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**Minutes of the Commission Meeting
Held on December 15, 2005
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

P James Athearn (E – Edgartown)	P Ned Orleans (A – Tisbury)
P John Best (E – Tisbury)	P Megan Ottens-Sargent (E – Aquinnah)
P John Breckenridge (A – Oak Bluffs)	P Deborah Pigeon (E – Oak Bluffs)
P Christina Brown (E - Edgartown)	P Jim Powell (A – West Tisbury)
P Carlene Condon (A – Edgartown)	P Doug Sederholm (E – Chilmark)
P Martin Crane (A – Governor Appointee)	P Linda Sibley (E – West Tisbury)
P Mimi Davisson (E – Oak Bluffs)	P Paul Strauss (County Comm. Rep.)
P Chris Murphy (A – Chilmark)	P Andrew Woodruff (E – West Tisbury)
P Katherine Newman (A – Aquinnah)	

Staff: Mark London (Executive Director), Bill Veno (Senior Planner), Paul Foley (DRI Coordinator), Christine Flynn (Affordable Housing & Economic Planner), Bill Wilcox (Water Resource Planner)

1. WORLD REVIVAL CHURCH: PUBLIC HEARING (CONT.)

For the applicant: Tom Conroy, attorney; Darran Reubens, architect, Terrain Associates; George Sourati, septic engineer, Sourati Engineering; Ronie Rezende, pastor/applicant

Christina Brown reopened the public hearing and outlined the proposal of the World Revival Church.

1.1 Applicant's Presentation

Tom Conroy presented the revised proposal.

- The new design for the front of the building eliminates the carport overhang and the side wings, and changes the windows.
- The new design reduces the overall square footage by reducing the size of the entry and the community room.
- The steeple has been added back on.
- The driveway has been moved and curves to the side, leading to entries on either side of the building.
- The building will occupy 8% of the site; driveway and walkways comprise approximately 27% of the site.
- The church will install an air-conditioning system.
- Susan Metzger, landscape designer, provided a landscape plan with plantings identified.

- The water flow plan is based on Wednesday, Saturday, Sunday services from 7-9:30 p.m. and daycare 180 days per year.
- Other modifications include changing the direction of the pulpit, moving the office, and increasing the size of the ladies room.
- Regarding traffic, the Church is committed to subsidizing passes, setting up a donation fund for passes, and encouraging ridesharing and foot traffic.
- The kitchen will have no fryolator and Araujo Brothers will service the septic system at least twice a year.
- To address sound concerns the Church will install an air conditioner; additionally, walls will be acoustically treated and double-insulated.
- The number of parking spaces has been reduced from 86 to 74; the Church has commitment letters from the Masonic Hall and neighboring funeral home to help with overflow parking.
- Exterior lighting will be ground lighting less than 3 feet with downward illumination.
- Cedar fencing will create a buffer between the Church and Buddy's Lane.
- Nitrogen loading comes within acceptable limits based on 200 people meeting 3 times a week, although it is more likely that 65 people will attend each service.
- The Church has tried to address concerns in a straightforward manner to everyone's benefit.

1.2 Staff Report

Paul Foley gave the staff report.

- The Church has been reduced by 1000 sq. ft. and the parking area by 5500 sq. ft. The Church will promote carpooling and subsidize VTA passes, creating a fund for contributions. The Church has moved the driveway and is willing to share access with neighbor Charles Fraser.
- The length of the building has been reduced by 40 feet and the entrances are at the side.
- A landscaping plan has been submitted.
- The new plan does not indicate significant changes in traffic impact.
- A few people have expressed concerns about noise, but nobody has submitted concerns in writing.

Christina Brown asked whether Oak Bluffs has a parking-to-seats ratio.

1.3 Wastewater

Bill Wilcox reported on nitrogen loading and the proposed wastewater plan.

- The project is in the watershed of a nitrogen sensitive pond.
- The applicant has proposed using a BioClere system that will reduce nitrogen by -45%.
- The nitrogen load limits for Sengekontakt Pond range from 5.1 kgs per acre for highest water quality up to 15.3 kgs per acre per year for average water quality.
- Based on three services and three full kitchen uses per week, the nitrogen calculation is 7.2 kgs per acre for lowest use. Adding daycare with up to 30 students would add about 1 kg per acre per year. 9,000 square feet of landscaping, if fertilized, would add approximately 2 kgs per acre per year. If low maintenance plants are used, nitrogen could be reduced to 1 kgs.
- BioClere systems need maintenance. The Commission may want to review the maintenance contract and ask for quarterly to annual testing to ensure the system meets denitrification numbers.

- George Sourati has designed a plan for infiltrators, catch basins, and a drywell. He has discussed the plan with George Sourati and is comfortable with it. The applicant has said he will have the grease trap pumped twice a year. The grease trap will have to be inspected regularly.
- With respect to nitrogen figures and Sengekontacket Pond water quality:
 - the Church numbers may be different from the average residential source because this is non-residential and will have intense use three days a week; the designers of the BioClere system have the ability to tweak the system; he assumes that 15 mg/l of total nitrogen can be obtained, probably by adding a carbon source;
 - a higher intensity use would imply a higher nitrogen loading number;
 - system performance is better when the ground temperature is warmer;
 - indicating that the annual test should be done between November 15th and April 15th;
 - Sengekontacket Pond water quality is somewhat in the average range meeting about 60% of the Buzzards Bay rating system. In the upper reaches of the pond, the water quality isn't as good;
 - The water quality numbers would fall somewhere between a low of 5.1 kgs. per acre per year and 15.3; he doesn't feel that 15.3 will be reached because it's based on 5 days use per week, year-round.

1.4 Exterior Lighting

Linda Sibley asked about exterior lighting and where lights will be located. **Tom Conroy** said the black boxes on the plan will be exterior; the exterior lights will be turned off manually; no security lighting is planned. **Darren Rubens** said they haven't planned lights at the entrance so as not to disturb the traffic.

Linda Sibley recommended having some lighting at the entrance for safety. **Darren Rubens** offered that the plan would include lighting at the entrance.

1.5 Landscaping

Linda Sibley commented that the landscape species as labeled don't coincide with the drawings or the pictures. **Christina Brown** asked if the intention is to provide screening because the plants as listed won't provide shade.

Darren Rubens added that a note on the plan says the entrance used for clearing the lot will be re-vegetated with inkberry and red maple.

John Best asked about the picnic tables shown on the plan. **Darren Rubens** said the picnic tables would be used if the church were to have an outside function on the lawn. **Tom Conroy** said the picnic tables would be located on the rear of the building; there is no planned regular use of the tables; the daycare might use two or three in summer.

Megan Ottens-Sargent asked about the note that the area along the front will be re-planted with white pine, spruce and cedar. **Tom Conroy** explained that the entrance created when clearing the lot would be replanted with white pine cedar and spruce. **Christina Brown** said that's different than what Mr. Rubens said; the landscape plan needs to be more specific and detailed.

John Breckenridge asked about the height of the cross. **Darren Rubens** said it would be 7 feet tall.

Carlene Condon said the long stretch of fencing along Buddy's Drive creates an unwelcoming aesthetic. **Darren Rubens** said that it is planned as a visual buffer and will have vines on it.

1.6 Other

There was a discussion of the daycare.

- • **Tom Conroy** said there is no plan for daycare for 30 kids for 180 days. During services 2 to 7 year olds are in daycare for part of the service. Proposing 'daycare' was a way of presenting water use figures.
- • **Doug Sederholm** suggested that daycare and building use shouldn't skew the wastewater in an unanticipated way.
- • **Tom Conroy** said the proposed use keeps wastewater in an acceptable nitrogen range but the anticipated use will be less than proposed.

Andrew Woodruff asked about fencing. Fencing will be on three sides and it will start at the parking lot, not at the road.

Linda Sibley said she applauds the desire to shield cars from view but wondered whether the fence needs to be so high. **Tom Conroy** said the Church would be willing to go along with whatever the Commission decides.

Mimi Davisson asked whether there is space on the site for a playground. If there isn't space, the Church may be limited in its ability to have a formal daycare.

1.7 Public Comment

John Campbell, from east side of Ryan's Way, said he has no objections to a church in the neighborhood.

- • He asked how frequently the kitchen is used.
- • He suggested traffic control during services at the entrance and exit.
- • He is concerned about outdoor services and activities and asked that outside amplification not be used.
- • DEP wastewater regulations are based on potential use, not anticipated use.
- • Trumpet vine is an invasive plant.
- • One of the easy ways to check for potential nitrogen is to monitor water use.

Tom Conroy said anticipated kitchen use would be three nights a week during the services. No outdoor amplification will be used.

George Brillard, from Buddy's Drive, expressed a number of concerns.

- • Fencing is a great shield, but he would prefer cypress because trees will outlive a fence.
- • The plan is a little bit invasive on the community.
- • He asked whether the roof will be steel. **Tom Conroy** said it would be a steel shell with shingles.
 - He is concerned about water run-off.
- • He is concerned about traffic speed on Edgartown Vineyard Haven Road.
- • He is concerned about the height of the cross and airplane traffic.
- • He is upset with the Commission and the Church that Buddy's Drive landowners weren't notified. **Paul Foley** explained that the Commission notifies people within 300 feet of the property as a courtesy. Common land abuts the property but there was no address provided

for that parcel.

John Breckenridge suggested that Mr. Braillard and the neighbors write a letter to the Commission expressing their opinion about the fence.

Andrew Woodruff asked whether room enough exists to step the fence back and plant trees as visual buffers. **Darren Rubens** explained 6 feet of space exists between the cars and the fence so the fence could be moved back.

Kathy Newman asked whether the neighbors would mind trees planted on their property to screen the fence.

George Braillard believes the fence is not necessary. Trees planted properly could give adequate screening and add to the greenbelt area. Trees might cost the same as a fence and will last a lot longer.

Mimi Davisson questioned the angle of the driveway at the apron.

John Best said he is concerned about the bikepath and site lines. It would be very prudent on the part of the applicant to have 'Stop for Bikers' signage.

George Sourati said the roof system will be serviced with two leaching pits. The parking lot will slightly pitched crushed stone with infiltrators.

George Braillard added that he has a crushed stone driveway which over eight years has holes and pits. He asked what would be done to prevent oil and car run-off from going into the groundwater.

John Best asked about roof materials. They are gray asphalt shingles on a steel shell.

Christina Brown closed the session of the public hearing and left the written record open until Tuesday, 12:00 p.m.

Tom Conroy asked about procedure; **Linda Sibley** said that after the written record is closed LUPC meets to review information and make a recommendation, most likely in January.

2. 7 BEACH ROAD: CONCURRENCE REVIEW

Commissioners Present: J. Best, J. Breckenridge, C. Brown, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff

Megan Ottens-Sargent moved and it was duly seconded to add at line 38 . . . 2540 square feet consisting of two apartments and retail space . . . A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 2. The motion passed.

John Best pointed out the written decision references the benefit to Affordable Housing on the Island. He suggested referencing the detriment of reducing two apartments to one. **Christina Brown** said the two pre-existing apartments weren't necessarily affordable by Commission standards. The benefit is that the donated house will be added to Affordable Housing stock.

John Best suggested that, although it is believed that the proposed building would generate less traffic than the existing building, Peter Breese's architecture office, which is likely to occupy downstairs, will generate dramatically more traffic than Travis Tuck's studio.

Christina Brown moved and it was duly seconded to change, under traffic, that the proposed project is not expected to generate a significant increase in traffic. In favor: Opposed: 9. Abstentions: 0. The motion passed.

Mimi Davisson moved and it was duly seconded that Line 38 should read . . .will demolish or assist with the removal of the building. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

Mimi Davisson moved and it was duly seconded that Line 99 should read . . .existing neighborhood and will be set back 4 feet further from the street than the current building. A voice vote was taken. In favor: 9. Opposed: 0. Abstentions: 0. The motion passed.

John Breckenridge changed a typographical error in Line 205 . . . neighbor's. Commissioners agreed.

Christina Brown moved and it was duly seconded to approve the written decision as amended. A roll call vote was taken. In favor: J. Best, J. Breckenridge, C. Brown, M. Davisson, N. Orleans, M. Ottens-Sargent, D. Pigeon, L. Sibley, A. Woodruff. The motion passed.

3. ORIGIN DESTINATION SURVEY & VISUAL PREFERENCE SURVEY DRAWING

There was a drawing of two \$100 gift certificates to Island businesses for participants in surveys. The winners were:

- Tom Moore, of Martha's Vineyard, in the Visual Preference Survey Drawing;
- Jane Drugan, from Glastonbury, Connecticut, in the Origin Destination Survey

Bill Veno reported that there were about 2400 responses to the two surveys.

4. ELECTION OF OFFICERS

Linda Sibley reminded Commissioners that the Nominating Committee had nominated the existing slate of officers to their present posts: Linda Sibley as Chair, Doug Sederholm as Vice-Chair, and Ned Orleans as Treasurer. She opened the meeting to nominations from the floor.

Ned Orleans reported, for the record, that he expects to be reappointed for 2006, but had not yet been reappointed.

John Best moved, and it was duly seconded, to close nominations. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

John Best moved, and it was duly seconded, to approve the slate of officers. In favor: 14. Opposed: 0. Abstentions: 0. The motion passed.

Christina Brown, on behalf of the Nominating Committee, thanked the incumbents for serving a second term.

5. COZY HEARTH: DRI NO. 584 – WRITTEN DECISION

Commissioners Present: J. Best, J. Breckenridge, C. Brown, M. Davidson, C. Murphy, K. Newman, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss

Christina Brown explained that she had asked that . . . *filed with the application* . . . be added to Line 53 to clarify the status of the Articles of Incorporation.

Megan Ottens-Sargent asked for clarification on the size of lot. Commissioners agreed to change Line 60 to . . . *approximately 1-acre lots*.

Christina Brown commented that the introduction is nicely written and she liked that it quotes the law.

The following changes were agreed on by Commissioners.

Benefits & Detriments

- Line 116 - . . . *sense of overcrowding.*
- Line 127 - *The clustering of houses allows achievement of a large percentage . . .*
- Line 142 - . . . *projected nitrogen loading may be considerably less . . .*
. . . *the awkwardly configured intersection of Watcha Path, Oyster Watcha Midlands Road, and Edgartown West Tisbury Road.*

Commissioners discussed whether the scenic values impact on Watcha Path was addressed in the written decision. **Christina Brown** said she felt it was addressed in Section A4.

Megan Ottens-Sargent asked about the distinction between 3-acre agricultural zoning and 3-acre rural residential. **Christina Brown** said there is no distinction except in title. In Edgartown all zoning can have agriculture. There is no specialized zoning for farming. Keeping animals requires a permit from the Board of Health.

Megan Ottens-Sargent moved to add to Line 152 . . . *due to the increase in traffic and noise, the altering of Watcha Path and the impact of construction.* The motion was not seconded.

- Line 204 - . . . *moderate income . . .*
- Line 205 - . . . *the state statute that mandates each city and town to designate 10% of their year round housing stock for subsidized low and moderate income housing.*
- Line 262 - . . . *including the owners of . . .*

Conditions – Section 1 Acceptance of Offers

Line 280 - . . . *including with respect to . . .*

Conditions – Section 2 Affordable Housing

- Line 297 - . . . *anyone, . . .*
- Line 318 - . . . *is in . . .*
- Line 328 - . . . *This restriction is to be enforced by the following means . . .*

Under Section 2.4, Commissioners discussed the definition of immediate family member, and possible restrictions on gifting and bequeathing AMI restricted houses.

Doug Sederholm moved, it was duly seconded, and Commissioners voted to suspend the rules until 11:15 p.m.

John Best moved, and it was duly seconded, to reconsider Section 2.4. In favor:

xx Opposed: 0. Abstentions: 0. The motion passed.

Doug Sederholm moved, and it was duly seconded, to make the following additions to Section 2.4:

- **The property may be gifted to an immediate family member (spouse, child, parent, sibling, and grandchild) who is not income-qualified, but may only be occupied by a person or family who is income-qualified.**
- **The property may be inherited and occupied by an immediate family member who is not income-qualified.**
- **If the property is inherited by a non-immediate-family member who is not income-qualified, it may only be occupied by persons or families who are income-qualified.**

A voice vote was taken. In favor: 9: Opposed: 0 . Abstentions: 1. The motion passed.

Section 3 Wastewater

- Line 413 - . . . *that* . . .
- Line 435 - . . . *the Commission requires:* . . .
- Line 448 - . . . *any other credible evidence* . . .

Commissioners discussed the intent of Section 3.7. Commissioners agreed to change Section 3.7 to read: . . . *shall each pay no more than one-third of the cost divided by 11 of a new on-site system.*

John Breckenridge moved, it was duly seconded, and Commissioners voted to suspend the rules to 11:30 p.m.

- Line 470 - . . . *"maintenance and monitoring agreement"*
- Line 474 - . . . *to be submitted to* . . .
- Line 496 - . . . *operation requirements,* . . .
- Line 476 . . . *the following January 31.*
- Section 3.8 - add to the last bullet . . . *but in no case shall the conditions of approval relax the total nitrogen limits.*

Section 4 Traffic, Parking, and Access

John Breckenridge asked for clarification on Section 4.2. Commissioners had agreed that the 80% AMI households would become dues paying members of the road association.

Section 5 Landscaping

Megan Ottens-Sargent asked for clarification on use of pesticides on landscaping. The language was an offer and cannot be changed.

Section 6 Building Location and Design

- Line 540 - . . . *exterior materials shall be.*

Section 9 Energy Conservation

Commissioners made no changes.

Section 8 Habitat

- Line 557 - . . . Commissioners, . . .
- Line 558 - . . . and the conservation restriction shall comply with . . .

Section 9 Exterior Lighting

Commissioners made no changes.

Section 10 Homeowners Association

Commissioners made no changes.

Christina Brown moved, and it was duly seconded to approve the written decision as modified by vote and consensus. A roll call vote was taken. In favor: J. Best, J. Breckenridge, C. Brown, M. Davidson, C. Murphy, K. Newman, M. Ottens-Sargent, D. Sederholm, L. Sibley, P. Strauss. Opposed: None. Abstentions: None. The motion passed.

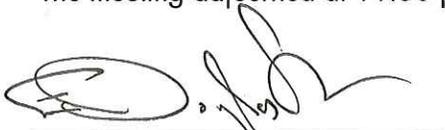
6. MINUTES

Mimi Davidson moved and it was duly seconded to approve the minutes of May 12th, August 4th, September 2nd, October 20th, and November 3rd, as written.

- ***Doug Sederholm suggested the following change: October 20th, Line 408 . . . extended in perpetuity.***

A voice vote was taken on the motion to approve the minutes as written and amended. In favor: 10. Opposed: 0. Abstentions: 0. The motion passed.

The meeting adjourned at 11:30 p.m.



 Chairman

3-8-07

 Date



 Clerk-Treasurer

3-8-07

 Date

