes Road. "I think landscaping can take care of it," he observed. "Okay, then," he said, "I'd like to close the Public Hearing ... Written Record's open for one week." The time was 9:11 p.m.
Item #4: Reports [continued].

Richard Toole once again took over as Chair. Finishing up the **Chairman's Report**, he noted three letters of protest regarding the Windfarm Golf Practice Facility poles and nets; these had been sent to Commission Offices that week. Mr. Best remarked that he had been hearing a lot of complaints about the 75-foot nets, which were visible from the drawbridge. [From this point until the end of the Meeting, Side A of Tape 2 was blank. The remainder of these Minutes was taken from the shorthand notes of MVC Secretary Pia Webster.] "It's visible from West Chop," observed Mr. Toole.

Continuing on this topic, Mr. Colaneri noted that he thought this issue was "over and done with." Mr. Donaroma wondered if the Commission had done its "due diligence" with regard to the matter, and Mr. Colaneri posed the question of whether or not it was necessary to respond to the letters of protest. Mr. Toole made the point that the Applicant had made clear that they had tried every other possible course of action to resolve the airborne golf ball dilemma. Should the Commission respond? he asked, echoing Mr. Colaneri's question. Mr. Donaroma suggested sending something short. "And sweet," added Michele Lazerow, a Commission member at large from Oak Bluffs. No vote was taken on the matter.

At 9:15 p.m. Ms. Cini, who had left the room during the Planet Vineyard Health and Fitness Club Hearing, returned to her seat at the table.

Asked for the **LUPC Report**, Mr. Donaroma responded that there had been no meeting the Monday before.

Regarding the **Aquinnah DCPC Exemption Committee**, Ms. Greene reported that the group had met on Tuesday as well as that evening and had had a long discussion about the legalities of the approvals. In addition, they had approved a couple of more projects. She added that people had to realize that this was a "very labor-intensive process."

"Is there any way to shorten it?" asked Mr. Colaneri. Mr. Hall noted that he had attended the last meeting and had "expressed dismay" over how the DCPC process was being handled. He had understood, he said, that approvals for new building permits would not be granted except in the case of an emergency. If permit applications were already in the pipeline, it was reasonable to grant them. "But we should not be issuing building permits for new applications," he said. "They've been in the pipeline for a year," said Ms. Greene. "I didn't pass the DCPC," responded Mr. Hall, "this body did." If it was a case of hardship, he went on, then they should consider it. "We passed the law," said Mr. Hall, "and we should adhere to it." A brief discussion of this issue followed.

Ms. Cini provided the **Affordable Housing Subcommittee Report**. She noted that the only other Commission member to attend had been Mr. Toole. Nevertheless, it had been a
"very productive" session. She said that the subcommittee needed Mr. Hall's help [Mr. Hall is an attorney] with the Chapter 40B issue. Mr. Hall said that he was looking at all the Towns' bylaws regarding multiple-family housing.

Ms. Cini continued that the State Department of Housing and Community Development had written. They had also spoken to Jerold Kady [sic] of Harvard University and discussed ways not to let developers of subdivisions of fewer than 10 lots "off the hook" in providing affordable housing. A short discussion of various affordable housing issues ensued.

Mr. Early delivered the PED Report. He said he wished to establish a meeting time. There was some discussion of this, and it was decided that they would meet the following Thursday, August 12, at 5:30 p.m. [On Monday, August 9, that meeting time was changed to 6:00 p.m., which was when the committee, in fact, met.]

Regarding the Cell Tower Study Group, Ms. Lazerow referred to the cell tower guidelines issued by the Cape Cod Commission that had been developed by consultants Kreines & Kreines. Copies had been passed out earlier to the Commission members, and she asked them to look these over and to offer their feedback. We need to have another public discussion of this issue, she said.

Ms. Lazerow continued that she had asked if the MVC Staff could do a global positioning system (GPS) survey of the Island to determine where it would make sense to locate cell towers. The group also intended to get more information from the Cape Cod Commission. Mr. Colaneri asked what a GPS survey was. Ms. Greene remarked, "We don't have the technology to determine that." [The Commission has access to global information system, or GIS, survey technology, but not GPS.] A discussion followed about GPS and the need to co-locate cell phone antennas on the Island. Mr. Donaroma noted that the Edgartown Planning Board had recently turned down a proposal for additional units on an existing tower.

As the discussion wound down, Mr. Jason made a Motion to add cell towers to the DRI Checklist, duly seconded. Ms. Lazerow read aloud the wording for this item, a copy of which is contained in the Meeting File of August 5, 1999. It read as follows:

"Construction or erection of any personal telecommunications tower as set forth in the Federal Telecommunications Act of 1996 and which would exceed thirty-five (35) feet in height as measured from the natural grade of the site upon which the tower is to be located, but not to include the reconstruction of or replacement of an existing tower on the same site, provided that the height of the replacement or reconstruction does not exceed the height of the existing wireless telecommunications tower."
Mr. Colaneri asked who had written it. Commission Counsel Eric Wodlinger, replied Mr. Clifford. Mr. Toole then conducted a voice vote on Mr. Jason's Motion. The results were as follows:

AYES: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early; J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruysse; R. Zeltzer; and A. Gallagher.

NAYS: None.

ABSTAINING: None.

[In fact, another duly noticed Public Hearing (the first was on December 3, 1999) would have to be conducted before the new DRI Checklist item can be formally adopted.]

Ms. Brown then noted that the next Cell Tower Study Group meeting would be on September 18 at 9:00 a.m.

Mr. Clifford then provided the Legislative Update. He announced that there probably would not be a State budget for another three weeks. There ensued a brief discussion of the Community Preservation Act and its possible effects on the Island.

Item #7: Old Business.

Mr. Zeltzer then raised a question about the Windy Gates subdivision of land (DRI #494) in the Town of Chilmark, a Decision which had been postponed for months at the request of the Applicant's counsel. Mr. Zeltzer said, "I'd like to suggest that they receive a letter, and if they don't respond in two weeks, they should receive a procedural denial." Mr. Clifford explained why this could not be done. Mr. Jason noted that the Town has asked the Commission to "back off." He suggested that the Commission should instead send a letter to the Chilmark Planning Board asking about the status of the project.

Item #9: Correspondence.

Mr. Clifford referred to the letter entitled "A Call For Action" that had been received via fax transmittal at the Commission Offices on Friday, August 6. He asked the members to take it home and to study it.
A Motion to Adjourn was made and duly seconded. The Meeting was adjourned at 9:46 p.m.

[Signature]
Chairman

10/18/99
Date

[Signature]
Clerk/Treasurer

10/18/99
Date

PRESENT: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early; J. Greene; B. Hall, Jr.; T. Israel; L. Jason, Jr.; M. Lazerow; M. Ottens-Sargent; L. Sibley; R. Toole; J. Vercruyssse; R. Zeltzer; and A. Gallagher.

ABSENT: T. Henson, Jr.; M. Allen; and M. Bolling.