Martha's Vineyard Commission
Minutes for the Regular Meeting of
July 18, 2002

[The initial 92-foot segment of the tape recording of the Meeting was inaudible. Thus, the Minutes for the first six or seven minutes of the Regular Meeting were prepared solely from the Staff Secretary’s notes. From that point, the recording quality was poor up to page 15 of these Minutes, at the very end of the first Public Hearing.]

The Martha’s Vineyard Commission (the MVC or the Commission) held its Regular Meeting on Thursday, July 18, 2002, at 7:30 p.m. in the first floor meeting room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. At 7:36 p.m., a quorum being present, Richard J. Toole - a Commission member at large from Oak Bluffs, the Chairman of the Land Use Planning Committee and the Hearing Officer that evening - called the Regular Meeting to order.

[Commission members present at the gavel were: J. Athearn; C. Brown; M. Cini; J. Greene; T. Israel; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer. Ms. Ottens-Sargent arrived at 7:38 p.m., and Messrs. Best and Donaroma entered the meeting room at 7:39 p.m.]

Public Hearing: Tisbury Fuel Services (DRI #552).

Mr. Toole read into the record the Notice of Public Hearing for the Tisbury Fuel Services Development of Regional Impact Application (DRI #552). Then he outlined the Hearing procedure. [See the Full Commission Meeting File of July 18, 2002 (the meeting file) for a copy of the notice.]

Jane A. Greene, the Chilmark Selectmen’s Appointee, announced that she would abstain from the Hearing because she had a conflict. [Ms. Greene left the meeting room.] Mr. Toole disclosed that he had used one of the project’s principals as a mechanic. There being no objections voiced by other Commissioners, Mr. Toole remained.
Applicant’s Presentation.

Sean Conley introduced himself as one of the principals of the Tisbury Fuel Services partnership. “We’re happy to be here,” he said, noting that he was “not cringing” at the prospect of this review “because we have a great project.”

Mr. Conley explained that some of the partners had been involved in a service station proposal at the site of the former Coca-Cola distribution plant on State Road and that said proposal had been denied by the Commission three times. [See DRI Nos. 278, 289 and 289-1.] “We listened carefully to your concerns,” he said, “and chose a new site.” He related that at the new site, which was currently a vacant lot, the facility would be “almost not visible from State Road.” In addition, he related, there would be “plenty of room for cuing.”

Mr. Conley pointed out that the Tisbury Park-and-Ride facility was just down High Point Lane from the site and that the principals hoped to be able to sell park-and-ride permits at the service station so that users would not have to go into town to do that. Furthermore, the facility would have a handicapped-accessible restroom available for public use. He emphasized that the project was “a group effort.”

William White, another one of the principals, testified that as a Board of Health member, he had concerns about the proximity of a Zone II Area of Contribution. “This is farther from it than the other gas station,” he said, referring to the Gervais-Goldsborough Fueling Center proposal at 412 State Road (DRI #489-2). The Tisbury Fuel Services site, he stressed, was “several hundred feet away” from the zone.

Nick Balboni of The Tyree Consulting Group related that he had worked on the fuel pump and tank design. “We’ve proposed four tanks,” he said, an 8,000-gallon one for diesel fuel and three 10,000-gallon tanks for gasoline, with two of the latter holding regular gasoline and one holding premium. The tanks would be 35 feet long and made of double-walled fiberglass, and 3-inch double piping would carry the product from the tanks to the pumps.

Mr. Balboni continued that the canopied service area would have two pumps. He described the interstitial air space between the walls, the Petrogard VI liners that would be used, and the double-walled pumping system from the storage tanks to the service tanks.

Mr. Balboni provided details on the leak detection system, which included a Veeder TSL 350 mechanism with sump manholes containing discriminating probes, and he described
how the lines would be tested continually. In general, he noted, the industry recommended an annual inspection of the system. “In a nutshell, that is the fuel system,” Mr. Balboni concluded.

Tristan Israel, the Tisbury Selectmen’s Appointee, asked if the Applicant would have accident insurance. Twenty-five million dollars’ worth, answered Mr. Conley.

Roger Wey, the County Commission representative, requested that the Applicant show him the location of the project site relative to State Road. Mr. Conley distributed a map of the site and the area immediately around it. Alan Schweikert, the Oak Bluffs Selectmen’s Appointee, wanted to know where the park-and-ride facility was relative to the proposed station. Mr. Conley showed him on the site plan.

Mr. Balboni then went through the details of the grading of the site. Due to the deep slope of the lot, the Applicant would be building a retaining wall, he said. He pointed to the wall on the site plan. He explained that the points of grading had been governed by the aim of providing a smooth transition and that the grading would provide a level drive mat, which was required by the fire code.

The point of the grading behind the retaining wall, Mr. Balboni continued, was to prevent stormwater from running off it. Using what he called “a rational method,” he had designing leaching pits that would be capable of handling the runoff from a 100-year storm. He described the Stormceptor 450 catch basin system that would deal with the runoff from the canopy and the restroom. With the filters they would have in place, he said, the water would be “clean by State standards” when it entered the ground. All the stormwater would be retained on site, he concluded.

Responding to a question from Mr. Toole, Mr. Balboni said he was confident that all runoff would stay on the property. In fact, he added, the discharge on the site would be less than the pre-existing peak discharge on the lot currently. “We’re capturing, treating and infiltrating,” he stated.

John Best, a Commission member at large from Tisbury, observed that the plan showed a fairly consistent contour on the lot. He wanted to know how much of the site would be disrupted. Mr. Balboni explained that the contours had been molded to get the drainage plan to work. “Everything off the site is going to be the same,” he said, adding that he had designed the contours “to get the runoff to go where I want it to go.” Mr. Best confirmed with Mr. Balboni that, except for an area on the right-hand side of the site plan, the entire lot was going to be re-contoured.

Mr. Best asked where the highest point of the retaining wall would be. Mr. Balboni pointed to this on the site plan, noting that at that point the wall would be 17 feet high. “We’re proposing a Versa-Lok retaining wall,” he said. “You see a lot of them on the side of highways.” William Scully of MS Transportation Systems offered that various decorative patterns were available and that the wall could be a sandstone color.
“Now, are you going to have to bring in any fill?” inquired Mr. Best. “There will have to be fill brought into the site,” replied Mr. Balboni. “There’ll be some cut that’s going to be filled.” In addition to the leaching fields, the fill would be gravel. Also, the underground storage tanks required a fill of peastone, he said.

And was he saying that the entrance and the exit were going to be at the same elevation? wondered Mr. Best. “No,” responded Mr. Balboni, “it is going to drop down.” He explained how when one came up High Point Lane and turned down into the site, it would be almost level throughout, and then to get out of the site, the elevation would be dropping down further.

And what would the wall height be on the near side? asked Mr. Best. “It’s about 2 feet right here at the beginning,” replied Mr. Balboni, “and then it’s going to jump all the way up to [elevation] 135 at the top of the wall and that contour’s at about 118.”

[At this point – about 20 minutes into the Hearing – the tape recording improved, although it remained quite scratchy until the end of this Public Hearing.]

Amelia Smith, another member of the Applicant’s team, presented some “quick conceptual drawings” to provide a look at the visual impact of the project from State Road. One of the drawings showed the perspective while driving up High Point Lane, and another depicted the view from the back of Shirley’s Hardware. “Pretty much the most conspicuous visual feature is going to be this wall,” she said, “but there will be trees … in front of it. Some trees are existing, and those will remain.”

Ms. Smith noted that there were actually a few more trees than were shown in the drawings, but that she had had to remove some in order to show the building. She also pointed to where the cut would be and where the fill would be. Mr. Conley stressed that Ms. Smith was trying to show “the worst case,” which was from the loading dock at Shirley’s Hardware. Referring to the same picture, Mr. Conley stated, “This is not going to be visible from State Road.”

“With all the visual noise of the mini-golf and the parking for the mini-golf, the effect of the gas station just beyond it is minimal,” said Ms. Smith, referring to the Island Cove Mini-Golf facility on State Road.

How was it that the trees would remain if the entire site was being re-contoured? asked Kate Warner, the West Tisbury Selectmen’s Appointee. Ms. Smith pointed to trees that were not on the lot as well as to trees that would be in the setback area. “And some of them are on the edge of the lot,” she added. “He said he was changing all the contours,” repeated Ms. Warner, referring to Mr. Balboni, who then responded, “Up front the contours are remaining the same.”
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Was the Applicant then saying that when driving on State Road in front of Island Cove Mini-Golf, one would not see the roof of the building on the gas station lot? inquired Mr. Best. “You could see it,” answered Ms. Smith, “but you’d have to look for it.” “Why would that be? Is there that much vegetation on the golf course?” asked Mr. Best. “It’s not the vegetation on the golf course,” said Ms. Smith, laughing. “It’s the Mini-Golf building and the other building there, and ... the few trees that are ... around the mini-golf building.”

Mr. Scully circulated photographs taken from State Road to illustrate “what you’ll see and what you won’t see... It’s doesn’t have the design in the background, but in most of the cases, I’ll think you’ll see that they’re not ... going to be able to see the building from ...” Mr. Scully’s voice trailed off as he passed around the photographs. He then explained that he had taken the pictures while walking up State Road at different points and from different directions.

Ms. Smith held up a photograph showing the existing view of High Point Lane from State Road. She pointed to the line of trees to which she had referred earlier.

Andrew Woodruff, a Commission member at large from West Tisbury, confirmed with Mr. Balboni that the highest part of the retaining wall would be 17 feet from the ground. Mr. Woodruff inquired about safety issues associated with the wall. Mr. Balboni showed him how there would be three or four levels of Geofabric tapering back into the soil for reinforcement. Mr. Conley pointed to where there would be fencing along High Point Lane so that children could not climb up.

The Hearing Officer commented that the Commissioners should limit their questions to those concerning regional issues. Mr. Israel remarked that, in his opinion, questions about visual impact were relevant. For instance, he asked, how would the viewscape look in the winter? Mr. Scully answered that a preliminary landscaping plan would be submitted to Staff “within the next few days” and that said plan included, for example, cedars at the base of the wall.

Mr. Israel asked about signage on the property. Mr. Conley pointed to the area on the site map where there would be a 4-foot-by-4-foot sign.

Megan Ottens-Sargent, the Aquinnah Selectmen’s Appointee, confirmed with Ms. Smith that there would be a setback area where nothing would be cut. Mr. Conley located that area on the site plan. Referring to the large photograph that Ms. Smith had just described, Ms. Ottens-Sargent wanted to know whether or not all the trees shown belonged to the Applicant’s parcel. “Both,” answered Mr. Conley. Ms. Smith pointed out that one would really have to turn one’s head while driving down State Road to see any of the structures on the Applicant’s lot.

West Tisbury member at large Linda Sibley agreed with Ms. Ottens-Sargent that if a tree was not on the Applicant’s parcel and was not protected by the Town, it could easily be
gone as the result of some other development. Ms. Sibley then requested that the Applicant submit some sort of computer-generated depiction of the proposed station, removing from it any of the trees not on the Applicant's lot and not protected by the Town. Ms. Ottens-Sargent stressed to Mr. Conley that only the trees on the property being reviewed should be shown in the depiction.

The Meeting was interrupted momentarily while the Hearing Officer announced that a Forerunner was illegally parked.

Mr. Schweikert wanted to know if there would be only the one low sign that Mr. Conley had referred to earlier. Wouldn’t there be a big sign like the ones displayed at many gas stations? he wondered. “We’re not sure what service we’re going to use,” said Mr. Conley. “But I’m curious. Will people going down the road know there’s a service station?” asked Mr. Schweikert. Mr. Conley repeated that currently the Applicant planned only that one sign.

Next, Mr. Balboni went over the lighting plan for the proposal. “The site has eight canopy lights that are flat lens Scottsdale fixtures recessed up into the canopy to shield the light,” he began. In addition, he continued, there would be seven Challenger area lights, which were single 400-watt fixtures with shields on their rear to drop the light levels. Also, there would be one double-fixture Challenger area light over the full-service dispenser; this would be there, he said, because the canopy did not extend that far. Lastly, there would be a dual-fixture light at the approach to the public restrooms.

Holding up the lighting plan, Mr. Balboni explained that all of the numbers printed grid-like across the sheet indicated the number of lumens for each particular area. “And the point I’m trying to make,” he said, “is that [at] the property line at the back at the retaining wall, the lumens are down to zero, zero-point-one.”

“What happens when the place is closed?” inquired Ms. Sibley. “I believe there’d probably be some safety lights on the building, some security lighting,” answered Mr. Balboni, who added, “but I imagine the area lights and the canopy lights will be turned off.” “Imagine doesn’t cover it,” remarked Ms. Sibley. “They will be off,” said Mr. Balboni.

Mr. Balboni noted that he had received the comments of Water Resources Planner William Wilcox and that he was preparing a response to those. Mr. Scully mentioned that the Applicant had submitted earlier that day some additional details like the specifications for the Petrogard tank and the leak-monitoring system. “We are in the process of responding to his [Mr. Wilcox’s] questions and requests for additional information,” he added.

The Staff Secretary asked DRI Coordinator Jennifer Rand if the specific brand names and so forth mentioned by Mr. Balboni were in the DRI File. Ms. Rand responded that she
could not answer off the top of her head. Mr. Balboni noted that the light fixtures and mechanicals were shown on the plans.

“What are the proposed hours of the gas station?” wondered Mr. Wey. “Six a.m. until midnight,” answered Mr. Conley. “Seven days a week?” asked Mr. Wey. “Yes,” said Mr. Conley.

Marcia Mulford Cini, a Commission member at large from Tisbury, wanted to know how far it was from the parcel being reviewed to the nearest private home. Mr. Conley said that he did not know, probably across State Road, down behind Cronig’s. “It would have to be over a thousand feet away,” said Mr. Scully.

James Atheam, a Commission member at large from Edgartown, inquired, “That existing house on the map there, right on the boundary line, is not a dwelling?” “No, that’s a shed, that’s a storage shed for Jesse,” replied Mr. Conley, referring to Jesse Steeres, proprietor of Shirley’s Hardware on State Road. “That is this,” said Ms. Smith, pointing to a structure in one of the photographs that had been passed around.

Michael Donaroma, the Edgartown Selectmen’s Appointee, confirmed with Mr. Conley that a full landscape plan would be submitted. “Can we also see what this canopy looks like, what the building’s going to look like, and what these walls are going to look like?” he requested. Mr. Conley agreed to submit those materials. “We’ll do a site review,” added Mr. Donaroma.

Ms. Warner asked that the Applicant address the issue of groundwater flow. Mr. Conley indicated that the colored drawing he had passed around simply showed the direction the flow took. “It flows away from the wellhead that you’re protecting,” he noted.

There was a brief exchange about the main structure, which would have natural shingles, according to Mr. White.

Mr. Scully reintroduced himself and explained that his firm had been retained to assess the traffic impact associated with the proposal. He had worked, he said, on the previous proposals for similar projects in the area. In addition to having looked over State Road in this area “a fair amount” over the previous four years, Mr. Scully noted, his firm had conducted the State Road study back in 1990.

What he had done, Mr. Scully continued, was to study the present traffic conditions, including intersections, and then to estimate any additional traffic that one could expect to be generated by the new facility. He had met with Commission Staff and had reviewed the scope of study. “In essence,” he explained, “the 1999 analysis became a basis of the new analysis in terms of study location, and [we included] some of the other information, base traffic counts, the trip generation information – there might be some other data that was utilized and updated from that ’99 work.”
Mr. Scully continued: “The forecasts for the project are based on local observation.... We’ve assumed in the analysis that there would be some activity at 412 State Road. We’ve assumed greater use of the park-and-ride lot, and we had to make a series of assumptions as part of our normal analysis, which I’ll go through ...”

Mr. Scully emphasized the amount of time he had spent on his feet observing the conditions on State Road. “What we’ve shown is that the project can be designed for an efficient operation, a safe operation. As Sean [Conley] mentioned earlier, this new proposal tries to address some of the deficiencies and issues that we just didn’t seem to be able to resolve to ... the Commission’s satisfaction with the last proposals. And the project won’t significantly change operations on State Road, and that’s really probably the bottom line.”

Using a schematic, Mr. Scully pointed to the areas and intersections on State Road that he had studied. He noted that the new facility would be down High Point Lane, about 700 feet from State Road. He pointed to the park-and-ride facility, the Department of Public Works area and the transfer station farther down High Point Lane.

“Clearly, it’s going to add traffic on High Point Lane,” Mr. Scully stated, “but in essence it’s not going to add an awful lot of traffic onto State Road.” In approaching his analysis, he went on, he had looked at the numbers for the Citgo and Texaco stations down on Beach Road and for the Airport Mobil in Edgartown. In addition, he said, he had used “fairly high rates.”

He wanted to make one thing clear, Mr. Scully stressed: “After I’ve seen everything and reviewed everything over the last few years and made these forecasts – we’ve developed them – I feel that they are conservatively high. I don’t believe that this project itself is going to result in additional gallons of gas on an Island-wide basis to be sold. There’s going to be a redistribution of that, a change in market area or whatever.”

Mr. Scully explained that in looking over the summer population and factoring in the number of gas stations on the Island, he had concluded that an additional gas station could be supported. “There’s a certain amount of fuel that’s going to be sold on-Island,” he said, “and because you only have so many gas stations, then the trip-rate activity is higher, the queuing is longer, you do have that working. I’ll say, against you – or against, let’s say, me – in developing reasonable or realistic forecasts for this project.”

Ms. Sibley wanted to know if the 141 vehicle trips he was suggesting had been derived from his analysis of the gas stations on Beach Road. “Taking all of that into account, yes,” replied Mr. Scully.”

Mr. Scully then displayed a summary of the vehicle trips that one could expect to be generated by the new project:
Total Site Traffic Projection (per hour)

<table>
<thead>
<tr>
<th>Peak Season</th>
<th>Vehicle Trips In</th>
<th>Vehicle Trips Out</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday P.M.</td>
<td>73</td>
<td>68</td>
<td>141</td>
</tr>
<tr>
<td>Saturday Midday</td>
<td>51</td>
<td>52</td>
<td>103</td>
</tr>
</tbody>
</table>

Off-Season

| Friday P.M.       | 29               | 27                | 56    |
| Saturday Midday   | 20               | 21                | 41    |

His analysis, Mr. Scully continued, had also taken into account so-called pass-by or diverted traffic. “Not every trip going to a gas station is a new trip,” he said, “to the region, to the corridor, to the area.” With State Road carrying about 17,000 vehicles daily, there was going to be a portion of those vehicles that needed gas. “Right now, if they don’t catch it in West Tisbury, then they’re down to Five Corners,” he explained.

In his previous studies [for the 412 State Road site], Mr. Scully related, he had assumed a pass-by rate of 70 to 75 percent. “At one point, Staff concurred with our assumption,” he said, “and at another, Staff did not.” Thus, given that the proposed facility would be a bit farther off of State Road than the previous proposal would have been, and given Staff questions on that rate, he had ended up reducing the assumption to a 60 percent pass-by rate, with 40 percent of the traffic to the project being new to State Road.

“Everything on High Point Lane is going to be new,” Mr. Scully explained. “So even if you’re already on State Road and turn onto High Point Lane to get gas, ... you’re a new trip to High Point Lane. You’re just not new to State Road.”

Mr. Scully reported on the peak-season projections and the off-season projections. [See the table above.] He had not assumed, he added, any vehicles from the park-and-ride; he had taken everything from State Road. “We’ve assumed a greater use of the park-and-ride for a five-year projection the Town has been trying to work towards ...”

Mr. Scully said that he had also looked at what exactly the pass-by traffic from State Road would amount to. Someone might say, he hypothesized, that he was assuming 50 percent pass-by traffic, and then when one would look at that number and compare it to the road traffic out there, that 50 percent would amount to maybe 10, 20 percent of the road traffic.

“It starts to look a little bit unrealistic,” remarked Mr. Scully. “When I start to do that, I’m looking at about one and a half to two percent of State Road traffic in the peak hour...” With 1,600 to 1,700 vehicle trips during peak hour on State Road, he concluded, the new pass-by trips would amount to around 30 vehicles in that hour for three pump
islands with six fueling stations. In the off-season, he said, one of the pump islands would be shut down.

Mr. Scully then went over a table summarizing the projected number of new vehicles that would enter and leave the station, as opposed to pass-by traffic:

**Projection of New Vehicle Trips (per hour)**

<table>
<thead>
<tr>
<th>Peak Season</th>
<th>Vehicle Trips</th>
<th>Vehicle Trips</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td></td>
</tr>
<tr>
<td>Friday P.M.</td>
<td>29</td>
<td>27</td>
<td>56</td>
</tr>
<tr>
<td>Saturday Midday</td>
<td>20</td>
<td>21</td>
<td>41</td>
</tr>
<tr>
<td><strong>Off-Season</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friday P.M.</td>
<td>12</td>
<td>11</td>
<td>23</td>
</tr>
<tr>
<td>Saturday Midday</td>
<td>8</td>
<td>8</td>
<td>16</td>
</tr>
</tbody>
</table>

Responding to a question from Ms. Sibley, Mr. Scully said that these numbers were summarized in the traffic report he had submitted.

Commission Chairman James Vercruyssse wanted to know about the existing traffic on High Point Lane. What were the numbers and the character of the vehicles currently? he asked. “I will get to that,” replied Mr. Scully, who then returned to his report. He noted that in doing the analysis, he had made some assumptions as to direction, and based upon everything he had reviewed, he had projected “pretty much a 50-50 split up and down State Road.”

Mr. Scully went through his numbers once more in response to a question from Mr. Israel. The Hearing Officer suggested that Mr. Scully finish up, assuring Mr. Israel that additional time would be spent on traffic issues in the next session of the Public Hearing.

Turning to the Chairman’s question, Mr. Scully described the types of vehicles currently going down High Point Lane, among them, heavy trucks related to the Department of Public Works and the transfer station, as well as Vineyard Transit Authority buses. He stressed that all types of vehicles had been counted for the study.

Mr. Scully then addressed the Level of Service on the State Road corridor, emphasizing that his conclusions had not even factored in the element of courtesy demonstrated there, that is, the degree to which oncoming drivers stopped to allow vehicles to take cross-lane turns. In essence, he said, there was a 44-to-46-second wait period at the peak hour during the high season.
In addition, Mr. Scully continued, he had done detailed field simulations of "studies where we loaded up High Point Lane with approximately a hundred, a little bit more than a hundred vehicles coming out of High Point Lane. [We] simulated how that would operate on State Road, what they would experience, and in fact they experienced delays of between 16 and 20 seconds' average delay. And that is under fully loaded simulated conditions, comparable or a little more than what would be projected to use this facility in the summertime."

Mr. Scully referred to page 36 of his report and again stressed that the actual delays during the peak season were in fact less than could be inferred from the computer model. The same applied to vehicles exiting from Cronig's and Colonial Drive, he said, adding that up and down the corridor during the high season the delays would not change substantially as a result of the proposal.

Mr. Scully pointed out that the sight lines at the facility would be adequate and that the site as designed would accommodate fuel-delivery-truck movement. Moreover, the site was set up so as to avoid "conflicts" for those who were stopping simply to use the restroom, he said.

Mr. Conley introduced attorney Hillary Schultz, who, he said, would address one of the major benefits of the project. Ms. Schultz referred the members to a graph as well as a document entitled Binding Offer by Tisbury Fuel Service, Inc., to the Martha's Vineyard Commission. [See the meeting file for a copy.] "The purpose of the graph is to give you an education on how gas prices come into being," she explained. She then went through the various components of the graph, which included the delivery fee, the rack price, the gross profit margin, and State and Federal sales taxes.

For the first five years of operation, Ms. Schultz continued, the facility would provide an economic benefit to year-round residents by selling them automotive fuel at a fixed discount of 36 cents per gallon over and above its wholesale cost. During years six through 10, she related, the fuel would be sold to year-round residents at 38 cents per gallon over and above wholesale cost. Lastly, during the following 20 years, that is, until the expiration of the Applicant's lease plus an extension period, the fuel would be sold to year-round residents at the fixed discount of 40 cents over and above the wholesale cost.

As for their affordable housing contribution offer, said Ms. Schultz, the Applicant would donate $2,000 during the first year after Approval to the Dukes County Regional Housing Authority. Thereafter, she noted, they would donate to the DCRHA 1 cent per gallon out of the station owners' profit margin.

Ms. Schultz also noted that the wholesale cost would be monitored and verified on a quarterly basis by a Certified Public Accountant, with provision for a penalty should the Applicant not adhere to the discount plan covenants.
Ms. Schultz made mention of another document, this one containing her listing of the benefits and detriments of the proposal, and said that she would submit that for the record. Among the benefits, she related, was the fact that the facility would be located appropriately, in the B-2 Business Zone. Among the detriments was the expectation that the new station would draw away business from existing stations, what Mr. Scully had referred to, Ms. Schultz said, as “a redistribution of the gallons sold.”

“This is a classic case of giving a benefit to the many at the expense of the few,” Ms. Schultz remarked, “and frankly, we think the few here don’t deserve all that much of a consideration because they have enjoyed high prices and, we think, prices that are higher than are justified by the economics of the situation.”

Finishing up, Ms. Schultz remarked that she anticipated that the Commissioners would hear some negative comments from “familiar faces” in the audience regarding one of the partners, Steven Wehner. She asked the members to consider the source of such comments, observing that in the car repair business one tended not to make a lot of friends.

Ms. Schultz went on: “Consider the motive of the person [who is] speaking and ask yourself, ‘Why has Mr. Wehner stuck around, why has he been here for four years when his name has been dragged through the mud, he has had his reputation ruined, his livelihood ruined? Why is he still here?’ And the answer is simple: he thinks he has a good plan; he thinks he has knowledge and experience to bring it to fruition; and ... he wants to bring something positive to Martha’s Vineyard, to have something positive to show for the time that he has lived here and will continue to live here.”

Ms. Schultz concluded: “Also, ask yourselves, ‘Why is this group of businessmen, who are longtime residents of Martha’s Vineyard ...’” The Hearing Officer interrupted, noting that he wanted to get to the members of the public who had been waiting. He assured Ms. Schultz that she would have time to testify further at the final Applicant Summary. Ms. Schultz persisted, “Fair enough, but I really just want the Commissioners to think about who’s speaking and what they’re saying ...” Mr. Toole again requested an end to her testimony.

Mr. Toole then inquired if there was anything pressing with regard to Staff Reports; there was not. He asked for testimony from Public Officials; there was none.

**Testimony from Members of the Public in Favor of the Proposal.**

**Thomas Pachico of Tisbury**, speaking as a private citizen and not as a Selectman or as the Town’s Health Agent, disclosed that the property upon which the facility would be located belonged to his father and had been in his family for more than 50 years. His family, he said, had helped make the area along State Road a B-2 Business District. “And one of the sales pitches that was used [when] it was voted on Town Meeting floor,” he recalled, “was to get some of the traffic out of the downtown area.”
Mr. Pachico observed that the act of buying gas was usually “pretty incidental” to where he was driving and that saving 2 cents a gallon would not motivate him to drive farther. A person shopping at Cronig’s, for instance, would prefer to get gas in the State Road area, rather than struggle with the traffic at the Edgartown-Vineyard Haven Road intersection or Five Corners.

Before his family had gotten involved, continued Mr. Pachico, he had supported the gas station proposals at the old Coca-Cola distribution center as an alternative to Five Corners. It was an additional advantage, he said, that the facility being considered now would be a bit off State Road and would offer the sale of tickets to the Tisbury Park-and-Ride, which was nearby.

Mr. Pachico observed that traffic studies were “kind of a touchy thing. If you’re up on State Road and you’re in Cronig’s and you need gas, you’re going to get gas. If you live in West Chop [and] you don’t have to go through Main Street, you can come up Cemetery Road and get in and out. High Point Lane is an easier access because you have a park-and-ride, you have the DPW that’s up at the top of the road, you have the local drop-off at the dump – there goes three things. Those are big, very-high-usage things that are in there.”

Mr. Pachico stressed that Mr. Conley’s proposal was better than the Gervais-Goldsborough one because customers would not have to cross traffic to enter it and would not have as much traffic to deal with when exiting.

Almost all of the trees seen in the sketches and the photographs, Mr. Pachico continued, belonged to his father. He made a depreciating remark about Jesse Steeres, proprietor of Shirley’s Hardware on State Road, who had taken out all the trees on his lot, leaving no buffer.

Referring to the structure that Mr. Athearn had asked about, Mr. Pachico confirmed that it was some kind of storage unit belonging to Mr. Steeres. He also explained that the reason for the lack of big trees on the lot for the proposed facility was that when he was a boy he had raised goats and steer on that land.

Mr. Pachico then reiterated a number of his earlier arguments and noted that Goodale’s pit, which was across the street, was far more of an eyesore than the gas station would ever be. “So this is an area that’s already used for these type[s] of things,” he said. “We’re not putting this in a pristine area.... and it will be as clean and neat as possible. Mr. Pachico also mentioned that his family had insisted that if the Applicant was going to offer a discount, it had to be in perpetuity. Furthermore, he said, that agreement was in writing.

Mr. Pachico finished up by remarking that there were currently only two gas stations in Vineyard Haven, which was fewer than there had been in the 1960s.
Roger Greeley of Chilmark commented, “I’m a fortunate person because I can afford to pay whatever people charge for gas on this Island. I can afford to pay that price, and it does not impact my life. But many people on this Island cannot.” The Applicant would be making contributions to low income housing, he said, “because many people struggle with the cost of living on this Island.”

Mr. Greeley concluded, “This is a real and genuine proposal to introduce some competition and some lower prices, something that for some people is a significant cost, and for that reason, I strongly urge your Approval of this project.”

Testimony from Members of the Public in Opposition to the Proposal.

Joan Jenkinson, part owner of Up-Island Auto, referred to a letter she had submitted earlier. [See the meeting file for a copy.] “I have a problem with the 36-cent-above-what they-pay-for-fuel [price], you know, what they’re going to sell their gas for,” she remarked. “I mean, are they expecting to get gas delivered over here at a dollar ten a gallon and ... sell it for, like, a dollar forty-six? I don’t think that’s going to happen. I think it’s going to be pretty much the same as the prices we are [at] in West Tisbury.”

Pat Jenkinson, vice-president of Up-Island Auto, wanted to know what the price someone sold gas for or how much the Applicant planned to contribute to affordable housing had anything to do with the Commission in general. He himself felt that this had no bearing on the MVC’s Decision. The Commission should concern itself with “the traffic and the visuals, that kind of stuff,” he said.

Testimony in General from Members of the Public.

Raymond Gosselin, proprietor of Island Cove Mini-Golf on State Road, asked if the traffic analysis had included all the big trucks that went in and out of Goodale’s pit. “When we’ve conducted all the counts,” replied Mr. Scully, “any of those trucks or buses that have come through during the count period we have [counted].” Mr. Gosselin inquired if the counts had been done during the high season. “July and August,” answered Mr. Scully. “And what was the count?” wondered Mr. Gosselin, who had missed earlier testimony by Mr. Scully.

At this point Christina Brown, a Commission member at large from Edgartown, observed that the Commission members were all going to read the traffic report, and she advised Mr. Gosselin to do that same.

Mr. Gosselin also wanted to know more about the layout of the proposal. “What am I looking at when I look at you?” he asked, referring to his view from the mini-golf facility. In that corner he would be looking at cedar trees, said Mr. Scully. Mr. Gosselin wondered where the wall would be. Mr. Scully showed him. Mr. Conley confirmed with
Mr. Gosselin that the latter had arrived late. Ms. Warner advised Mr. Gosselin to read the Meeting Minutes.

"Do you know there's a big standpipe in your ground?" inquired Mr. Gosselin, who added, "Hope there's no water in it." Mr. Conley assured him that they could talk about this outside the Hearing.

**Questions from Commission Members.**

Ms. Sibley had three questions: 1) Had Mr. Scully noted the size of the vehicles during the traffic counts?; 2) How was the Applicant actually going to organize the Islander discount plan, and was said plan legal?; and 3) How was the fuel going to get to the facility?

Mr. Israel commented that he had to assume that the customers would not all be coming from pass-by traffic, since many of them would come for the discount. "What is the impact on traffic ...?" he asked. Mr. Israel also wanted to know how many trucks would be using High Point Lane to go to the future sewage treatment plant. "Two trucks a day," answered Mr. Conley.

Mr. Scully said that he would prepare a response to Ms. Sibley's and Mr. Israel's questions. Mr. Israel had another question: Did the Applicant expect many trucks to use the station for fueling? He noted that when a truck turned into or out of High Point Lane, it blocked traffic in the other lane. "Shouldn't the Town handle that?" remarked Mr. White, one of the partners. Mr. Israel replied that he was looking at benefits and detriments and that the difficulty trucks would have exiting was part of those calculations.

Responding to one of Ms. Sibley's questions, Ms. Schultz pointed out that the document she had distributed explained how the discount would work, with the customers using an identification card. How would someone be identified as a year-round resident? asked Ms. Sibley. Ms. Schultz answered that obtaining the card would be based on the customer’s home address and the registration of their vehicle, "something like the Steamship Authority," although the Applicant would not use exactly that system since it was "proprietary to them."

Referring to the gas-pricing chart that had been discussed earlier, Mr. Israel wanted to know what the cost of the Applicant’s gas would be that day. Ms. Schultz showed him how according to the chart they could be selling gas for about 19 cents less per gallon than their competitors.

**Applicant Summary.**

Mr. Conley pointed out that the average Islander was not going to be going for gas at peak times. "They're smarter than that," he said. "Also, it's a year-round benefit for
everyone.” He concluded by noting that he would have a lot more to say when the Hearing was continued.

The Hearing Office then continued the Hearing to Thursday, August 22, 2002, at 7:30 p.m. DRI Coordinator Jennifer Rand said that she would notify the Commissioners when she had arranged a site visit. The time was 9:14 p.m. The Chairman called for a brief recess.

Public Hearing: Vineyard Tennis Center-Fitness Club Modification (DRI #425M-2).

Mr. Toole reopened the Regular Meeting at 9:25 p.m. [Ms. Greene returned to the meeting room. Ms. Cini would leave the meeting room for this Hearing at 9:32 p.m. due to a conflict.] Thus, the Commission members seated for the entirety of this Hearing were: J. Athearn; J. Best; C. Brown; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.]

Mr. Toole read into the record the Notice of Public Hearing for the Vineyard Tennis Center and Fitness Club Modification (DRI #425M-2). [See the meeting file for a copy of said notice.] He then explained the Hearing procedure.

Applicant’s Presentation.

Kenneth Martin, one of the two owners of the Tennis Center, related that he had been before the Commission twice already, when he had started the business in 1996 and later in 1999 when he had expanded it. His business was at a crossroads currently, he continued, because a number of events in the community had affected it, particularly the fire at the Tisbury L-m.

Over the years he had come to the conclusion, Mr. Martin said, that the center did “a pretty good job at fitness as well as tennis. But initially, our foray into fitness really had to do with our membership, in the hope that our tennis membership would flip over into the fitness. And the surprise was, when we opened in '99, was that didn’t happen to the degree that we thought it would. That’s the down side.”

“The good side is,” Mr. Martin went on, “that the public at large have taken on the fitness [aspect], and we’ve progressed over the past three years to a point now where I feel that I know something about fitness, which I didn’t know back in '99.”

What he was proposing, Mr. Martin stated, was an expansion of existing uses. Perhaps the only major change would be the potential for a squash court, something that a number of year-round people had expressed an interest in. After putting calls out to the community, he said, he and his partner had received 60 to 70 responses. “And that’s probably right in the middle of the ballpark. A hundred, a hundred twenty, that would be great, and 20 or 30, well, it would be out of the question,” he remarked. Mr. Martin
cautioned the Commission members that he might decide not to build the squash court, "but right now it’s in the plan.

Mr. Martin then described the expansion of the fitness area, which included an enlarging of the machine room, additional space for class rooms (for example, for aerobics), an expansion of the existing locker room, a couple of massage rooms and, possibly, a weight-training room and the squash court.

Referring to the plans that had been distributed to the Commission members, Mr. Martin mentioned the draining and lighting issues that the Land Use Planning Committee had asked the Applicant to address. [See the meeting file for copies of the plans and of the cover letter mentioned below.] The new parking area, which was leased from the County, he said, was something he had already contracted to add in any event, regardless of the expansion.

Mr. Martin referred as well to his cover letter, which contained answers to questions from the LUPC about an increase in the number of employees and so forth. He joked, “I will guarantee that this will be the last time I’ll be in front of you.” Mr. Martin then described how originally he had envisioned the third phase of development being the addition of more tennis courts. “And that’s not going to happen,” he said. “The demand just isn’t there.” In addition, he explained, the fitness aspect of the business produced more revenue than the one related to tennis.

[Ms. Cini left the Regular Meeting at this point, 9:32 p.m.]

Robert Zeltzer, a Commission member at large from Chilmark, wanted to know what material would surface the parking area. Mr. Martin answered that it would be the same as it was now for the Tennis Center lot, that is, sand overlaid with hardener, which would then be covered with stones.

When Mr. Zeltzer commented on the muddy condition of the lot the winter before, Mr. Martin explained that after the Tisbury Inn had burned down, the County and the Airport Commission had immediately allowed him to use the additional parking area for the overflow of clients. “So, it was one of these things – well, how much do you need to improve it so that people can use it but not spend a lot of money on land you don’t own or lease?” related Mr. Martin.

Ms. Ottens-Sargent inquired about the size of the entire lot. “It’s one point one acres presently,” replied Mr. Martin, “and then the additional parking is about, I think, 13,000 square feet, give or take.”

Ms. Ottens-Sargent also wondered if Mr. Martin had considered tying the squash court, if it were built, into the school system. “I mean, is that a policy?” she asked. Mr. Martin explained that children could play tennis at the facility for a $100-a-year membership fee. “That’s a very, very low membership cost . . . ,” he pointed out.
Someone had suggested to him, Mr. Martin continued, that he should get the Island’s children interested in squash, thereby cultivating future clients. “I’ll only say to you the same thing I said to you six years ago,” stressed Mr. Martin, “that two tennis courts is a real hard sell to make a profit.” Since a squash court could accommodate only two players at a time, it would be quite difficult to make it pay for itself, he explained.

Another factor he had considered, said Mr. Martin, was the comment he had heard from squash players that they tended to play every day. That could mean that very few people would get to use the court at prime time, he had concluded.

DRI Coordinator Jennifer Rand related that the information about the squash court’s being only a possibility and not definite was new that day. She asked Mr. Martin, “I’d like to know at some point, if we’re going to close tonight, if you don’t do squash, will you make the addition smaller, or will you do something else?” Mr. Martin answered that there were two possibilities: 1) he could build the facility as shown and allocate the potential squash-court space to other uses; or 2) he could cut down the size of the addition almost in half. “I can’t make that decision right now,” he emphasized.

Chairman Vercruysse wanted to know if a squash court could be used for other activities. It was too small to use for handball, replied Mr. Martin. The Chairman suggested building two courts, one for handball and one for racket ball or squash. “You can’t justify one court, let alone two,” responded Mr. Martin, who added, “It’s expensive. It’s a hundred thousand dollars to build a squash court, give or take.”

Mr. Schweikert inquired about some courts that used to be in Edgartown, at Mariner’s Way. “They were racket ball courts,” said Mr. Martin, who noted that a racket ball court was larger than one for squash and that they did not create any profit either.

Ms. Sibley observed that there had always been a “wonderfully buffered” area around the older parking lot. She was concerned, she said, about the newer parking area, “because it would seem that even though you’re leaving some trees there, that you’ve, one, created a very beautiful parking lot, and two, made that side coming down, leaving the airport, you’ve exposed that side of the building. And I was just wondering if you were planning any tree buffer ...?”

Mr. Martin asked if Ms. Sibley had been to the site recently. No, she hadn’t, replied Ms. Sibley. Mr. Martin explained that the area would not be exposed as Ms. Sibley feared. He again encouraged her to check out the site.

Responding to a query about traffic generation from Ms. Ottens-Sargent, Mr. Martin answered, “The squash court won’t create diddly.” Ms. Ottens-Sargent clarified her question: The Applicant had asked the MVC to approve a squash court. If he changed the use to something else, particularly an activity that would create more traffic, did he intend to return to the Commission for Approval?
Ms. Greene asked about obtaining plans that were more specific. Ms. Rand noted that she thought she had sent those out in the preceding week’s mailing. Mr. Martin offered this answer: “We have 14,400 square feet of tennis space, with two courts, 120-foot ... The rest of the facility is 1,900 square feet per floor, two floors, plus a small third floor. That’s it ... [It’s] probably about 19,000 square feet altogether. It includes a locker room for men and women, a lounge area, on the second floor there’s a reception area, excuse me, on the first floor. On the second floor there’s a lounge, two fitness areas, bathrooms. On the third floor, there’s a small, 750-foot multi-purpose space.”

“So you’re actually proposing to put in three new exercise rooms, plus the squash court?” inquired Ms. Greene. “Yes,” replied Mr. Martin. “Plus, then, all the saunas and everything?” wondered Ms. Greene. Mr. Martin answered, “Plus the expansion of the locker rooms, yes, that’s correct.”

“I just have one other question,” said Ms. Greene. “It seems to me, if my memory serves me correctly, when you came to us last time, you said that this exercise program that you were putting together was for the benefit of the people playing tennis, and that it wasn’t going to be a separate entity. The exercise was for the people playing tennis and not just coming in to exercise.”

“Well, I’ve covered my bets on that one,” said Mr. Martin, who began to add, “My hope, in theory ...” Ms. Greene interjected, “No, I’m saying that’s what you told us before.” “No, that’s not what I told you,” said Mr. Martin, “I want to clarify it, okay?”

Mr. Martin continued: “What I said to our members ...” “No, to the Martha’s Vineyard Commission,” said Ms. Greene. “Excuse me, could I respond?” asked Mr. Martin. “Go ahead,” replied Ms. Greene.

Mr. Martin related, “What I said was it was my hope that our membership would flip over and that would be the operation of the fitness club. But that’s not what I told you. What I said was, it was my hope that that’s the way it was going to go. But being a businessperson, what if it didn’t work?”

Mr. Martin went on: “In fact, the encouragement actually came from your committee, saying it would be a bit foolish to do that, and I agreed. And so never, from the start, [was it] for our membership only, never. The disappointment came when 85 percent of the people we queried at the membership said, yes, they’d be interested, but only 20 percent flipped over, though.”

Ms. Sibley recommended that the Commission look at the maximum impact of the project, that is, assuming that the squash court might not happen and that the additional area would all be for exercise. She added that, considering the location of the project and its nature, she did not foresee that the area could not handle any added traffic burden. “In
fact, I would ask you to do that, quite frankly,” said Mr. Martin, “because I’m pretty comfortable with the numbers either way.”

Ms. Sibley noted another factor: she wondered if the number would, in fact, be that great once the Tisbury Inn Health Club reopened. “As a businessperson, I have to be concerned about that,” agreed Mr. Martin. He pointed out that the other facility had a swimming pool, so he would expect that most of the inn club’s clients would return there.

Ms. Ottens-Sargent wondered if Staff needed to look at the numbers for a maximum-impact design. Transportation Planner David Wessling remarked that his Staff Report had all been based upon having a squash court on the premises. With a change in plans, he would have to look at the project again, he said.

A discussion followed regarding whether the Hearing should be closed and the record left open, so that Mr. Wessling could rework the traffic-generation numbers. Then Ms. Ottens-Sargent pointed out that with so much extra business due to the Tisbury Inn fire, the Applicant should already have a feel for how much traffic the expanded club would attract.

“I can get upset, but I’m not,” said Mr. Martin. “I mean, you had a proposal that said we’re going to expand fitness. Well, I’d like to hear the numbers that your traffic person has plugged in for the fitness component of what I’m proposing, and then I can respond …” Mr. Wessling stated, “The traffic impacts from the impact that he presented [that is, with the squash court] would be trivial.”

The Hearing Officer requested that the Commission members move on, and he asked for the Staff Report.

Staff Report.

Ms. Rand remarked that the Staff Report she had sent out the week before pretty much spoke for itself. [See the meeting file for a copy.] In addition, she said, the Applicant had made an affordable housing contribution offer at the Land Use Planning Committee meeting, but that offer had changed. She had sent Mr. Martin the MVC’s Affordable Housing Policy and had indicated to him that his offer did not appear to meet the Commission’s standard guidelines. “But it is his offer. He’s offered $300 to the Housing Authority of Dukes County,” she said.

While Ms. Brown, who had a copy of said policy, looked up those guidelines, Ms. Greene pointed out that the Staff Report had indicated that the lighting at the facility was left on all night. “Would you be continuing to do that?” she asked Mr. Martin. “No, in fact, I’ve spoken with Jennifer [Rand] about that,” replied Mr. Martin, “and she felt that there would be a strong feeling on the part of the Commission that perhaps we should consider motion-activated lighting. That’s fine with me. It’s going to cost me less
money to operate, so I don’t have any problem [with it] ...” “So you’re committing to it?” inquired Ms. Greene. “Yes,” answered Mr. Martin.

Ms. Greene also wanted to know what the class rooms would be used for. “Aerobics,” responded Mr. Martin, “that’s what we do in fitness.” “So it’s not really a classroom where people are studying something, it’s a physical exercise room,” Ms. Greene confirmed with Mr. Martin. “Yes, that would be right,” he said, although, he added, they could offer something like a CPR course there.

Returning to the subject of the affordable housing contribution offer, Ms. Rand said that the recommended amount for most projects would be just over $3,000. However, she noted, it was customary for an exception to be made in the case of a large recreational facility, where the building was quite large but the actual impact was not.

Ms. Ottens-Sargent said she recalled that at the LUPC meeting the Applicant had offered to have available some sort of discounted membership for year-round people who could not afford the full fee. “I didn’t withdraw that,” said Mr. Martin. “[But it] was suggested that I not go in that direction.”

Mr. Schweikert asked if the club would be renting out the class rooms to other groups. “No,” replied Mr. Martin. “Then it will always be all in-house?” wondered Mr. Schweikert. Mr. Martin explained that he contracted with personal trainers, who often taught classes. However, he said, he would not be renting those rooms to other organizations.

Would the class rooms be available to non-profits at no cost? asked Mr. Toole. “Oh, yeah,” responded Mr. Martin, who then described how he had donated two hours of court time daily for the next six weeks to a group caring for children with cancer. He also did a benefit each year for Hospice of Martha’s Vineyard, he said.

The Hearing Officer asked for testimony from Public Officials and members of the public; there was none.

Applicant Summary.

Mr. Martin said that he would “very much like to do this,” adding that he did not want the Commission members to think that the expansion was a response to the Tisbury Inn Health Club situation, “because it’s not. There’s a lot more to this than that issue.” His experience had been that the fitness club aspect of the business had been growing, and to be a full-service fitness facility, the owners had “to go to the next level.”

When the Hearing Officer asked Ms. Rand when the LUPC could do its Post-Public Hearing Review of the project, Mr. Donaroma made a Motion To Suspend The Regular Meeting And Go Into A Special Session of the Land Use Planning Committee, duly
seconded by Ms. Brown. By Voice Vote, said Motion carried, with 15 Ayes, no Nays and none Abstaining.

Land Use Planning Committee Special Session.

Ms. Sibley made a Motion To Recommend To The Full Commission That They Approve The Vineyard Tennis Center And Fitness Club Modification (DRI #425M-2). Ms. Greene said that she wanted to look at the earlier Decision on the previous Modification (DRI #425M) before approving this request. Mr. Toole reminded Ms. Sibley that the committee had to look at the affordable housing offer. Ms. Sibley amended her Motion as follows: That The Land Use Planning Committee Recommend To The Full Commission That They Approve The Vineyard Tennis Center And Fitness Club Modification With Conditions. Mr. Donaroma provided a Second.

Mr. Donaroma suggested that the Conditions include accepting the Applicant’s offer to change the lighting plan to include a motion-sensored system. Ms. Brown recommended the following Performance Condition: That the landscaping will be maintained — or enhanced if necessary — to continue to screen the facility from Airport Road.

Mr. Best mentioned the affordable housing contribution issue. Mr. Toole noted that the Applicant had made an offer of $300. Mr. Donaroma pointed out that in the case of Airport Business Park projects, the Commission had lowered the recommended contribution to 30 percent of the amount arrived at through the formula contained in the MVC’s Affordable Housing Policy. Ms. Brown read aloud the passage in the policy pertaining to that agreement:

“Any development of Regional Impact greater than 2,000 square feet shall provide to the Dukes County Regional Housing Authority a monetary contribution equal to 30 percent of the sum that would be provided if the development were somewhere else.”

Ms. Greene pointed out that the project before them was not in the Airport Business Park. “But it is at the airport,” noted Ms. Brown.

Responding to a query from Ms. Brown, DRI Coordinator Rand stated that the proposed addition measured 5,300 square feet. “And in the original Decision in ’96,” she reported, “the Applicant paid the Housing Authority one thousand twenty dollars.” Mr. Donaroma asked about the size of the original building. Mr. Best wondered if the Applicant had [inaudible]. Ms. Rand replied, “I’m sure the answer is yes to that, but I don’t know. I’d have to go look.”

The discussion regarding the affordable housing contribution continued. Ms. Rand emphasized that the Commission could accept a contribution offer but could not condition an amount that the Applicant had not offered. “But we can encourage the
Applicant,” suggested Mr. Israel. “That’s all you can do at this point, yes,” said Ms. Rand.

After more exchanges, an agreement was reached on the wording of the Condition: That the Commission accepted the Applicant’s offer of a $300 contribution for affordable housing, but that the Commission encouraged the Applicant to donate instead $600, which fit the formula found in the MVC’s Affordable Housing Policy.

Chairman Vercruysse wanted to know if the presence of a permeable surface for the new parking area was part of the Applicant’s submission. “Let’s toss that in as a Condition,” recommended Ms. Brown. “The parking lot will be a permeable surface – no paving.”

Mr. Donaroma seconded Ms. Sibley’s Amended Motion. Mr. Toole summarized the proposed Conditions: motion-sensored lighting; acceptance of the $300 affordable housing contribution with encouragement of a $600 contribution; the maintenance – or enhancement, if necessary – of the landscaping so as to continue to screen the facility from Airport Road; and a permeable surface for the new parking area.

“We’re going to have to make another change,” said Ms. Greene. Referring to the Written Decision for the Applicant’s earlier Modification request (DRI #425M), she continued: “In the last Decision, the Applicant made testimony that the ‘uses of the facility shall be restricted to those related to the tennis club and not to include such things as weddings, large-scale functions or similar activities.’”

“Somehow, you’re going to have to un-limit him to things related to the tennis club to allow this to happen,” Ms. Greene stressed, “because it was conditioned before that it only be limited to a tennis club.” “Tennis and health,” interjected Mr. Donaroma. Ms. Sibley suggested a Motion to modify the original Decision.

Ms. Rand stated that she did not believe that the Commission had to modify Written Decision #425M. Ms. Greene recommended an additional Condition simply include the words “and fitness.” [Thus, the Condition would be worded: That uses of the facility shall be restricted to those related to tennis and fitness and not to include such things as weddings, large-scale functions or similar activities.]

Ms. Sibley and Mr. Donaroma accepted that Amendment to their Motion. Mr. Toole conducted a Voice Vote on said Motion, which carried unanimously, with 15 Ayes, no Nays and none Abstaining.

Ms. Brown made a Motion That The Commission Return To Its Special Meeting, duly seconded. By Voice Vote, said Motion carried unanimously.
Discussion/Vote: Vineyard Tennis Center and Fitness Club Modification (DRI #425M-2).

Ms. Brown made a Motion To Move To Item Six, Possible Vote: Vineyard Tennis Center And Fitness Club Modification, duly seconded by Mr. Donaroma. Ms. Brown then made a Motion That The Commission Approve The Application As Submitted, Subject To Conditions Recommended By The Land Use Planning Committee, duly seconded by Mr. Israel.

As to discussion, Mr. Zeltzer observed that he would rather see traffic out at the Airport than, say, on Main Street or The Triangle. Mr. Veno then conducted a Roll Call Vote on Ms. Brown’s Motion, with the following results:

AYES: J. Atheam; J. Best; C. Brown; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercreysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

NAYS: None.

ABSTAINING: None.

New Business: Concurrency Votes on Woodside Village IV and Woodside Village V (DRI Nos. 553 and 554).

Ms. Rand reported that two Island Elderly Housing projects – Woodside Village IV and Woodside Village V – had been referred under a Standards and Criteria item that required a Concurrency Vote before Public Hearing. “So moved,” said Ms. Sibley. Ms. Brown provided a Second. Ms. Rand pointed out that the Commission had to take the Votes separately.

Ms. Brown made a Motion That The Commission Concurred With The Referral Of Woodside Village IV Proposal, duly seconded by Ms. Sibley. By Voice Vote, said Motion carried unanimously, with 15 Ayes, no Nays and none Abstaining.

Ms. Brown made a Motion That The Commission Concurred With The Referral Of Woodside Village V Proposal, duly seconded by Ms. Sibley. By Voice Vote, said Motion carried unanimously, with 15 Ayes, no Nays and none Abstaining. The time was 10:06 p.m.

Correspondence: Public Hearing on Oak Bluffs’ Withdrawal from the MVC.

Acting Executive Director Irene Fyler reminded the members to take a look at a piece of correspondence in their packets from State Senator Robert O’Leary regarding the upcoming Public Hearing on the Town of Oak Bluffs’ withdrawal from the Commission.
[See the meeting file for a copy.] Mr. Veno suggested that the Commission members consider whether and/or how they wished to offer testimony at that Hearing.

Ms. Sibley made a Motion to Adjourn, duly seconded. The Regular Meeting adjourned at 10:08 p.m.

PRESENT: J. Athearn; J. Best; C. Brown; M. Cini; M. Donaroma; J. Greene; T. Israel; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; R. Wey; A. Woodruff; and R. Zeltzer.

ABSENT: A. Bilzerian; E.P. Horne; J.P. Kelley; C.M. Oglesby; and R.L. Taylor.

[These Minutes were prepared by Staff Secretary Pia Webster using her notes and a tape recording of the Regular Meeting.]