



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

**Minutes of the Commission Meeting  
Held on August 26, 2004  
in The Stone Building,  
33 New York Avenue, Oak Bluffs, MA**

**IN ATTENDANCE**

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**Commissioners:** James Athearn (Elected – Edgartown), John Best (Elected Tisbury), John Breckenridge (Appointed - Oak Bluffs), Christina Brown (Elected – Edgartown), Linda DeWitt (Appointed - Edgartown), Jane A. Greene (Appointed - Chilmark), Ned Orleans (Appointed - Tisbury), Megan Ottens-Sargent (Elected - Aquinnah), Robert Schwartz (Appointed - West Tisbury) Doug Sederholm (Elected - Chilmark), Linda Sibley (Elected - West Tisbury), Paul Strauss (County Comm. Rep.), Richard Toole (Elected – Oak Bluffs)

**Staff:** Paul Foley (DRI Analyst), Christine Flynn (Economic & Housing Planner); Mark London (Executive Director), Srinivas Sattoor (Transportation Planner), Bill Wilcox (Water Resources Planner)

Jim Athearn called the Regular Commission Meeting to order at 7:38 p.m. Note that this meeting was postponed from the previous week.

**1. VINEYARD HOME CENTER (DRI 339M-3) – CONCURRENCE REVIEW AND MODIFICATION**

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*Commissioners present: J. Athearn, J. Best, J. Breckenridge, C. Brown, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, D. Sederholm, L. Sibley, R. Schwartz, P. Strauss, R. Toole*

*For the applicant: Adam Wansiewicz, owner, and Doug Hoehn, representative.*

**Adam Wansiewicz** explained the proposal.

- The Vineyard Home Center is located in rented premises at 426 State Road and plans to purchase the building at 454 State Road, formerly Spinnaker Lanes bowling alley and then the Black Dog Warehouse.
- He wants to move the kitchen display area and some offices from the second floor of its 426 location to the front third of the 454 building. This is the only climate-controlled space. The back part of the building will be used for storage without retail activity.
- The existing second floor space at the 426 building will continue to be used for display of doors and windows as well as offices.
- The traffic should be limited since it will consist mostly of traffic already coming to the 426 location that is shifted to the 454 building. This will replace the traffic that Black Dog had generated.

- He plans on using the existing driveway and to direct customers to this location with signage. He expects to deliver merchandise directly to 454 and sees no need to transfer inventory from one building to another.

**Doug Hoehn** explained that this proposal doesn't trigger a DRI review on its own, but was referred because it was previously a DRI.

**Linda Sibley** said that the proposed change of use seems relatively benign but the current situation of curb cuts is problematic and the Commission should see whether there is an opportunity to deal with it.

**Mark London** said that it would appear that the proposal would generate traffic between the two locations. Notwithstanding the signage, many customers would likely go to the main building and then be redirected to this location. Also, since the storage in the back part of the building would not be used for retail activity, goods would have to be moved from it to the main building.

**Richard Toole** pointed out that the main building already has two curb cuts and favors a road linking the two properties. **Doug Hoehn** said the present owner might not want to give up his curb cut that could affect the future use of the property. **Linda Sibley** said that even if they don't give up any curb cut, they could undertake not to use one of the curb cuts as long as both properties are within the same operation.

**John Best** said that it was to their benefit to sort out the traffic on the two properties, in addition to being a benefit to State Road. He has no problem with usage. He realizes that there are limits to the improvements that can be made since there are two ownerships, but suggested postponing dealing with this application until this issue is resolved.

**Doug Hoehn** said that there is a logical place for the vehicular link between the properties and he could modify the proposal to include this.

**Paul Foley** summarized the staff report including a review of the previous DRIs on the site. He noted that the State Road Corridor Task Force study carried out several years ago pointed out a problem related to three-point turns that trucks must now make on State Road to get into the Vineyard Home Center. This proposal could provide an opportunity to resolve this issue.

**Christina Brown moved and it was duly seconded to note that the Commission is in agreement with the change of use, to note the Applicant's willingness to come up with a solution to the traffic problems related to customer access and to delivery, and that the Commission differ action until the Applicant returns with a proposal to deal with the traffic and delivery issue.**

- **Megan Ottens-Sargent** suggested this proposal include the possibility of a future bicycle path along State Road, as has been discussed with the Nobnocket site.

**A voice vote was taken. In favor: 13. Opposed: 0. Abstentions: 0. The motion carried.**

## **2. DUKES COUNTY SAVINGS BANK (DRI 578) – CONTINUED PUBLIC HEARING**

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**Jim Athearn** recused himself and left the room.

Commissioners present: J. Best, J. Breckenridge, L. DeWitt, J. Greene, N. Orleans, M. Ottens-Sargent, R. Schwartz, D. Sederholm, L. Sibley, P. Strauss, R. Toole

For the Applicant: Joanne Gosser, architect, Synergy mv; John Lolley, engineer; Randy Hart, Traffic Consultant, Vanasse Hangen Brustling (VHB); Kristen Reimain, landscape architect; Bob Wheeler, Executive Vice President, Dukes County Savings Bank; Glenn Provost, Vineyard Land Surveying

The following Commissioners made disclosures:

- **Megan Ottens-Sargent** said she had no direct dealing with bank but someone she represents does have dealings with the bank;
- **John Best** said that his wife had worked with the principal representative of client and that he represents a property for sale across the street; the Ethics Commission has confirmed that this does not represent a conflict and he is filing a written disclosure with the Town of Tisbury;
- **Linda Sibley** said that she has an employee that is married to a bank employee.

No Commissioners or members of the public had any comments or objections with respect to these disclosures.

**Christina Brown** reopened the public hearing recessed from August 12, 2004. She noted that the Applicant had replied in writing to most of the questions raised at the first session of the hearing.

**Paul Foley** said that he distributed an updated staff report including the following.

- A memorandum from Joanne Gosser – “August 20, 2004, Response to Commissioner Requests from Public Hearing” including a 1998 21E soil contamination report on the site and an additional traffic Memorandum from Randy Hart dated August 17, 2004; two letters dealing with the daycare, and “Further Comments on Affordable Housing”.
- A note from Bill Wilcox on the 21E and stormwater management.
- A note from Christine Flynn on the affordable housing contribution.
- A list of conditions from a 1999 DRI on the site (#507) including a condition requiring that along State Road, there would be a 10’ easement for a bike path and 20’ no-cut no-build zone and, along the western edge of the property, a 30’ band including a no-cut no-build zone and a 3’ easement for a walking path.
- Letters of support from Gervais, abutter, and Island Elderly Housing.

*[Note that this session of the hearing was carried out one topic at a time, with the Applicant’s presentation, staff report and other testimony in each section. The minutes reflect this organization.]*

## **2.1 Traffic and Transportation**

**Randy Hart** summarized his new memo that gave written responses to the questions raised at the last session.

- Information about the gap study was in his original traffic document but he brought out the description in the memo. The gap study indicates that there are 197 peak-hour gaps suitable for left turn movements onto State Road and the project will generate 63 left turns.
- With respect to the effect on West Spring Street, there will be 5 new vehicle trips during the morning peak hour and 11 new trips during the evening peak; in both cases, the level of service will remain at C.

- With respect to the effect on Saturday afternoon, he made new projections not included in traffic study. As anticipated, the project has much less impact than on weekdays since the only component open on Saturday is the branch, which will be open from 9-12 a.m.
- With respect to the question of using ITE figures as basis for projections, he compared the figures with observations on the Island and found that the ITE figures were very conservative (the likely traffic would be much less than that suggested by ITE). Table 4 breaks down what the traffic generation is by department. ITE results in an estimate of 760 trips whereas empirical observation gives 480 trips. The estimate of 150 customer trips is based on the average weekly number of transactions in the Vineyard Haven branch; the North Tisbury branch used to have more but the number has declined since the Chilmark branch opened.

**Mark London** said that apportioning traffic capacity to new projects on a limited-capacity road such as State Road is analogous to apportioning wastewater capacity on nitrogen-limited ponds. This is done on the basis of acreage. He pointed out that this proposal would generate 145 peak-hour trips for a 5.1-acre site. The proposed gas station on High Point Lane that was denied by the Commission would have generated 144 trips for a 2.1-acre site, or 2½ times the density of trips per acre.

**Megan Ottens-Sargent** asked for clarification on development of rest of site. **Bob Wheeler** said that the Bank has no plans to develop the rest of the site and that the topography would make development very difficult but it is not prepared to make binding commitment that there would be no further development.

**Srinivas Sattoor** raised three issues related to the traffic study.

- It does not address the proposal to use Holmes Hole Road as a connector road linking to the Edgartown – Vineyard Haven Road. An earlier study had suggested that a connector road might produce as many as 4000 trips although the current proposal is to have three access points to State Road that would disperse the trips and reduce the number on Holmes Hole Road.
- The gap study did not deal with left turns from State Road onto Holmes Hole Road.
- The sight distance from the proposed south entrance (at the top of the hill) is less than AASHTO guidelines.

**Randy Hart** gave the following replies.

- It is difficult to analyze the impact for the possible connector road, since the proposal has not been worked out or studied yet. This will involve a very large study.
- The gap study only looked at left turns from Holmes Hole since that movement must cross two lanes of traffic. By demonstrating that this did not pose a problem, it follows that there would not be a problem crossing only one lane to turn left from State Road.
- They intend to trim vegetation in order to create a sight line corridor that will allow respecting the AASHTO guidelines. The second access was moved up to this location in order to improve sight distance.

**Linda Sibley** asked whether cars turning left onto Holmes Hole would back up around the bend in the road where visibility is limited. **Randy Hart** said that this would not be the case and that the road and shoulder is wide enough to allow a car to get around a left-turning car. **Linda Sibley** noted that this would not be the case if the Town ever installed a curb and sidewalk.

**Mark London** asked why there is an access road running parallel to the parking at the back of the site. It leads to only a small number of parking spaces at the daycare, it requires a large additional amount of pervious area, and it is very close to the property line of the abutter. Would simply driving through the parking lot not be acceptable? **Randy Hart** said that this entrance gives the best angle of approach on Holmes Hole Road, namely a right angle and allows those going to the daycare to avoid other traffic. Also, having cars enter the parking lot at the center means fewer conflicts. **Linda Sibley** said compromise might be possible, with the first portion as a separate road and the remainder going through the parking lot. It was also pointed out that an abutter, Peg Goodale, had testified that she had no objection to the proposal.

**Tristan Israel** is a Tisbury selectmen and lives nearby.

- He feels that the use is appropriate for the B2. The project and building were well designed. The daycare is a positive feature.
- He has concerns about the overall scope; this is a large project that will generate a lot of traffic. The traffic study was thorough. He is concerned about the impact the project will have on State Road, about sight lines and about turning movements at peak hour. He is not opposed but is concerned about the cumulative effect of additional projects along State Road. There may be enough gaps for this, but will there be enough for the next project? He is not in favor of a bypass road and notes that, if it is built, that traffic will add to these numbers.

**Joanne Gosser** said that the Bank has offered to implement staggered work hours in accordance with operational requirements of the Bank.

## **2.2 Site Decontamination**

**Joanne Gosser** said that 21E information from a previous application had been included because there was a commercial real estate transaction and the site had formerly been used as a garage.

**Bill Wilcox** summarized his written report that was given to Commissioners on the 21E-type analysis.

- It had been done in 1988 and included observation wells and test pits; soil and groundwater samples had been analyzed at a DEP-approved lab.
- The study had found chloroform, which is naturally produced in seawater and is also produced as a result of the chlorination of water (pools, household bleach).
- The study found phthalates, a substance added to plastic materials such as the PVC pipes used in observation wells and therefore likely the result of contamination from the observation wells.
- The study found a low concentration of metals in the groundwater.
- Hydrocarbons were found in one well and in two soil samples, but they could not identify the source; it could have been on site. The soil contamination was found near the location of an underground fuel tank and a 55-gallon drum.
- The consultant recommended further investigation under the former building at the time of the demolition of the slab. Bill recommends that a licensed site professional be on site when the slab is removed to sample the soil and ensure that there are no hydrocarbons.
- He is not aware of any testing since that study.
- He noted that the landfill is down or across gradient and could not be the cause of contamination.

- He understood that the fuel tank and oil drum had been removed.

**Joanne Gosser** clarified that all surface sources of contamination were gone but it is not clear whether the tanks were removed. Since the Bank would assume liability at the time of sale, they will ensure that the tanks have been removed while the seller is still liable, before the transaction is completed.

**Linda DeWitt** noted that the minutes of the last meeting indicated that the 21E study was done and the tanks were removed; this needs to be corrected. It was noted gas station was only used for 2 years and, other than that, the most likely source of contaminants was painting supplies. Joanne Gosser said that though there was a 21E report, this was not a 21E site. She indicated that it is not yet clear whether tanks have been removed or not.

**Megan Ottens-Sargent** asked about hazardous materials. **Bill Wilcox** said that any hazardous materials above threshold concentrations must be reported to DEP, which has a program to require removal and disposal. **Megan Ottens-Sargent** asked whether Bill Wilcox would suggest more monitoring wells. **John Lolley** noted that there are now 14 wells.

**Bill Wilcox** agreed that this was not necessarily a 21E site, the report was to a client and there were not necessarily requirements beyond this. **Bob Wheeler** repeated that the Bank will not buy dirty site, it will insist that the seller clean the site. **John Lolley** said that when there is a spill and DEP is called in, it becomes 21E site; this is not the case here. He referred to page 11, paragraph 4 of the 21E report that said, "There appears to be a low potential of extensive hazardous materials contamination at the site" and pointed out various isolated problems.

### **2.3 Daycare**

**Bob Wheeler** described the daycare proposal.

- The program is designed to be a benefit for employees. If the facility is underutilized, they need to have the opportunity to fill in with members of the public.
- A census of current employees indicates that 11 children could use the facility. The proposal is for a daycare for 20 children.
- The building will be leased to a licensed operator for a nominal sum. The Bank will pay for the facility and utilities, and will set the rate for Bank children who will have priority. The operator will pay salaries and insurance, will maintain licenses, will recruit children, and will set the rate for non-Bank children. It will only work if it is economically viable for the operator. The details will be worked out later.
- This proposal will help with the affordability of life on the Island.
- If any aspect of daycare would lead to denial of the proposal, he indicated that the Bank would withdraw the daycare proposal.
- In response to a Commissioner's question, he said that he had not thought about subsidizing employees to use an existing daycare but noted that that approach wouldn't increase childcare capacity on the Island.

**Linda DeWitt** said that it was an advantage having the daycare close to the place of work. **Paul Strauss** said it would cut down traffic. **John Best** said there is a demand for additional daycare.

## **2.4 Affordable Housing**

**Christine Flynn** summarized the note she had distributed to Commissioners based on the memo from the Bank and a discussion with Bob Wheeler. According to the Commission's Affordable Housing Policy, the suggested mitigation for a project of this scale would be a one-time contribution of \$29,000. The proposal from the Bank is to make an additional \$3 million available in fixed rate mortgages to first-time homebuyers, meaning that the Bank could absorb \$375,000 in costs should interest rates rise. This goes beyond what the Bank has done as part of its requirements with respect to the Community Investment Act.

**John Best** asked whether this commitment is tied to project. Most other banks also go beyond Community Investment Act and also give fixed rate mortgages. **Bob Wheeler** replied that the Bank would probably continue to do this, even if project were not approved.

**Linda Sibley** said that Chapter 831 asks the Commission to evaluate whether this specific project has a positive or negative impact. The MVC policy suggests creative proposals other than the one-time cash contribution; however an Applicant making other positive contributions not directly related to the project cannot really be considered. It could be argued that the daycare contributes to affordable living on the Island.

**Jane A. Greene** said that this \$3M is their offer and is a benefit.

**Doug Sederholm** noted that the fixed-rate mortgages are based on market rates and any bank that takes a fixed-rate mortgage takes on the risks associated with changes in interest rates. He noted that the relaxed underwriting requirements and not requiring a PMI for first-time homebuyers are positive features; this is a commendable program that is an asset to the community. However, he is not comfortable using this as the offer for mitigation of a DRI.

**Bob Wheeler** noted, in response to a Commissioner's question, that the financing of resident homesites and youth lots is part of the \$8.6 mentioned in the documents, and that the recent ones were at market rates. The Dukes County Savings Bank goes beyond other banks to help first-time homebuyers and is responsive to the need of the community, with efforts that go far beyond simply contributing \$30,000 for a commercial project of this size.

**Christina Brown** asked whether there could be a clearer commitment to affordable housing. **Bob Wheeler** said would need board approval.

**Christine Flynn** said, in response to a Commissioner's question, that the Edgartown National Bank had made a contribution to affordable housing in line with the MVC's Affordable Housing Policy.

**Mark London** noted that many banks give 30-year fixed-rate mortgages and since the loans are at market rate, the interest rate is a reflection of what the market thinks the interest rate will be over the term of the mortgage. The Bank could lose \$375,000 if interest rates go up but could also make \$375,000 if interest rates go down. In any case, this is reflected in the market interest rate that the Bank charges.

**Bob Wheeler** noted that the Bank only makes fixed-rate loans to first-time homebuyers.

**Linda Sibley** said that if the Bank could not respond during the hearing, the hearing could be closed but the written record left open to let the Bank respond.

**Doug Sederholm** asked whether the written record could be kept open until after the post-hearing LUPC meeting. **Mark London** said he had recently discussed this issue with the Commission's Counsel. The Commission should generally hear all the evidence before beginning deliberations. Having a mid-hearing LUPC is an acceptable procedure because all the information that comes out at this meeting is summarized at the public hearing and the public is given an opportunity to respond. He noted that the Process and Procedures Committee had recommended that if all oral testimony had been heard but the written record was being kept open, that the hearing would not be closed but would be continued until the next meeting and would be closed at the time without any further discussion unless any substantial new written information had been received that merited public review.

**Bob Wheeler** said that he had consulted two Bank directors in the room and had decided that the Bank will offer to contribute \$10,000 a year for 3 years to recognized affordable housing group such as the Island Affordable Housing Fund or Tisbury Housing Committee.

## **2.5 Stormwater and Wastewater**

**John Lolley** discussed the issue of the possible use of permeable pavers for parking lots.

- Last week, after Hurricane Charley, he went around the Island to see how they performed and noted considerable pooling of water. He feels that some pavers might work briefly, but grass pavers don't work well since the topsoil needed for the grass clogs up. These pavers are quite expensive. They are best used in areas of limited traffic such as overflow parking or emergency access routes.
- Instead of pavers, he proposes to use chipcoat asphalt. On a base layer of asphalt with a tack coat, crushed aggregate under 3/8", is applied with a roller. It was used on Boldwater Road. This is rougher than asphalt so it slows rainwater runoff.
- There is a choice of aggregate color. They are planning to use a light-colored stone out of Goodale's pit.
- In response to a Commissioner's comment that this was an exceptional rain, he said that a stormwater system is normally designed for 10-year storm with 2" of rain per hour. Charley was much less than that.

**Linda Sibley** noted that there are other detriments to asphalt such as retention of heat. **Richard Toole** said that grass breathes. **John Breckenridge** noted that the proposal is to minimize catch basins and that pollutants from cars would run off to the vegetative buffer.

**John Lolley** said that on the basis of his discussions with Bill Wilcox, a 20' vegetative buffer before the percolation trench would trap pollutants; any problem would be visible and could be dealt with. There will be oil separators in catch basins.

**Bill Wilcox** commented on the proposed stormwater management system.

- In Zone II, the generally recommended approach is to disperse stormwater into a vegetative buffer. If runoff is concentrated, it is recommended that there be a deep-sump catch basin, or water-quality inlet with hooded outlet to retain hydrocarbons prior to infiltration. The Bank's proposal is a good system.
- There are 27,000 sq. ft. of parking, and 16,800 sq. ft. of road. For such a large area, infiltration units could clog and a vegetative buffer is a better system to provide pre-treatment.

- The minimum width of the vegetative buffer is at least 20'. He sent the proposal to Don Liptack of Natural Resource Conservation Service and hasn't gotten a recommendation yet as to whether the vegetative buffer should be wider.
- The system needs a regular maintenance program.

**Paul Strauss** asked how it is determined when swales are not enough and when storm drains are needed. **Bill Wilcox** said that this is determined in the detailed design phase. **John Lolley** said that this will be done and needed a lot of engineering work, soil tests etc.

**Kristen Reimain** noted some paved areas are edged with curbing and so stormwater cannot run into the vegetative buffer.

**Paul Strauss** noted that there is more than an acre of impervious surface. There is an interest in reducing infiltration of pollutants into groundwater. How do we ensure that this is done?

**Bill Wilcox** said that the site is large enough to do this. **John Breckenridge** said that the Commission could condition that, prior to issuance of a building permit, that a stormwater management plan acceptable to the Commission be required.

**Bill Wilcox** pointed out that the volume of runoff could be reduced by 20% by eliminating the road behind the parking lots.

**Mark London** questioned whether pervious pavement systems could be dismissed out of hand on the basis of limited anecdotal observation and wondered how there could be many companies offering this technology if it does not work. He noted that the proposal was that the building would not be fully occupied at first and asked about possible strategies to limit impervious paving including building some of the parking later, when and if it was needed, or using pervious paving for those sections of the lot that would be less actively used.

**Jane A. Greene** said that system was used by Dukes County Savings Bank in Oak Bluffs and didn't work as it was supposed to.

**John Breckenridge** asked about the proposed nitrogen reduction system and whether Bill Wilcox was satisfied that the system would be adequate for the watershed. He commented that composting toilets would not be feasible. **Bill Wilcox** said that recirculating sand is a good and reasonable system. He expects 40% nitrogen reduction from the system, plus possibly an additional 15% reduction at the soil leaching area. Short of package treatment, this is in league of other denitrification systems. The system needs regular state-mandated inspection. **Megan Ottens-Sargent** noted that nitrogen reduction works better with year-round use such as this proposal.

## **2.6 Other Permits**

**Joanne Gosser** replied to the question about what other review of the project would be required.

- Board of Health review for the septic system and compliance with Title 5 based on use and occupancy.
- Planning Board for of-street parking, stormwater plan, lighting and landscaping.
- ZBA for the drive-up window and a reduction of parking requirements (the latter not noted in their note).

- Building Department for usual permit for construction plus compliance with the Island Road District By-law.

**Ned Orleans** noted that there was no mention of ADA requirements, assuming the building inspector normally did this. **John Best** noted that the Kidder Building was apparently not ADA compliant.

**Joanne Gosser** said the Bank offers to make the buildings ADA compliant. She noted that it was possible to add an elevator within the proposed stairwell without changing the exterior appearance.

## **2.7 Site Design and Landscaping**

**Joanne Gosser** said that the Bank offers the same condition as the previous application for the site with respect to the walking path. She will be in touch with Margaret Curtain. The question of liability needs to be clarified. She also said that if and when the town or state plans a 10-foot walking or bicycle path along State Road, the Applicant would grant a 10-foot easement to accommodate it on either State Road or Holmes Hole Road.

**Mark London** asked what the landscaping along State Road would be like. The proposal is to remove the invasive vegetation, keeping only the trees, and reintroduce a multi-layered hedgerow with a low berm to hide the parking. However it is not clear how dense the planting would be, nor what the planting on the State Road side of the berm would be. Presently, there is a considerable depth of dense vegetation; with the proposal, the 35'-high building could become quite visible.

**Joanne Gosser** said the building would be somewhat visible from some locations such as coming down State Road. **John Breckenridge** said that it appeared that most proposed trees were deciduous and there would be good view into site in the winter; he would encourage more evergreens and a planting plan that would clearly aim to maintain rural character. **Linda Sibley** said that the conditions could outline desired nature of the definitive landscaping plan; she also asked for clarification of the presence of beech groves.

**Christina Brown** asked whether there were any public officials or members of the public that wished to give additional testimony. There were none. The Applicant's representatives indicated that they had nothing to add.

**Christina Brown** closed the public hearing at 10:15 p.m.

## **3. UPCOMING LUPC MEETINGS**

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Monday, August 30, 2004 - 4 Causeway, mid-hearing review, the proposal has been modified.

## **4. OTHER BUSINESS**

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### **4.1 Executive Director's Report**

**Mark London** reported on various matters.

- On August 25, he accompanied the County Commissioners on their annual visit to Cuttyhunk. Gail Blout, Chair of the Board of Selectmen said that the Town of Gosnold wishes to prepare a Master Plan. Mark offered the assistance of the MVC.
- There are two surveys underway. An origin-destination survey was carried out at the State Road / Edgartown Vineyard Haven Road intersection. A residents and visitors survey was included in last week's newspaper.
- There will be a Planning Economic Development Committee meeting on September 9 at 6:00 p.m. to discuss the Commission's policy with respect to nitrogen loading in DRI review.
- The annual meeting of the Cape and Islands Regional Planning Alliance will take place on October 22 in Nantucket. It will deal primarily with water issues and will include a tour of pertinent projects. All Commissioners are invited to attend.

#### **4.2 Aquinnah Community Taskforce**

The Town of Aquinnah has requested that the Commission name a representative to the Aquinnah Community Taskforce, either a Commissioner or a designee. The purpose is to search for funds to defray expenses attributable to tribal housing. This could either be from existing sources of public or private funds, or new rules, regulations or legislation at the state and/or federal level.

The following issues were raised:

- The government initially promised funding but the legislation was subsequently changed to require that 4% of the population live on federal lands, a limit that is not reached when counting all the population in the Up-Island School District.
- Could someone from the community be identified that has ties to the federal bureaucracy or the legislature?
- Would the assistant county manager be a possible candidate?

It was agreed to ask the Chairman to make the appointment based on the discussion.

#### **5. MINUTES**

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It was agreed that the names of Commissioners attending non-regulatory portions of a meeting not be listed. It is the responsibility of the Chair to ensure that there is a quorum.

##### **5.1 Minutes of May 20, 2004**

Page 11, line ?? should read: ". . . the filing of an ENF which . . ."

Page 15, line 4 should read: ". . . brought up over open land but . . ."

Page 16, line 33 should read: ". . . they want to work with someone who . . .".

***Jane A. Greene moved and it was duly seconded to adopt the minutes of May 20, 2004 with the above corrections. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion carried.***

The meeting adjourned at 10:42 p.m.

James A. Athean  
Chairman

Sept. 30, 2004  
Date

James A. Athean  
Clerk-Treasurer

9/30/2004  
Date