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**Minutes of the Commission Meeting
Held on July 10, 2014
In the Stone Building
33 New York Avenue, Oak Bluffs, MA**

IN ATTENDANCE

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

P Tripp Barnes (E-Tisbury)	P Joan Malkin (A-Chilmark)
- John Breckenridge (E-Oak Bluffs)	- W. Karl McLaurin (A-Governor)
P Christina Brown (E-Edgartown)	P K. Newman (A-Aquinnah)
P Madeline Fisher (E-Edgartown)	P Doug Sederholm (E-Chilmark)
P Josh Goldstein (E-Tisbury)	P Linda Sibley (E-West Tisbury)
P Erik Hammarlund (E-West Tisbury)	P Brian Smith (A-West Tisbury)
P Fred Hancock (E-West Tisbury)	P James Vercruysse (A-Aquinnah)
P Leonard Jason (A-County)	
P James Joyce (A-Edgartown)	

Staff: Mark London (Executive Director), Paul Foley (DRI Planner), Christine Flynn (Economic Development and Affordable Housing), Priscilla Leclerc (Transportation Planner), Sheri Caseau (Water Resource Planner)

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

1. UNIFIED PLANNING WORK PROGRAM FOR FFY2015 - DECISION

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

1.1 Staff Report

Priscilla Leclerc presented the following:

- The Unified Planning Work Project describes and provides budgetary information for the transportation planning tasks and activities which are to be conducted in the region during the coming year. The activities include transportation, graphic, mapping, and planning.
- The Joint Transportation Committee (JTC) works with the MVC on these issues and has recommended approving the program.
- The program was sent out for a thirty day review.

Fred Hancock noted this is one way that the MVC receives money other than assessments to the towns and the money comes to the MVC for projects related to transportation.

1.2 Commissioners' Questions

There was a discussion about flexibility.

- **Christina Brown** said it was her understanding that the tasks are what the MVC staff has said the Commission will be working on in the next year. How much flexibility does the MVC staff have moving around from one task to another if a town asks for more technical assistance or planning?
- **Priscilla Leclerc** said there is some flexibility. If there is a major change, then an amendment would be proposed.
- **Mark London** noted that sometimes the definition of the task is loose enough to provide some flexibility. MassDOT does not encourage changing the UPWP tasks.
- **Christina Brown** asked how much the town boards can ask of the MVC for requests and revisions.
- **Priscilla Leclerc** said the MVC tries to work in the requests and be responsive to them.

Erik Hammarlund asked if the traffic counters that have just been set at Five Corners are the MVC's? **Priscilla Leclerc** said they were and the MVC wanted to have data from the same period for this year as well as last year.

Erik Hammarlund moved and it was duly seconded to approve the plan

- **Brian Smith** noted that last year, the Commission asked to have detail of what each section is about and suggested that it be done for next year.
- **Josh Goldstein** asked how the Commission can vote on this when the Commissioners just received the information.
- **Mark London** noted the MVC received the draft UPWP a month ago and it has been out for the thirty-day public comment period since May 31, 2014.
- **Fred Hancock** said the plan went out for public comment and it is not an imposition to vote on it tonight.

Voice vote. In favor: 7. Opposed: 0. Abstentions: 7. The motion passed.

Priscilla Leclerc said when the MVC approves, both the Unified Planning Work Program and the Transportation Improvement Program go to the state as a package for approval and it is planned to go on July 17, 2014.

There was a discussion about having a tutorial.

- **Joan Malkin** asked if the MVC could schedule a tutorial to understand in more detail something that the Commission routinely approves every year, to understand what is in the document.
- **Christina Brown** said PED might be a place to have the tutorial on this year's program and learning a little more about the process and PED will work to schedule that.
- **Doug Sederholm** suggested that the tutorial be televised for the public as well.

2. TRANSPORTATION IMPROVEMENT PROGRAM FOR FFY 2015-2018 DECISION

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruyse.

2.1 Staff Report

Priscilla Leclerc presented the following:

- The Transportation Improvement Program (TIP) looks at what funding is available from federal and state resources.
- TIP sets what projects to move forward on.
- It is an ongoing funding source for the VTA and proposed projects such as the Lagoon Pond Drawbridge, resurfacing the Edgartown-Vineyard Haven Road, and the Beach Road-Winds Up to Five Corners project.
- The JTC is comprised of representatives for the towns, County and the Tribe and works with the MVC staff. The JTC may add the VTA as a voting member.
- The JTC is the committee that recommends the allocations for the TIP.

2.2 Commissioners' Questions

There was a discussion about funding for the VTA.

- **Doug Sederholm** asked that the funding for the VTA be explained, is this the only other source of funding other than the fares?
- **Priscilla Leclerc** believed the VTA also receives assessments from the towns.
- **Brian Smith** said the towns provide 25-30%, fares account for 30% and the balance is from the TIP.
- **Doug Sederholm** asked how reliable the funding is.
- **Priscilla Leclerc** said it has gotten tougher to access the funds and Angie Grant has mentioned the need to increase ridership.

There was a discussion about the resurfacing project for the Edgartown-Vineyard Haven Road.

- **Christina Brown** noted the recommended projects for the next three years and said the Scenic Roads group has been looking at a number of issues on how the Island roads are. She asked what the planning effort with the Mass DOT is for the Edgartown-Vineyard Haven Road and the relation with the Scenic Roads Committee.
- **Priscilla Leclerc** said the project was originally thought to be a simple one. Now, it is clear that it will involve more community involvement from various entities including the Scenic Roads Committee.
- **Mark London** noted that the Edgartown-Vineyard Haven Road is town owned, so if the Boards of Selectmen do not approve the project, it won't happen.

Josh Goldstein asked if there is any money to bury power lines on Beach Road. **Fred Hancock** said that would not be TIP eligible. **Priscilla Leclerc** said the state may be putting in an additional \$1,000,000 and some of it could go towards relocating the power lines.

Joan Malkin moved and it was duly seconded to approve the TIP budget as allocated.

- **Christina Brown** asked how much modification can happen after the vote tonight.
- **Priscilla Leclerc** said if the project does not move forward the funding will be lost.
- **Mark London** said a TIP amendment might be done in the fall to accelerate other projects and give more time for the discussion of the Edgartown Vineyard Haven Road.

Voice vote. In favor: 13. Opposed: 0. Abstentions: 1. The motion passed.

3. NOVA VIDA ALLIANCE CHURCH EXPANSION (2) DRI 603-M4 PUBLIC HEARING

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

For the Applicant: Valci Carvalho (Pastor), Rosemarie Haigazian (Attorney), John Folino (Builder)

Linda Sibley, Public Hearing Officer opened the Public Hearing at 7:25 p.m. and read the public hearing notice. The proposal is to build a 3,920 s.f. footprint addition to a property that currently has a three-story building with a 2,768 s.f. footprint (7,888 g.s.f.) and was approved for a 150 seat church and daycare in the existing building. The total gross square footage as proposed would be 11,808 g.s.f. The public hearing process was explained.

3.1 Staff Report

Paul Foley presented the following:

- The packet of information contains a DRI fee waiver request, the zoning DCPC excerpt, LUPC meeting notes, the offers, and the plans.
- The project needs permission from the following boards: Building Inspector for Building Permit and the Board of Health.
- Surrounding land uses include residences and the High School. The YMCA and MV Arena are nearby on the other side of the Edgartown-Vineyard Haven Road. The adjacent property to the west is owned by the Church of Latter Day Saints, which submitted a plan several years ago to build a church but has not pursued the project.
- Prior to 2006 the house had been a single-family home and a dance studio among other things. The property was apparently permitted by the Board of Health for a septic system able to accommodate an eleven-room boarding house. No evidence that a Special Permit to operate as a boarding house was ever submitted.
- Mr. Carvalho purchased the property in 2006 and then sold it to the Assembleia De Deus Nova Vida Church of which he was the pastor. A month and a half later, the property was sold to the Alliance Community Church, Inc. also known as the Christian and Missionary Alliance Church based in Colorado Springs, Colorado.
- In 2008, the MVC approved a church renovation that was to be built on the second floor above a ground-floor daycare and the building was to have no residences. The Church was to hold services three nights a week, with amplified music, from 6:30 p.m. to 9:00 p.m.
- The project was not developed. The permit for the 2008 decision was extended due to the State Permit Extension Act. The DRI 603 decision is valid until September 11, 2014.
- In December 2013, a proposal to build a 4,500 s.f. footprint addition (24 feet high) designed to house a 150-seat church and associated activity, classrooms, kitchen and three-bedroom apartment was denied by the MVC.
- Perspectives of the new proposal were shown and the proposed site plan was reviewed.
- The hours of operation as offered by the applicant are as follows.
 - There will be no formal or informal activities between 9:00 p.m. and 7:00 a.m.
 - In any week, there shall be no more than an average of three church services or other activities with 35 people or more people in attendance.

- There may be up to twelve weddings per year.
- Summertime services: Sunday 6:30 p.m. to 9:00 p.m., Wednesday/Friday 8:00 p.m. to 9:00 p.m.
- Wintertime services: Sunday 6:00 p.m. to 8:00 p.m., Wednesday/Friday 7:00 p.m. to 9:00 p.m.
- These activities shall be limited to between the hours of 9:00 a.m. and 9:00 p.m.
- After closing (9:00 p.m.) there shall be no outdoor socializing and participants shall be asked to disperse quickly and quietly.
- Choir practice, religious school and other church related activities of less than 35 people shall be limited in the number of times they meet but shall be limited between the hours noted above.
- The Community Room shall only be used for church related activities as detailed in the offers. These activities shall not exceed 35 hours weekly.
- The applicant has requested that they be granted a waiver from the DRI fee of \$3,025.
- A site visit was conducted on July 7, 2014.
- Key issues include:
 - A similar 12, 430 g.s.f. proposal was denied less than five months ago. The gross square footage of the current proposal (11,808 g.s.f.) is about 5% less than that which was denied. The addition alone is about a 13% reduction from the addition that was recently denied (4,500 s.f. to 3,920 s.f.). Is this a significant enough change to the denied proposal to review again?
 - A 150-seat second floor church has already been approved (DRI 603) primarily within the existing building and that approval is still valid.
 - The gross square footage of the proposal is significantly more than other churches reviewed by the MVC that accommodate 150 to 200 people.
 - Will the proposal lead to additional intensity of use and impacts compared to the previously approved church, meeting rooms, and daycare? Is this expansion necessary and reasonable in a residential neighborhood?
 - The site plan shows a significant amount of the residential lot covered in either building or parking.
 - With respect to the proposed new curb cut on the Edgartown-Vineyard Haven Road, within the Island Road DCPC, the Oak Bluffs Roads and Byways Committee recently approved a request by the Nova Vida Alliance Church to create a new curb cut on Edgartown-Vineyard Haven Road. However, according to the Oak Bluffs Zoning By-laws Island Road DCPC Section XVIII.1.B.5b the Zoning Board of Appeals is designated as the Special Permit Granting Authority with respect to the Island Roads DCPC. The By-law does not specifically say that the ZBA can grant a curb cut on an "Island Road" when there is a legal access off of another road. It simply states that a curb cut can be granted a Special Permit at a closer interval than 1,000 feet by the Board of Appeals after going through the process.
 - **Linda Sibley** asked what the distance is between the curb cuts.
 - **Paul Foley** said less than 200 feet, the two new accesses are within 400 feet.
- The current proposal removes virtually all trees in the interior of the lot to make way for the building addition, roads and parking.

- Lighting, as offered by the applicant is as follows.
 - All exterior lighting on the building shall be limited as required by code. All exit doors shall be provided with downward shielded lights and shall be limited to exit doors or means of egress and access required by code.
 - All exterior lighting locations shall be as depicted on the Lighting Plan, all lighting in the parking area shall be downward shielded lighting and shall extend no more than 42 inches above the ground.
 - Any security lighting required by code shall have motion sensors.
 - Entry lighting to the property shall be downward shielded and shall be used to illuminate the church name, sign, doorways and walkways.
 - The exterior lights shall be only turned on before services or other activities and shall be turned off no more than 30 minutes after the services or activity or in any case no later than 9:30 p.m.
- The applicant hired an acoustical engineer for advice on how to treat and insulate the sanctuary in order to minimize noise escaping the building and the proposal includes a number of measures to mitigate the noise including acoustic insulation, vestibules, keeping doors and windows closed when there is amplified music and no outdoor amplification.
- The offers state the applicant will use Energy-Star rated appliances. Construction would exceed Mass Building Code for energy by 20% and electric and piping mains will be roughed in for possible future solar panels.
- The project site is in the Sengekontacket Pond watershed which is classified as an impaired watershed in the MVC's Water Quality Policy. Section 3.5 of the Policy provides for grandfathering in the previous water usage. ("If the previously developed site already exceeds the nitrogen loading limits in this policy, the total nitrogen loading of the property shall not be increased.") In order to meet the Policy, the applicant has offered to make all of the toilets in the building composting toilets. As a result the total nitrogen loading for all existing and proposed uses including wastewater would meet the Policy with a loading of 16.97 kg/yr.
- As offered by the applicant;
 - All end products from the composting toilets will be removed by a licensed septage hauler or composting toilet distributor to be disposed of properly. A complete system maintenance contract for periodic inspection and reporting by a license septage hauler will be done. Reports will be submitted to the MVC on an annual basis.
 - Well water shall only be used for irrigation of landscaping and any well on the property shall not be connected to the building's plumbing.
 - All stormwater runoff from pavement shall be discharged to grassy swales sized to accommodate a 25 year return storm. The final stormwater plan shall be submitted to and is subject to the approval of the Land Use Planning Committee.
 - Based on the water meter records, which shall be submitted to the Commission every six months, if the average annual water usage in any two year period exceeds 140,000 gallons per year the applicant will return to the MVC with proposed nitrogen reduction measures to reduce nitrogen to no more than the amount of 17.9 kg/yr.

- The applicant shall submit annual inspection and maintenance contracts for the composting toilets to the Commission.
- The site plans show an existing 2,500 gallon septic tank within ten feet (approximately 3' to 4') of the proposed building and partially under external stairs. 310CMR 15.211: "Minimum Setback Distances" does not allow septic tanks within ten feet from any permanent structure unless they apply for a special variance which may allow a five foot setback.
- A Traffic Impact Assessment Study was prepared by Charlie Crevo of C3 Consulting for the previous slightly larger proposal. Since that study indicated that "the proposed Alliance Community Church expansion will not generate traffic movements at levels that will unduly in convenience motorists with extended or excessive delays beyond the existing conditions" the LUPC voted that a new traffic study was not necessary. The traffic study did not consider a new curb cut on Edgartown-Vineyard Haven Road.
- The applicant has offered to close the driveways on Ryan's Way and plant them if the Town can grant them a curb cut on Edgartown-Vineyard Haven Road. The ZBA may grant Special Permits for curb cuts at intervals of less than 1,000 feet. It is not clear that they can grant one on an "Island Road" when a legal access exists on a side road. The new curb cut would be less than 200 feet from Ryan's Way.
- Mass DOT crash records from 2008 to 2010 state that no crashes were reported at the intersection of Ryan's Way and the Edgartown-Vineyard Haven Road.
- Parking:
 - The site currently has roughly 10 gravel parking spaces plus a dirt area that could accommodate approximately 12 to 14 cars. There is also a grass area that could accommodate approximately 15 to 20 vehicles.
 - The approved parking layout in the 2008 proposed expansion had 34 parking spaces including 2 handicapped spaces and provided for overflow parking on the lawn.
 - The Institute of Traffic Engineers manual provides three different parking supply ratios based on seats, attendees and floor area which translate to demands of 40, 69 and 118 spaces respectively.
 - The projected traffic volume for a Sunday morning is 70 vehicles.
 - The proposed site plan has 43 parking spaces on site including 2 handicapped spaces.
- The MVC has had an unwritten policy not to apply the Affordable Housing Policy to religious and government institutions.
- Several church members currently live in the building.
- The applicant is proposing that the three-bedroom apartment on the top floor of the existing building will be used for a Church employee and his or her family.
- The proposed building would be A.D.A. accessible on the first floor. The second floor apartment would not be A.D.A. accessible.
 - **Josh Goldstein** asked if building the addition would trigger A.D.A. accessibility concerns.
 - **Leonard Jason** said it would not.
- Appendix 1: DRI Church Comparison in the MVC Staff Notes was reviewed.
- The proposed elevations and the floor plan were reviewed.

- The existing floor plan was reviewed that has two playrooms and a place of assembly in the old daycare area. The second floor has seven bedrooms.

Brian Smith asked if the modification is approved, what happens to the September 11, 2014 extension. **Paul Foley** said if the modification is approved the approval would be for two years from the approval of the written decision.

Erik Hammarlund asked when counting the gross square footage does that include the basement. **Paul Foley** said the basement is included and the basement is to be storage and the existing bathroom will be removed.

Erik Hammarlund noted that the applicant has an existing DRI approval and asked whether the applicant put in a place of assembly? **Paul Foley** said the second floor has the approved assembly. The daycare moved out several years ago.

Paul Foley resumed giving the staff report.

- The bathroom locations were reviewed and it was noted that the plan may not be the most efficient for waste disposal.
- The Landscape Plan was received on July 10, 2014 at 7:00 p.m.
- Site photos were shown of the existing building and the area that was marked for the proposed building.
- Approximately 25 feet was cut in the no-cut buffer. The berm along Ryan's Way was planted with Leland Cypress and hydrangeas. The trees on the berm are not doing that well due to the buildup.
- There are landscaping materials located on the site.

James Joyce noted the proposed plan is less than the plan the MVC denied and asked what is the difference from what was approved in 2008 and the current proposal. **Paul Foley** said roughly 30 to 40% bigger than what has been approved.

3.2 Applicants' Presentation

Rosemarie Haigazian presented the following.

- Paul Foley was thanked for an accurate representation of the proposal and she noted he was helpful in meeting the applicant at the site.
- There is no longer a daycare and the limitation the applicant has placed on the property limits the use and hours of use.
- The proposal allows for the facility to house a church employee and his family. The applicant wants to ensure the property is well cared for.
- The applicant tried to incorporate as much as could be of the requirements the MVC wanted included in the proposal.
- The applicant did what was appropriate for the Island in general; to minimize the impact on the neighbors and those traveling on Edgartown-Vineyard Haven Road.
- If the new curb cut is approved, the only access from Ryan's Way would be a walkway and there would be no vehicular access from Ryan's Way.
- Two rooms continue to be used for gatherings by children and religious classes.
- Timing, use, and noise will be limited.

- The applicant has done everything he could possibly think of to address the concerns of the MVC, the neighbors, and the Town boards.
- The members of the Church will be an asset to the community.
- The applicant looked at the trees on the berm and had a professional who did not think the trees were in jeopardy, but the applicant will do whatever is necessary to retain the trees.
- If the MVC wants the area that was cut replanted, the applicant will.

John Folino presented the following.

- A lot of comments have been heard from the Town engineers, the neighbors, and the MVC.
- The building has been relocated to screen the building for noise and from the abutters.
- The proposed is taller than the existing building. The addition has been elevated to match the existing so it will be A.D.A. accessible.
- The building will be energy efficient.
- The bathrooms were placed in the locations on the plan in order to have access to the rooms below and the composting toilets tanks.
- Noise mitigation measures have been incorporated into the design of the building.

Erik Hammarlund noted that in the last meeting for the Church non-compliance was talked about and asked how the decision was made to take down a wall in the existing building.

There was a discussion about the nitrogen issue.

- **Joan Malkin** asked if the nitrogen issue can be reviewed.
- **Sheri Caseau** said with the composting toilets the proposal will meet the requirements. There is a 60% reduction for the composting toilets.
- **Joan Malkin** asked how the 17.9 kg/yr was determined.
- **Paul Foley** said it was based on historical usage.
- **Doug Sederholm** asked if the proposal now meets what was on the table before as what was clarified.
- **Sheri Caseau** said it is the same and the applicant has offered to come back to the MVC if the water meter records go over.
- **Fred Hancock** noted that all toilets are composting so graywater will go into the existing septic.
- **Doug Sederholm** noted the applicant is meeting the grandfathered requirements but based on the Water Quality Policy for Sengekontacket Pond they are way over, the applicant would only be able to put 5.9 kg/yr. However, they are making an effort to meet the grandfathered requirements by putting in all composting toilets.

Ben Madeiras presented the landscaping plan.

- The stormwater can be captured in the grass areas.
- The berm will be enhanced and extended to strengthen the buffer from Edgartown-Vineyard Haven Road.
- The trade-off for removing trees is not having an entrance on Ryan's Way. Approximately 3,600 s.f. is needed for the new easement and approximately 30 trees will come down to construct the road. There is space between the road and the berm to plant if needed.
- 100 native shrubs are to be planted on the berm.

- From May to October, there is a green wall screening the building.
- There are three or four trees that show signs of digression that had gotten covered in the berm.

Linda Sibley asked what is the distance that cannot be cut and she would like to see all the existing vegetation on the landscape plan. **Ben Madeiras** said about 20 feet cannot be touched from the road back.

Linda Sibley suggested that everyone go visit the site to see the existing vegetation.

Erik Hammarlund again asked for an explanation of how the place of assembly could have been done when there was a process of having been in front of the MVC for one DRI and also having an existing DRI. **Rosemarie Haigazian** said the existing space was used for the daycare and some church services are being conducted there. There is no intentional act to contravene the DRI process. It is a functioning building that can be utilized until the DRI is acted upon, and the church is doing so to a certain extent.

3.3 Public Testimony

Courtney Brady lives directly opposite the Federated Church and said the Nova Vida Alliance Church use of the Federated Church is completely acceptable regarding noise and traffic. She hears music but also hears music from the Federated Church and there is no difference between the two. She was intrigued and attended about six services and the church was very welcoming and most accommodating. The church provided ear phones with translations and was friendly and greeted them. The congregation was composed of families and the children were very well behaved. She was welcomed and found no problems. In the past there was another church that used the Federated Church that was noisy and this was a completely different group. She was happy to have them as neighbors.

Edward Gray said he did not like the feel he was getting from the Commissioners. He felt the Commissioners were asking loaded and derogatory questions. When will this stop? What he sees is not what he has come to love of this Island. The MVC would never put another church through this and direct questions should be asked. This reminds him of the more things change the more they stay the same. He asked Commissioners to dig deep into their conscience and do what is right for the church. He noted he cannot be at the next meeting and felt the proposal should be approved tonight.

Lorinda Karoff is a planner and has objections as a resident and as a planner. The proposal is too large for the site and is incompatible with the neighborhood. The design will pollute the Edgartown-Vineyard Haven Road. She is an admirer of the MVC, she lived in a big city where you don't have power to plan and with the Island Plan the MVC has created planning principles. She hopes that thoughtful articulated principles that make this project incompatible are considered.

Huang Suk Lee said the proposal is a non-descript building that looks like something for Cash and Carry. Perhaps the building could be designed to look like a church. The applicant should provide a satellite picture and 3D design for comparison of the existing building, the proposed and the area. That would show how the proposed building works with the existing building and would show the actual impact.

Linda Sibley noted the footprint of the new building is marked on the site and it was talked about erecting a pole on the site to show the height of the new building. **Valci Carvalho** said the pole would be up tomorrow July 11, 2014 to show the top of the building.

Reverend Walter Silva Thompson is a resident of the Island and a pastor in New York. He flew in from New York to share with the MVC the importance of the relationship the young lady spoke of. The word church means a community of individuals concerned about the needs of others. The Nova Vida Alliance Church has come to New York and come together in fellowship. It is needed to consider a church that is involved in meeting the needs of the community and meeting the soul and the whole person. He encouraged the Commission to acknowledge the wide arm of the church and is here to support the church.

Kris Chvatal said he used the applicant's plans and there is 5,150 s.f. of existing living space and 3,920 s.f. for the addition. The results are an increase of 77% in living space. He was shocked to hear at the meeting tonight that the church acted in violation of the DRI regulations and made changes to the building. He knows as a neighbor the church meets three times a week but thought the church had a permit to do so as required by the Town of Oak Bluffs. He was curious about the cease and desist orders in Oak Bluffs and investigated. In the last seven years Valci Carvalho had more cease and desists on his property than any other Oak Bluffs resident; he read the orders. The applicant is currently operating a boarding house now and had a cease and desist prior with regards to that issue. There are two piles of brick, concrete, and debris as well as wood chips and pallets that have been there for years. He appreciates the pastor's passion but if you look at the past record it has not been pleasing. The conditions that exist on the grounds now need to be wide open to everyone.

Valci Carvalho Jr. said the neighbor was in shock that the church was meeting at the existing building but the neighbors are not losing sleep because of it. The room size is about the size of the MVC meeting room and it is about 35 attendees and is not adding to the wastewater issue. The church is using part of the building to meet their needs but not functioning as an entire organism. For the plan that was recently denied and the proposed plan, the functionality of the building is greater than what it was before. There will no longer be a daycare facility. The building allows the church the opportunity to use the existing building as a sanctuary as well as a small community room to gather socially and is not as large as the Chilmark Community Center. In his opinion this is the most efficient design that has been brought before the MVC and the building will be energy efficient.

Rosemarie Haigazian noted there have been 3D designs posted.

There was a discussion about the possible new curb cut.

- **Linda Sibley** noted that she did not feel the LUPC would have waived a new traffic study if it was known about moving the entrance. She asked how difficult it would be to assess that and the change it would have on the Edgartown-Vineyard Haven Road.
- **Rosemarie Haigazian** suggested to first find out if the new entrance is remotely possible.
- **Linda Sibley** said the MVC has to act and make an informed decision before the Town can approve the new entrance. She loved the idea of accommodating the neighbors but does the MVC need to go to Charlie Crevo for an assessment.

- **Priscilla Leclerc** said she would be able to look at the new entrance and its impacts before the August 7, 2014 public hearing.
- **Fred Hancock** noted the MVC could say the applicant could not have the new curb cut if it was an issue.
- **Linda Sibley** said the MVC needs to make an informed decision and needs the information in order to do so.

Linda Silva Thompson said this seems like a very long process and she thought there would some sort of vote or resolution tonight. She asked if the MVC could share what are the next steps and clarify what the MVC needs and what the applicant needs to provide to the MVC.

Linda Sibley said with complex projects there is usually more than one public hearing. After the hearing closes, the application would then go to the Land Use Planning Committee to tie up loose ends and then back to the MVC for the vote.

Valci Carvalho Jr. showed a 3D virtual walk through of the interior plans and the exterior views from Edgartown-Vineyard Haven Road and Ryan's Way.

Kris Chvatal felt he was not able to prepare for the public hearing, plans were not available to the public and the landscape plan was submitted at the last minute. He asked that the MVC work with the applicant to provide the plans and information 48 hours in advance of the public hearing.

Linda Sibley noted that the MVC does ask the applicants for the information and the plans per the MVC procedure three days in advance.

Linda Sibley, Public Hearing Officer continued the public hearing until August 7, 2014.

Fred Hancock, Chairman recessed the meeting at 9:05 p.m. and reconvened at 9:10 p.m.

4. 6 WATER STREET AFFORDABLE HOUSING (DRI-TBD) PUBLIC HEARING

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, E. Hammarlund, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

For the Applicant: Philippe Jordi (Executive Director, Island Housing Trust)

Erik Hammarlund recused himself from the meeting.

Linda Sibley, Public Hearing Officer, opened the Public Hearing at 9:10 p.m. and the public hearing notice was read. The proposal is to demolish an existing two story single family house (1,740 g.s.f.) and replace it with a single two story building with six affordable one bedroom units (3,840 g.s.f.).

4.1 Staff Report

Paul Foley presented the following:

- The project is to replace a two-story house and outbuilding with a single two-story building with six affordable one bedroom units (3,840 g.s.f.).
- The applicant received a \$20,000 grant from Tisbury Community Preservation Act funds.

- The goal is to complete the permit review and approval process by the end of the summer so they can make applications for state/local funding during the annual funding cycle this fall.
- The applicant has requested that they be granted a waiver from the DRI fee of \$1,785.
- On June 19, 2014 the full Commission voted that the proposal was significant and required public hearing review as DRI.
- Key issues include:
 - The Five Corners intersection in Tisbury is one of the three major traffic problem spots on Martha's Vineyard. Will the proposal have any impact on the operation of Five Corners?
 - Can six apartments be accommodated on a 0.11-acre property at this location?
 - The rear of the site is at the bottom of a bank that could be a shell midden. How will the proposal address the possibility of archaeological significance on the site?
 - There is one spot for parking on the plan which is intended for dropping off and handicapped accessibility. A previous proposal on this site was conditioned to not allow cars to make a left into the site from Water Street due to the proximity of Five Corners.
- There is nothing historically significant preserved in the house that is currently on the property.
- It is possible that the rear of the property could be part of an ancient midden. The applicant has offered to enter into an agreement with the Wampanoag Tribe to monitor installation of foundation pilings to ensure resources are protected.
- The applicant submitted a FEMA Elevation Certificate (2012 Edition) by Schofield Barbini & Hoehn Inc. for the property which indicated that the top of the bottom floor must be at least ten feet from the NAVD 1988 (5 feet above the current grade at the front of the property and 4.5 feet above the grade at the back of the property).
- This is a busy business district near the ferry docks with existing noise producers that may not always be ideal for residential uses. The proposal, other than during construction, should not create excessive noise.
- The applicant has offered to build the house to high performance standards. Solar panels will be installed pending future availability of grant funding.
- The existing house is not hooked up to the sewer system. The applicant plans to tie into the sewage treatment plant. The property is located in the Vineyard Haven Harbor watershed which is not a nitrogen-sensitive water body.
- A 3D model perspective was shown of the existing site with the proposed building. **Mark London** noted that in the model, the proposed building stands out because it has detail and color while other buildings are monochrome blocks.
- The site plan shows one parking spot in the shape of an L to allow one space for drop offs and deliveries and one space for backing up on the property to turn around to prevent backing up into Water Street. The applicant has offered that this will be for temporary parking only with signage and monitoring.
- Six one-bedroom units in this location should generate approximately 40 to 60 daily trips. **Doug Sederholm** asked if that number of trips is based on everyone having a car. **Paul Foley** confirmed it was.

- All six one bedroom apartments will be affordable to households earning 80% or less of the area median income (AMI) and would be rented at 75% of area median income rents (\$1,016).
- The applicant has said that if additional funding can be secured, the goal is to lower rent to 60% and 50% or less of AMI (\$700 & \$825) to serve lower-income households.
- The letters that the MVC has received are all in support of the project.

James Joyce asked if the proposed building is on pilings and enclosed so the pilings are not seen. **Paul Foley** confirmed that it was.

Doug Sederholm asked what the area beneath the building would be used for. **Philippe Jordi** said it would be for storage.

4.2 Applicant's Presentation

Philippe Jordi presented the following:

- Two years ago Steve Bernier donated the house and the Island Housing Trust accepted the offer.
- It is recognized that the location is a gateway to the Island and the building is designed to the flood zone. It is also recognized how many people consider this area their home.
- The report worked on by the MVC and the Planning Board was studied to design a building to meet the needs of the area.
- The Island Housing Trust is proud to present the revised plan which is thoughtful, well designed and meets the critical need for low-income housing.
- The three first-floor apartments would be handicap accessible.
- The occupants will be younger people starting off and then older individuals on a fixed income.
- The building will be tied into the town water and sewer.
- The building is in the 100-year flood zone and will be raised approximately five feet.
- The apartments are designed to take advantage of the area and encourage residents not to be car dependent and to use alternative modes of transportation.
- People can take advantage of the Park-and-Ride and the new paid parking lot at the old fire station location.
- Potential tenants were surveyed and about thirty felt they did not need parking.
- The revised loft style building is similar to other buildings in the area.
- The MVC Island Plan emphasizes smart growth and suggests density incentives in highly used areas for uses such as affordable housing.
- There is a very limited base of rental housing on the Island. Only 1.5% of the total Island housing stock is multi units of five units or more.
- High quality modular construction is being looked at to minimize disruption to the area.
- There will be management 24/7 to monitor residents.
- The Island Housing Trust asks the MVC to close the public hearing and approve the project tonight in advance of the local and state funding process for this fall.

4.3 Commissioners' Questions

Doug Sederholm asked if the rear of the property abuts Cromwell Lane. **Philippe Jordi** said it did not.

Fred Hancock noted the previous model showed mullions and the new design shows nothing; divided lights are more in keeping with the area. **Philippe Jordi** said divided lights can be done but they would not be true since high efficiency windows are being used.

Joan Malkin asked if the area surrounding the building is all brick and noted there is no open green space, is there a reason for this and not having any lawn. **Philippe Jordi** said the brick was used for wheelchair access and it was wanted in order to have a slight slant going to the ramp so the ramp was not such a severe pitch. There is an opportunity to have green space. There will be some large trees to help with the buffering. The building will be taking up 54% of the site and the car turn takes up 25%. There will be mostly potted areas as there is not a lot of space to be had for a lawn.

Joan Malkin noted that it would be helpful to have the applicant come back with a landscape plan.

Trip Barnes asked what the setback is between Stop & Shop and this project. **Philippe Jordi** said it is about seven feet from the property line. There is a small alley to provide access beneath the building and for circulation.

Trip Barnes asked what the budget is for the project. **Philippe Jordi** said it is approximately \$1,200,000.

Joan Malkin asked for the construction timeline and how would the construction be staged.

Philippe Jordi said there have been lots of examples of construction in the downtown area and a modular solution is being looked at for that reason. Construction would start in the fall and finish by spring with a modular solution. The modular build would reduce construction from twelve months to six months.

Christina Brown asked what the width of the sidewalk is and is there flexibility to provide a wider sidewalk. **Philippe Jordi** said the building is setback 27 feet from the sidewalk and there is flexibility to provide a wider sidewalk.

Leonard Jason asked who the abutter is to the rear and has that abutter been asked for an easement to access the building from the rear and noted a crane will be needed for modular construction. **Philippe Jordi** said the abutting property is held in trust by Martha's Vineyard Savings Bank and it is an apartment building.

James Vercruysse asked if the alleyway from the Water Street side will be blocked off or accessible and suggested it could be blocked off since it will be a dark area at night. **Philippe Jordi** said with the Stop & Shop proposal the possibility was raised of making it a walkway.

Joan Malkin asked if there is a fence on the property line abutting Stop & Shop. **Philippe Jordi** said there is not.

There was a discussion about the maximum potential of units.

- **James Joyce** said it is known the Island needs as many units of affordable housing as possible. There is so much going on in that location and the downtown properties are being built to the max. Is it more economical to build six units versus four or five units?
- **Philippe Jordi** said if the property was maxed out, nine units could be built. When the Island Housing Trust spoke with the state about them qualifying as 40B units, having four

units on the property would have made the units too large. So the building was designed for six units. As far as funding, when the state was approached, especially for rentals, the state only looks at properties with five or more units.

- **James Joyce** thought if there was a smaller number of units, there would be more green space for the tenants.
- **Philippe Jordi** said in downtown housing, people don't have room for outdoor space.
- **Trip Barnes** said why not build seven or eight units if putting people in the Five Corners location and go after senior residents who would then be close to needed services.
- **Linda Sibley** noted the applicant has asked the MVC to act on the proposal as submitted expeditiously and redesigning the project would delay the process.

4.4 Testimony from Public Officials

Dan Seidman of the Tisbury Planning Board said this is a good project in a good location and there is emphasis today for smart growth. You want to put density where density is. You want walkability and to be in an area that doesn't require a car. The location is a very easy place to not need a car and it is a convenient location and close to the ferry. The project is not kid friendly and the residents will be younger or older fixed-income residents and will be a diverse population. He noted that the Tisbury Board of Selectmen wrote a letter to the MVC and agreed it was a good project.

Linda Sibley asked to be shown the green areas for the project. **Dan Seidman** noted there is a deck and a few plantings.

David Vigneault of the Vineyard Housing Authority said they meet a lot of folks that need to get out of their parents' basements. The parking area has been designed so emergency, maintenance vehicle and the VTA Lift vehicle have access to the building. More hardscape is better because the area can easily be maintained, cleaned and swept. Handicap accessibility is a stretch, the units are universally designed for the disabled, walkers, and canes and not necessarily wheelchairs. Residents will be singles or couples and no children except, perhaps, a baby. He said he votes no on alley access for concern of the tenants and to discourage public access.

4.5 Public Testimony

Huang Suk Lee said he sat with Philippe Jordi on the Stop & Shop project. This location is an isolated location for residential living. The design of the building is important for this location. Quality of living will be challenged in this location. The design is stacked like pigeon holes and is not designed for community living. He believes the design should be revisited. The current design is mediocre and generic. The scale has gotten better but the height is still high and the entrance is exposed to the public. Perhaps the frontage could be met with residential units on the second floor and retail on the bottom floor. The project is challenging in a congested area. The applicant did not focus on how important the community design is. The design is very poor. He would like to see if there is any alternative.

Marie Doubleday is on the Board of the Island Housing Trust and a member of the Oak Bluffs Housing Trust but she is speaking as a resident. She commutes daily and walks by the proposed property daily. She was excited about the project because of the access to transportation. You cannot send a bus down the road to Morgan Woods but this location has direct access to transportation. This location is at the hub of transportation. The crunch this summer has been

particularly tight for housing. The Island needs the rental housing. The Island Housing Trust builds amazing properties and she cannot imagine it will be anything other than top notch. She likes the idea of the brick paving; it is easier to walk on to accommodate people with disabilities. She urged the MVC to approve the project. We need to take care of our own people.

Fred Hancock moved and it was duly seconded to extend the meeting fifteen minutes. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

Ben Robinson said the units are 640 s.f. with 600 s.f. for living space and that leaves 40 s.f. for stairs, plumbing, etc. so the design may be hard to meet. There are apartments with angled walls and doors in bedrooms that don't open ninety degrees. How do you furnish an apartment with angled walls? He felt the community has been ill served with the design. The location is great and affordable housing should be done in a more elegant way and maximize the usage of space.

Farley Pedler said he submitted a design proposal for the project and found the design a bit challenging on this site from a construction standpoint and a flood plain. Affordable housing is important on the Island and the Island needs to support it. It would be great if we could maximize usage of the space. He just built an 800 s.f. house for his family and with good design it is not an issue having less square footage and maximizing use of space.

Doug Ruskin was surprised the project went to a public hearing. Everyone knows the need for affordable housing and how great this location is. He urged the MVC to approve the project tonight so it can move forward as quickly as possible. He hoped the project would be approved in one night as has been done in prior public hearings.

Huang Suk Lee said in Vineyard Haven, the need is focus and open space. Open space is lacking on Main Street and Water Street. The areas should be kept visually open and with focus space.

Melinda Loberg spoke as a resident and said she came tonight to learn about the project so she can be an informed Selectman. She said the Island Housing Trust came before the Board of Selectmen to write a letter of support and she abstained since she did not feel she was up to speed on the project. She gave credit to Philippe Jordi and his team. Everyone knows the need for affordable housing and is acutely aware of that, especially in Tisbury. She said she is hearing how much is trying to be done in the area. When Stop & Shop was reviewed she heard a lot of the same. The territory is getting a lot of scrutiny as it should. The area is a gateway to the Island. We talk a lot about smart growth and we should applaud that there is mixed use in Vineyard Haven with residential and commercial use. She did not know of a building in the downtown that was complete residential use. She wonders if it is possible or desirable to consider mixed use in the proposed location. Perhaps another floor could be added to accommodate the number of apartments and the ground floor could be commercial space.

Doug Ruskin said the density issue is not spoken about much. A major contributor to the housing issue is that the population keeps growing and there are families leaving the Island. Density needs to be faced and it needs to increase. The Island Housing Trust needs to be able to do what they can as quickly as possible.

Paul Foley said there needs to be clarification if this project can be done through 40B.

Philippe Jordi said the ZBA said they didn't provide a Special Permit so the project went to the State for 40B. Then the Island Housing Trust was told the ZBA could issue a Special Permit, either way a public hearing will be needed and it is preferred not to have to involve the State.

Fred Hancock moved and it was duly seconded to extend the meeting fifteen minutes. Voice vote. In favor: 10. Opposed: 3. Abstentions: 0. The motion passed.

Christina Brown asked if the applicant needs to have the decision tonight, especially since everyone is rushed tonight. **Philippe Jordi** said the Island Housing Trust needs to go before the ZBA and the next hearing is in the first part of August.

Dan Seidman said the project is an appropriate size building for the lot size in downtown. There is not a whole lot of green space in downtown Vineyard Haven. Havenside has similar aspects to this project. Like Boston and the brownstones, the project is close housing. He thinks the neighborhood thing is a red herring. The project is an appropriate scale.

Ben Robinson disagreed with the need to rush the approval. Thoughtful design takes time. The design has not been properly vetted.

4.6 Commissioners' Discussion

Linda Sibley noted the Commission made a decision to not rush the approval tonight.

There was a discussion about the design details.

- **Christina Brown** said she would like a color detailed rendering of what the building will look like. She hopes the trim and detail of the building will fit into the waterfront. She would like pictures or written detail of how the project will match the existing waterfront buildings.
- **Philippe Jordi** said what was shown is a conceptual design. The details will be worked on.
- **Doug Sederholm** noted the applicant mentioned conceptual design and asked if that means the interior design will be different from what has been presented.
- **Philippe Jordi** said yes and the slanted walls have been addressed.
- **Doug Sederholm** asked for clarification that that the exterior and interior design is not yet completely done.
- **Philippe Jordi** confirmed and stated that The Island Housing Trust has worked with Ken Barwick on the exterior proportions.
- **Doug Sederholm** asked if the applicant wants the MVC to pass on the exterior design as the scale is pretty fixed? The exterior design does have a regional impact because of the location.
- **Katherine Newman** asked if the building design could be less boxy.
- **Philippe Jordi** said the Island Housing Trust had a design contest and looked at many designs. One design had two buildings and this design had one. The current design was chosen because it fit in with the vernacular of the area.
- **Linda Sibley** noted that generic box is a typical Vineyard Haven design.

Linda Sibley, Public Hearing Officer closed the public hearing and left the written record open until July 14, 2014, 4:00 p.m.

Leonard Jason requested that the applicant tighten up on the "flexibility" that is used throughout the presentation.

5. COMMISSION VOTE ON LETTER TO THE DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Commissioners Present: T. Barnes, C. Brown, M. Fisher, J. Goldstein, F. Hancock, L. Jason, J. Joyce, J. Malkin, K. Newman, D. Sederholm, L. Sibley, B. Smith, J. Vercruysse.

Fred Hancock noted there is a draft letter to the Department of Housing & Community Development (DHCD) on the Five Year Plan to be approved and the MVC's comments must be in by July 15, 2014.

Mark London said the Commission does not want the DHCD to adopt policies that would make it more difficult for Island towns to get support. The draft letter asks that the programs continue to be accessible to rural, seasonal communities such as Martha's Vineyard.

5.1 Staff Report

Christine Flynn presented the following:

- This is an opportunity for the municipalities and the planning organizations to give input to the DHCD.
- The DHCD has asked for feedback on how they provide support.
- As a resort community the MVC wants to ensure that other types of community are not given a competitive edge.

5.2 Commissioners' Discussion

There was a discussion about timeliness of information.

- **James Joyce** stated he has a problem that the Commissioners are given things such as this letter last minute.
- **Brian Smith** noted the draft letter has been on the agenda but the Commissioner's did not have access to look at the letter.
- **Christine Flynn** said she put it on the agenda and takes responsibility for not getting the letter prepared in time.
- **Joan Malkin** asked what the postmark deadline is for the letter.
- **Christine Flynn** said that was not stated but it was indicated mid-July.

Doug Sederholm moved and it was duly seconded to approved the letter in principle and have Chairman Fred Hancock authorize the final wording.

- **Doug Sederholm** commented that the Commissioners should not let their concerns about the timeliness of getting the draft interfere with this important letter being sent.
- **Christina Brown** noted the letter talks about the Vineyard as a resort community and perhaps the rest of area could also be included.
- **Christine Flynn** said she understood what needs to be added to include the entire region.

- **Katherine Newman** asked if the MVC can approve to send the letter but leave it open to revise slightly if needed.

Doug Sederholm moved and it was duly seconded to extend the meeting five minutes. Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

- **Ewell Hopkins** of the Oaks Bluffs Planning Board asked if the letter can be sent to the municipal planning organizations of the towns and to give the towns a chance to respond.
- **Fred Hancock** said the MVC would be glad to send a copy to the Oak Bluffs Planning Board. The draft letter is the MVC's statement and the Planning Boards could send their own letters to the DHCD.

Voice vote. In favor: 13. Opposed: 0. Abstentions: 0. The motion passed.

The meeting was adjourned at 10:35 p.m.

DOCUMENTS REFERRED TO DURING THE MEETING

- Unified Planning Work Program, Federal Fiscal Year 2015, Martha's Vineyard Commission
- FFY 2015-2018 Martha's Vineyard TIP Programming Overview
- Martha's Vineyard Transportation Improvement Program, for Fiscal Years 2015-2018
- Martha's Vineyard Commission, DRI # 603-M4 Nova Vida/Alliance Church Expansion (2) MVC Staff Report – July 10, 2014
- Letter from Rev. Valci Carvalho to the Martha's Vineyard Commission, Dated June 23, 2014
- Town of Oak Bluffs Recodified Zoning By-laws April 2003
- Martha's Vineyard Commission Land Use Planning Committee Notes of the Meeting of April 28, 2014
- DRI 603-M4 Offers Dated July 8, 2014
- Elevation Plan, Site Plan and Floor Plan for the Nova Vida Alliance Church
- Martha's Vineyard Commission DRI # 647 – I.H.T. Water Street Apartments MVC Staff Report 2014-07-10
- Elevation, Site Plan and second Floor Plan for 6 Water Street, Vineyard Haven MA
- Memo to The Martha's Vineyard Commission from the Island Housing Trust Dated July 10, 2014, RE; DRI #647 Water Street Apartments Offers
- DRI 647 Island Housing Trust Water Street Apartments Correspondence as of July 10, 2014
- Draft Letter from the Marta's Vineyard Commission to the Department of Housing & Community Development, RE: Department of Housing & Community Development (DHCD) Update of Five-Year Plan Statewide Community Development and Housing Needs

Chairman

Date

Clerk-Treasurer

Date